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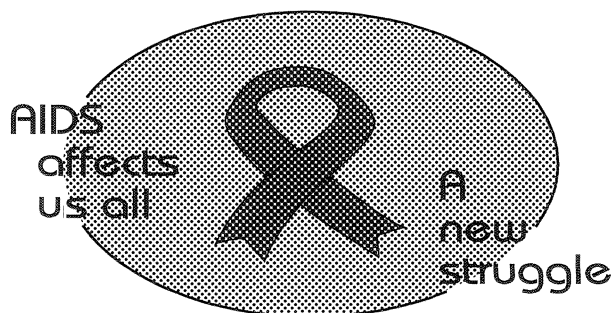
Vol. 5

PIETERMARITZBURG,

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PROVINCIAL NOTICE

No. 16**10 February 2011****No. 64, 2005**

24 March 2005

**NOTICE IN TERMS OF SECTION 14(2)(B) OF THE LOCAL GOVERNMENT: MUNICIPAL
SYSTEMS ACT, 2000: STANDARD DRAFT BY-LAWS**

1. The Member of the KwaZulu-Natal Executive Council responsible for Local Government, Housing and Traditional Affairs, in his capacity as a Member of the Executive Council responsible for local government, and under powers vested in him by section 14(2)(b) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), and after having consulted the Minister for Provincial and Local Government and organised local government in the province, hereby proposes to make the standard draft by-laws contained in the schedule hereto:

SCHEDULE

- 1. Outdoor advertising**
- 2. Keeping of animals**
- 3. Cemetery and crematoria**
- 4. Credit control and debt collection**
- 5. Electricity supply**
- 6. Tariff policy for indigent persons**
- 7. Municipal public transport**
- 8. Property encroachment**
- 9. Environment**
- 10. Fire prevention**
- 11. Parking areas**
- 12. Pollution control**
- 13. Pound**
- 14. Public amenities**
- 15. Public roads**
- 16. Standing rules**
- 17. Stormwater management**
- 18. Street trading**

OUTDOOR ADVERTISING BYLAWS

Be it enacted by the Council of the Utrecht Municipality, in terms of section 156 of the Republic of South Africa Act, (Act 108 of 1996),

read with section 11 of the Local Government: Municipal Systems Act, (Act No. 32 of 2000, as follows:

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CHAPTER 1

DEFINITIONS

Definitions

1. In this Bylaw, unless the context otherwise indicates -

"advertisement" means any visible representation of a word, name, object or of an abbreviation of a word or name, or of any sign or symbol which is not intended solely for illumination or as a warning against any danger;

"authorised official" means any official of the Council who has been authorised by the Council to administer, implement or enforce the provisions of these bylaws;

"building control officer" means any person appointed or deemed to be appointed as a building control officer by the Council in terms of section 5 of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);

"Council" means the council of the Utrecht Municipality and its committees or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;

"display" means, in relation to an advertisement, to display the advertisement within public view;

"flat sign-board-board" means any sign-board affixed to a wall and which at no point projects more than 230 mm from the surface of the wall;

"ground sign-board" means any sign which is affixed to the ground and is not attached to a building;

"projecting sign-board" means any sign-board affixed to a wall and which at any point projects more than 230 mm from the surface of the wall;

"roof" means any roof of a building but does not include that portion of a roof which is the roof of a verandah or balcony;

"sign-board" means any structure or device used or intended or adapted for the display thereon of an advertisement;

"sky sign-board" means any sign-board affixed to a roof or the top of a parapet of a roof; and

"wall" means any external wall of a building, but does not include a parapet balustrade or railing of a verandah or balcony.

CHAPTER 2

APPLICATION

Application of regulations

2. (1) Subject to the provisions of sub-section (2), this Bylaw shall apply to all advertisements displayed or to be displayed within the area of jurisdiction of the Council.

(2) The following categories of advertisements shall be exempted from the provisions of this Bylaw -

(a) an advertisement, commonly referred to as builders' or contractors' boards, displayed within the boundaries of any erf during the course of building operations including plumbing, electrical wiring, painting and renovations;

(b) an advertisement relating to the immediate sale of newspaper within the public road; provided the advertisement does not obstruct vehicular or pedestrian traffic or the lines of sight of drivers or pedestrians;

(c) an advertisement required to be displayed by law;

(d) an advertisement displayed on any vehicle which is being used on a public road; provided that the main purpose for which that vehicle is being used is not to display such advertisement;

(e) an advertisement affixed to or painted on any part of any building other than a dwelling-house which indicates only the following:

(i) the name or address of such building;

(ii) the name of the occupier or owner thereof;

(iii) a general description of the type of business lawfully carried on in such building;

(iv) the hours of attendance or business; and

(v) the telephone number of such business;

provided that such advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m² in area and does not project more than 100 mm from the surface to which it is affixed;

(f) an advertisement affixed to or painted on any part of any building used as a dwelling-house

which merely indicates -

- (i) the name or address of the dwelling-house; and
- (ii) the name of the owner or occupier the dwelling house;

provided that such advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m² in area and does not project more than 100 mm from the surface to which it is attached;

(g) an advertisement designed solely for the issuing of any direction, request or warning to any person entering upon an erf or premises on the erf; provided that such advertisement is displayed within the boundaries of the erf and provided that the advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m² in area;

(h) an advertisement advertising the sale or lease of any erf, or the fact that such erf has been sold; provided that such advertisement is displayed within the boundaries of the erf and provided that the advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m² in area; and

(i) an advertisement displayed from the interior of any building enclosed by walls, windows and doors;

(j) an advertisement of an informal business that is conducted with the full authority of the Municipality and from an area or premises that are either approved or clearly demarcated by the Municipality for that purpose.

CHAPTER 3

TYPES OF ADVERTISEMENTS

Temporary and portable advertisements

3. (1) Any advertisement -

(a) intended to be displayed solely for or in connection with a particular event, including but not limited to an election, a referendum or an entertainment event; or

(b) displayed on any sign-board intended or adapted to be carried or conveyed,

shall only be displayed with the prior written consent of the authorised official and subject to the requirements of sub-section (2) and any other conditions which the authorised official may impose.

(2) Any advertisement displayed in terms of subsection (1) shall -

(a) not exceed 0,8 m in area; and

(b) not be displayed for longer than 14 days before or after the event.

(3) Every application for permission in terms of sub-section (1) shall be accompanied by a fee

and a deposit prescribed by the Council by resolution from time to time, the deposit being refundable when all advertisements concerned have been removed to the satisfaction of the authorised official.

(4) Any person who, having displayed or caused to be displayed any advertisement in respect of which approval has been given under sub-section (1), fails to remove it or cause it to be removed within the prescribed period, shall be guilty of an offence and the authorised official shall be entitled to remove any such advertisement and deduct from any deposit made in terms of sub-section (6) the sum of R50.00 in respect of each and every advertisement so removed; provided that any excess shall be a civil debt due to the Council; provided further that when any advertisement is so removed in terms of these regulations the Council shall be entitled to destroy any such advertisement without giving notice to anyone, after a period of 14 days from the date of such removal.

(5) Any person who displays or causes, permits or suffers to be displayed any advertisement referred to in sub-section (1) shall be presumed to be the displayer until it is proved to the contrary.

Display of permanent advertisements prohibited

4. Subject to the provisions of section 2(2), no person shall display or cause to be displayed any permanent advertisement in the area of jurisdiction of the Council unless any such advertisement was approved in writing by the Council and is displayed in accordance with this Bylaw.

Application for display of permanent advertisements

5. (1) Any person intending to erect, alter or display any permanent advertisement for which the prior written permission of the Council is required, shall apply for such permission to the Council on the prescribed application form attached to this Bylaw as Schedule 2. Such form shall be signed by the applicant and by the owner (if he or she is not also the applicant) of the site upon which such advertisement is or is to be located.

(2) An application referred to in sub-section (1) shall be accompanied by -

(a) a full specification showing the dimensions of such sign, its location or proposed location on a building or other supporting structure, the materials of construction, the name and address of the manufacturer, and where applicable, the number of electric lights and electrical details in regard thereto;

(b) a drawing indicating -

(i) the position of such sign on the site at a scale of not less than 1:50;

(ii) the full text of the advertisement;

(iii) the colour of the material;

(iv) the construction;

(v) the overall dimensions;

- (vi) the method of attachment, suspension or support; and
- (vii) any other details required by the Council;
- (c) in the case of ground signs, information in regard to all calculations upon which such size is based;
- (d) the prescribed application fee of R30.00.

(3) The Council may refuse or grant such application subject to such conditions as it may think proper; provided that in the event of the application being refused by the Council the applicant shall be entitled to be furnished with written reasons for such refusal within fourteen (14) days of submitting a written request to that effect.

Consideration of application of display of permanent advertisements

6. The Council may grant, on such conditions as it may determine, or refuse an application referred to in section 5, but the Council shall not grant an application if it is of the opinion that, having regard to -

- (a) the design;
- (b) colour;
- (c) other characteristics of the advertisement in question;
- (d) its proposed position in relation to the building or premises upon or in which it is to be displayed; and
- (e) the neighbouring properties,

such advertisement will detract from or disfigure the appearance of the building or premises concerned or neighbouring properties, or otherwise be unsightly or objectionable.

Sign-boards affixed to buildings

7. (1) The following sign-boards and no others may, subject to the provisions of this Bylaw, be affixed to buildings:

- (a) flat sign-board-boards;
- (b) projecting sign-boards, and
- (c) sky sign-boards

(2) No flat sign-board-board shall -

- (a) extend above the top or beyond either side of the wall to which it is affixed;

- (b) project in any part more than 100 mm from the wall to which it is affixed;
 - (c) exceed 15% of the height of the building to the eaves or 15% of the area of the wall to which it is affixed.
- (3) No projecting sign-board shall -
- (a) be affixed otherwise than at right angles to the road line;
 - (b) be affixed at a clear height of less than 2,5 m;
 - (c) exceed 225 mm in thickness;
 - (d) extend beyond the top of the wall to which it is affixed;
 - (e) project in any part more than 1,5 m from the wall to which it is affixed;
 - (f) extend over or nearer than 1,2 m to any overhead electricity wires or cables; or
 - (g) be affixed otherwise than in a vertical plane.

Advertisement painted on buildings

8. (1) Only the following types of advertisements may be painted on buildings:

- (a) advertisements painted on the walls of buildings; and
- (b) advertisements painted on the roofs of buildings used in connection with industry or a manufacturing process.

(2) No advertisement painted on a wall of a building shall exceed 15% of the height of the building from the ground to the eaves or 15% of the area of the wall on which it is painted.

(3) An advertisement painted on the roof of a building shall contain only the name (or an abbreviation thereof) of the person, firm, company, society or association occupying such building.

Ground sign-boards

9. Every ground sign-board shall -

- (1) be supported by poles or standards or pylons the bases of which are firmly embedded and fixed in the ground and which are entirely self-supporting, rigid and inflexible;
- (2) not exceed 2 m x 0,3 m (300 mm);
- (3) not extend or project beyond the road line; and
- (4) not exceed 6,5m in height.

Flashing advertisements

10. The Council shall only approve flashing illuminated advertisements if it is of the opinion that, having regard to the proposed position and characteristic of the advertisement, the display of the advertisement will not be likely to distract or disturb persons using any public road or to create the conditions contemplated in section 11(2).

General prohibitions relating to advertisements

11. (1) No person shall display any advertisement so as to obstruct any fire escape or the means of egress to a fire escape or to obstruct or interfere with any window or opening required for ventilation purposes. (2) No person shall display any advertisement -

(a) in a position which obscures, obstructs or otherwise interferes with any road traffic sign or is likely to so obscure, obstruct or otherwise interfere;

(b) which is illuminated and contains the colours, red, green or amber or any one or more of such colours, unless such sign has a clear height of 6 m or unless such sign is more than 15m (measured horizontally) from the vertical line of the road line at the corner of a public road; or

(c) which is of such intense illumination so as to disturb the residents or occupants of adjacent or nearby residential buildings.

12. (a) Directional signs may not be erected on road reserves other than on directional signboard frames erected by the Council, and on payment of the prescribed fee. Such directional signs shall be either 2m long and 0,3 (300 mm) high or 1 m long and 0,3m (300 mm) high and be constructed to the satisfaction of the Council.

(b) A directional signboard frame shall not exceed 4m in height from ground level save with the express approval of the Council in writing.

Construction of sign-boards

13. (1) Every sign-board shall be neatly and properly constructed and finished in a workmanlike manner to the satisfaction of the building control officer.

(2) (a) Every sign-board attached to a building or wall shall be rigidly and securely attached thereto so that it is safe and that movement in any direction is prevented.

(b) The method of attachment shall be such that it is capable of effectively securing, supporting and maintaining not less than twice the mass of the sign-board in question with the addition of any force to which the sign may be subjected.

(c) The use of nails or staples for the purpose of the anchorage and support of a sign-board is prohibited.

(3) Every projecting sign-board shall, unless the building control officer otherwise approves, have not less than four supports -

- (a) which shall be of metal;
 - (b) any two of which shall be capable of supporting the mass of the sign-board;
 - (c) the designed strength of which acting together shall be calculated on a mass equal to twice the mass of the sign-board with a superimposed horizontal wind pressure of 1,5 kPa; and
 - (d) which shall be neatly constructed as an integral part of the design of the sign-board or otherwise concealed from view.
- (4) (a) All sign-boards which are attached to brickwork, masonry or concrete shall be securely and effectively attached thereto by means of bolts securely embedded in such brickwork, masonry or concrete or passing through the same and secured on the opposite side.
- (b) Such bolts shall be of such a size and strength as will ensure effective compliance with sub-section (2) or (3).
- (5) Every illuminated sign-board and every sign-board in which electricity is used shall -
- (a) be constructed of a material which is not combustible;
 - (b) be provided with an external switch in an accessible position approved by the building control officer whereby the electricity supply to such sign-board may be switched off; and
 - (c) be wired and constructed to the satisfaction of the building control officer.
- (6) All exposed metalwork of a sign-board shall be painted or otherwise treated to prevent rust, decay and insect attack and thereafter painted.

Maintenance of permanent advertisements

14. The person having possession or control of any permanent advertisement shall, while such advertisement is displayed, at all times maintain such advertisement, including any sign-board on which it is displayed, in good repair and safe condition.

Alterations of and additions to permanent advertisements

15. (1) Any person wishing to alter or add to any permanent advertisement, including any sign-board on which it is displayed, shall first apply to the Council in writing for its approval.

(2) An application referred to in sub-section (1) shall specify the nature and extent of the proposed alteration or addition.

(3) A person who has applied in terms of sub-section (2) for the Council's approval shall furnish such additional particulars in connection with his application as the Council may require.

Removal of permanent advertisements

16. (1) When there is displayed a permanent advertisement -

(a) for which no approval was granted under section 4; or

(b) which is displayed in contravention of this Bylaw, the Council may, by notice in writing, direct the person having possession or control of the advertisement to remove it or to effect such alterations as may be prescribed in the notice, and to effect such removal or alteration within such period (which shall be not less than fourteen days as from the date on which the notice was given) as may be specified in the notice.

(2) If a person to whom a notice has been given in terms of subsection (1) fails to comply with a direction contained in that notice within the period therein specified, the Council may, at any time after the expiration of that period, make an application to a court with competent jurisdiction for an order authorizing it to remove such advertisement or to effect the alterations prescribed in the relevant notice and directing the persons concerned to pay the Council's costs of such application on an attorney-client scale..

(3) The Council may recover the expenses which it incurred by any action taken pursuant to the court order under subsection (2) from any person to whom the notice in question was given.

Delegation of Council's powers

17. (1) The Council may by resolution delegate to the building control officer any power conferred upon it by this Bylaw on such conditions as the Council may determine.

(2) Any delegation under sub-section (1) shall not prevent the exercise of the relevant power by the Council itself.

CHAPTER 4**GENERAL PROVISIONS****Offences**

18. Any person who contravenes any provision of these Bylaws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R20 000 or imprisonment for a period not exceeding 2 years.

Repeal of existing Bylaws

19. The Council's existing Bylaws on advertising are hereby repealed.

Short title and commencement

20. These Bylaws shall be called the Outdoor Advertising Bylaws, 200.., and shall come into operation on.....

KEEPING OF ANIMALS BYLAWS

Be it enacted by the Council of the Utrecht Municipality, in terms of section 156 of the Republic of South Africa Act, (Act 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act, (Act No. 32 of 2000), as follows:

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CHAPTER 1

DEFINITIONS

Definitions

1. In these Bylaws, unless the context indicates otherwise -

"aviary" means an enclosure used for the keeping of birds, other than poultry but does not include a portable cage;

"battery system" means the method of keeping poultry or rabbits in cages in either single rows or tier formation within a building or structure;

"cattery" means premises in or upon which -

(a) boarding facilities for cats are provided; or

(b) cats are bred for commercial purposes;

"Council" means the Council of the Utrecht Municipality and its committees or any other body or person acting in terms of delegated authority from the Council;

"enclosure" in relation to animals, means any kraal, pen, paddock, cage or other fenced or enclosed area erected to confine an animal from escaping or roaming freely on the remainder of the premises;

"keeper" means -

(a) in relation to any animal, the owner of the animal or any other person responsible for feeding and caring for the animal; and

(b) in relation to a battery system, cattery, kennels, pet parlour or pet shop means the person who owns the business which it forms part of or the person in charge of the premises in which the animals are kept;

"kennels" means premises in or upon which -

(a) boarding facilities for dogs are provided;

(b) dogs are bred for commercial purposes;

(c) dogs are kept for the purposes of being trained or hired out with or without handlers; or

(d) dogs are kept for commercial security purposes;

"livestock" means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry;

"pet" means a tame animal kept in a household for companionship or amusement;

"pet parlour" means any premises where beauty treatment is given to pets by washing, drying, brushing, clipping, trimming or by attending to their nails or teeth;

"pet shop" means any premises where the business of keeping and selling pets is carried out;

"poultry" means fowls, ducks, muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea-fowls;

"poultry house" means any roofed-over building or structure in which poultry is kept, other than one in which a battery system is operated;

"poultry run" means any unroofed wire mesh or other enclosure in which poultry is kept, whether or not it is attached to a poultry house;

"rabbit hutch" means any roofed-over building or structure in which rabbits are kept, other than one in which a battery system is operated;

"rabbit run" means any unroofed wire mesh or other enclosure in which rabbits are kept, whether or not it is attached to a rabbit hutch;

"stable" means any building or structure used to accommodate livestock other than poultry; and

"wild animal" means an animal of a species that is not generally domesticated and without limitation includes all animals indigenous to South Africa other than domesticated guinea-fowls.

CHAPTER 2

GENERAL PROVISIONS RELATING TO THE KEEPING OF ANIMALS

Application of Bylaws

2. These Bylaws, with the exception of section 28, do not apply to -

(1) any agricultural show where animals are kept on a temporary basis; or

(2) any laboratory where animals are lawfully kept for research purposes.

CHAPTER 3

KEEPING OF CATTLE, HORSES, MULES AND DONKEYS Requirements for premises

3. (1) No person may keep any cattle, horse, mule or donkey in a stable or other enclosure that does not comply with the following requirements:

(a) every wall and partition of the enclosure must be constructed of brick, stone, concrete, wood or other durable material;

(b) the internal wall surfaces of the enclosure must be constructed of smooth brick or other durable surface brought to a smooth finish;

(c) the height of the walls to the wall plates of the enclosure must -

(i) if the roof is a pitched roof be 2,4 metres;

(ii) if the roof is a flat roof be 2.7 metres;

(iii) if the roof is a lean to roof be a mean height of 3 metres with a minimum of 2,4 metres on the lowest side;

(iv) in the case of a stable which has an opening along the entire length of one of its long sides be not less than 2 metres;

(d) the enclosure must have a floor area of at least 9m for each head of cattle, horse, mule or donkey accommodated in it;

(e) lighting and ventilation must be provided by openings or glazed opening windows or louvers totalling at least 0,3m² for each animal to be accommodated in it except in the case of an enclosure open along the entire length of one of its long sides;

(f) the lowest point of every opening, window or louvers must be at least 1,8 metres above floor level;

(g) the floor of the enclosure must be constructed of concrete or other durable and impervious material brought to a smooth finish graded to a channel;

(h) no enclosure may be situated within -

(i) 15 metres of the boundary of any land, property, dwelling or other structure used for human habitation; or

(ii) 50 metres of any water resource or water supply intended or used for human consumption;

(i) there must be a water supply adequate for drinking and cleaning purposes next to every enclosure.

Duties of keepers of cattle, horses, mules and donkeys

4. Any person who keeps any cattle, horse, mule or donkey must -

(1) maintain the premises, and any equipment, apparatus, container or receptacle used in connection with keeping the animal in a clean and sanitary condition and in good repair;

(2) provide portable manure storage receptacles of an impervious material and with close fitting lids;

(3) keep every manure storage receptacle on a platform constructed of concrete or other durable and impervious material near the enclosure;

(4) if there is so much manure and bedding that storage receptacles are impractical, provide a manure heap complying with the following requirements:

(a) the heap must be enclosed by three walls constructed of brick, concrete or other durable material plastered to a smooth finish; and

(b) the floor must be of smoothly finished concrete that is inclined so that it drains to a water channel along the full length of the open side, which is at least 150 mm in diameter and is kept filled with water;

(5) remove all the manure from the enclosure at least once every 24 hours and place it in the manure storage receptacles or heap until it is removed from the premises;

(6) remove the contents of the manure storage receptacles or heap from the premises at least once every second day and dispose of the manure in a way which will not create a public health nuisance;

(7) remove all bedding from the enclosure at least once a week and store it in the manure receptacles or heap until it is removed from the premises; and

(9) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids.

CHAPTER 4

KEEPING OF GOATS AND SHEEP

Requirements for premises

5. (1) No person may keep sheep or goats in an enclosure that does not comply with the following requirements -

(a) a minimum overall floor area must be 30 m²;

(b) at least 1,5 m² of floor space must be provided for every goat or sheep accommodated in it;

(c) every wall must be constructed of brick, stone, concrete, wood or other durable material;

(d) every wall must be at least 2 metres in height and have a smooth internal finish;

(e) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel;

(f) at least 1,5 m² of floor space must be provided for every goat or sheep accommodated in it

with an overall minimum floor area of 6 m²; and

(g) lighting and ventilation openings totalling at least 0,15 m² per goat or sheep must be provided.

(2) No person may keep sheep or goats in an enclosure within -

(a) 15 metres of any boundary of any land, dwelling, building or other structure used for human habitation; or

(b) 50 metres of any water resource or water supply intended or used for human consumption.

(3) Every person must provide a water supply adequate for drinking and cleaning purposes situated next to or in every enclosure used to accommodate sheep or goats.

Duties of keeper of goats and sheep

6. Any person who keeps goats or sheep must -

(1) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the animal in a clean and sanitary condition and in good repair;

(2) provide portable manure storage receptacles of an impervious material and with close fitting lids;

(3) keep every manure storage receptacle on a platform that enables the surface underneath the receptacle to be cleaned;

(4) remove all manure from the enclosure, building or shed at least once every seven days and place it in the manure storage receptacles;

(5) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way that will not create a public health nuisance; and

(6) store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids in the storeroom.

CHAPTER 5

KEEPING OF POULTRY

Application

7. The provisions of sections 10(4) to (7) inclusive and 11(5), do not apply to the persons keeping ten or less poultry.

Permit requirements for poultry

8. No person may keep more than 10 poultry birds on an erf in a proclaimed township or 100

poultry birds on premises zoned for agriculture except in terms of a permit issued by the Council.

Requirements for premises

9. No person may keep poultry in premises that do not comply with the following requirements:

(1) In relation to a poultry house -

(a) every wall must be constructed of brick, stone, concrete or other impervious material brought to a smooth internal surface;

(b) the floor must be constructed of concrete or other impervious material brought to a smooth finish;

(c) the upper floor of a two or more storey structure must be constructed of an impervious and easily cleanable material;

(d) the minimum floor area must be -

(i) 0,20 m² for each grown fowl, duck, muscovy duck or guinea fowl;

(ii) 0,5 m² for each grown goose, turkey, peacock; and

(iii) 0, 14 m² for each grown pigeon;

(e) the minimum aggregate floor area must be 4 m²;

(2) in relation to a poultry run, the run must be enclosed with wire mesh or other durable material;

(3) in relation to buildings or structure housing a battery system -

(a) every wall, if provided, must be at least 2,4 m high, must be constructed of concrete, stone, brick or other impervious material and must have a smooth internal surface;

(b) if walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area not less than 15% of the floor area of the building;

(c) the floor must be constructed of concrete or other impervious material brought to a smooth finish and if required by the environmental health officer, the floor surface must be graded and drained by means of a channel;

(d) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its edges;

(e) the cages of the battery system must be made of an impervious material; and

(f) if required by an environmental health officer, a tray of an impervious material must be

fitted under every cage for the collection of manure;

(4) a water supply adequate for drinking and cleaning must be provided in or next to every poultry hutch or building or structure housing a battery system;

(5) no poultry house, poultry run, or building or structure housing a battery system may be constructed within 3 metres of -

(a) any dwelling, other building or structure used for human habitation;

(b) any place where foodstuffs are stored or prepared for human consumption; or

(c) the nearest boundary of any land;

(6) feed must be stored in an adequate rodent-proof storeroom;

(7) adequate washing facilities must be provided for the cleaning of the cages;

(8) if required by an environmental health officer due to the amount of manure stored on the premises awaiting removal, a storage area complying with the following requirements must be provided:

(a) a roofed platform constructed of concrete or other impervious material;

(b) the platform's outside edges must have a minimum curb of 100 mm high;

(c) the platform must be graded and drained; and

(d) the roof of the platform must extend a minimum of 1 metre beyond the edges of the base of the platform.

Duties of keeper of poultry

10. Any person who keeps poultry must -

(1) ensure that all poultry is kept within the poultry house, poultry run or building or structure housing a battery system;

(2) maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the poultry in a clean, sanitary condition and in good repair;

(3) maintain the premises free from offensive odours and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from pests;

(4) ensure that the poultry do not disturb or hinder the comfort, convenience, peace or quiet of the public;

(5) provide portable manure storage receptacles of an impervious material and with close fitting lids and keep the manure storage receptacles on a platform;

(6) remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every four days from a building or structure housing a battery system;

(7) place the manure and other waste matter in manure storage receptacles;

(8) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way which will not create a public health nuisance; and

(9) take adequate measures to keep the premises free of flies, cockroaches and rodents to prevent offensive odours arising from the keeping of poultry on the premises.

CHAPTER 6

KEEPING OF RABBITS

Application

11. The provisions of sections 14(2) to (4) inclusive and 15(4) to (6) inclusive, do not apply to persons keeping ten or less rabbits.

Permit requirements for rabbits

12. No person may keep more than 5 adult rabbits on an erf in a proclaimed township or 20 adult rabbits on premises zoned for agriculture except in terms of a permit.

Requirements for the premises

13. No person may keep rabbits in premises that do not comply with the following requirements:

(1) in relation to a rabbit hutch -

(a) every wall must be constructed of brick, stone, concrete or other impervious material and must have a smooth internal surface;

(b) the floor surface must be -

(i) constructed of concrete or other impervious material brought to a smooth finish;

(ii) situated at least 150 mm above ground level; and

(iii) graded to a channel, if required by an environmental health officer;

(c) adequate ventilation must be provided;

(2) any rabbit run must be enclosed with wire mesh or other durable material and constructed in a way that prevents the escape of rabbits from the run;

(3) in relation to a building or structure housing a battery system -

(a) any wall must -

(i) be a minimum of least 2,4 metres high;

(ii) be constructed of concrete, stone, brick or other durable material;

(iii) must have a smooth internal surface;

(b) if walls are provided, the building must be ventilated and lighted by means of natural openings or windows of an area equal to not less than 15% of the floor area of the building;

(c) the floor must be constructed of concrete or other impervious material brought to a smooth finish, and if required by an environmental health officer, the floor surface must be graded to a channel drained in terms of section 27;

(d) if no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150 mm high around its outside edges; and

(e) every cage must be constructed of an impervious material and fitted with trays of an impervious material for the reception of manure;

(4) a water supply adequate for drinking and cleaning purposes must be provided in or next to every rabbit hutch or building or structure housing a battery system;

(5) no person may erect a rabbit hutch, rabbit run or building or structure housing a battery system within five metres of -

(a) any dwelling, building or other structure used for human habitation;

(b) any place where foodstuffs are stored or prepared for human consumption; or

(c) nearest boundary of any land;

(6) an adequate rodent-proof storeroom must be provided for the storage of feed; and

(7) adequate washing facilities must be provided for the cleaning of the cages.

Duties of keeper of rabbits

14. Any person who keeps rabbits must -

(1) keep all rabbits within the rabbit hutch, rabbit run or building or structure housing a battery system;

(2) maintain the premises and any equipment, apparatus, container or receptacles used in connection with keeping rabbits, in a clean, sanitary condition and in good repair;

(3) maintain the premises free from offensive odours and every rabbit hutch, rabbit run

building or structure housing a battery system and all cages clean and free from pests;

(4) provide portable manure storage receptacles of an impervious material with close-fitting lids; and every receptacle shall be kept on a platform;

(5) remove all manure and any other waste matter from the rabbit hutch, rabbit run or building or structure housing a battery system, at least once every 48 hours;

(6) keep the manure and waste in manure storage receptacles until it is removed from the premises; and

(7) remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the contents in a way which will not create a public health nuisance.

CHAPTER 7

KEEPING OF BIRDS OTHER THAN POULTRY

Requirements for the premises

15. No person may keep any bird, other than poultry, in an aviary that does not comply with the following requirements:

(1) the aviary must be constructed of durable rodent-proof materials;

(2) adequate access must be provided for cleaning purposes;

(3) if the aviary is constructed above ground level, its base must be constructed of an impervious and durable material and must be situated a minimum of 300 mm above ground level;

(4) the aviary may not be situated within three metres of any building or structure, boundary fence or boundary wall; and

(5) a water supply adequate for drinking and cleaning purposes must be situated in or next to every aviary.

Duties of keeper of an aviary

16. Any person who keep birds in an aviary must -

(1) ensure that the aviary and the premises are kept in a clean condition and free from pests;

(2) provide and use rodent-proof facilities for the storage of bird food; and

(3) ensure that the birds do not disturb the comfort, convenience, peace or quiet of the public.

CHAPTER 8

DOG KENNELS AND CATTERIES

Requirements for the premises

17. No person may use premises as kennels or a cattery unless the premises comply with the following requirements:

(1) every dog or cat must be kept in an enclosure that complies with the following requirements:

(a) the enclosure must be constructed of impervious materials and must provide adequate access for cleaning purposes;

(b) the floor must be constructed of concrete or other impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending the full width of the floor, which channel must be graded and drained into a gully connected to the Council's sewer by means of a pipe 100 mm in diameter; and

(c) a curb 150 mm high must be provided along the edge of the channel, referred to in subsection (b), to prevent any storm water runoff entering the channel;

(2) subject to subsection (4), every enclosure referred to in subsection (a), must be situated in a roofed shelter that complies with the following requirements:

(a) every wall must be made of brick, stone, concrete or other impervious material;

(b) the internal surface of every wall must have a smooth internal surface;

(c) the floor must be made of concrete or other impervious material brought to a smooth finish; and

(3) every shelter must have adequate access for cleaning and eliminating pests;

(4) a dog kennel that complies with the following requirements may be provided instead of the shelter contemplated in subsection (2):

(a) the kennel must be constructed of moulded asbestos or other similar material;

(b) the kennel must be movable;

(c) the kennel must be placed on a base constructed of concrete or other impervious material with an easily cleanable finish; and

(d) a sleeping board, which will enable the dog to keep dry, must be provided in any kennel that does not have a waterproof base;

(5) a concrete apron extending at least one metre wide around the edges of the enclosure

must be provided;

(6) the apron must be graded and drained in a way that drains storm water away from the enclosure;

(7) a potable water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the enclosure;

(8) any cages in which cats are kept must be constructed of durable impervious material and in a manner that they may be easily cleaned;

(9) any shelter, enclosure or kennel may not be situated within five metres of any -

(a) dwelling or other building or structure used for human habitation;

(b) place where food is stored and prepared for human consumption; or

(c) the boundary of the premises.

Food preparation area

18. Any keeper of kennels or a cattery who is instructed by an environmental health officer to provide a food preparation area, must provide a separate room or roofed area for the preparation of food that complies with the following requirements:

(1) the floor of the room or roofed area must be constructed of concrete or other impervious material brought to a smooth finish;

(2) the internal wall surfaces of the room or roofed area must be smooth and easily cleanable;

(3) adequate washing facilities for food bowls and utensils must be provided; and

(4) a rodent-proof storeroom must be provided for the storage of food.

Duties of a keeper kennels or catteries

19. Any person operating a kennel or cattery must -

(1) maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;

(2) provide portable storage receptacles, of an impervious material with close fitting lids, for the storage of dog and cat faeces;

(3) remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in subsection (2);

(4) remove the contents of the storage receptacles from the premises at least twice every

seven days and dispose of it in a manner that will not create a public health nuisance;

(5) store all loose food in receptacles, with close fitting lids, in the food store;

(6) provide adequate refrigeration facilities to store perishable foods on the premises;

(7) provide adequate separate refuse receptacles, with close fitting lids, on the premises for refuse other than faeces;

(8) keep any sick dog or cat isolated from any other animals; and

(9) maintain the premises free from offensive odours and every enclosure, shelter, kennel, cage or food store clean and free from pests.

CHAPTER 9

PET SHOPS AND PET PARLOURS

Requirements for premises

20. No person may operate a pet shop or pet parlour in or on any premises that does not comply with the following requirements:

(1) all walls, including any partition, must -

(a) be constructed of brick, concrete or other impervious material;

(b) have a smooth and easily cleanable internal surface; and

(c) be painted with a washable paint or other adequate finish;

(2) all floor surfaces must be constructed of concrete or other impervious material brought to a smooth finish;

(3) all ceilings must be dust proof and easily cleanable;

(4) at least one wash hand basin, with a supply of running hot and cold potable water, must be provided for employees and the ratio of wash hand basins to persons employed on the premises must not be less than 1:15;

(5) the wash hand basins, referred to in subsection (4), must be drained;

(6) adequate storage facilities must be provided;

(7) facilities for the washing of cages, trays and other equipment must be provided in the form of either -

(a) a curbed and roofed over platform with a minimum surface area of 1,5 m², raised at least 100 mm above the floor and constructed of concrete or other impervious material brought to a

smooth finish, which platform must be provided with a supply of running potable water; or

(b) a stainless steel sink or trough of adequate size with a drainage board and provided with a supply of running potable water;

(8) the platform, sink or trough referred to in subsection (7) must be drained;

(9) any wall surface within 0,5 metres of the platform, sink or trough referred to in subsection (7), must be permanently covered with waterproof material to a minimum height of 1,4 metres above the floor;

(10) a clearly designated changeroom must be provided if more than six persons are employed on the premises and every change room must -

(a) have a floor area providing at least 0,5 m² for each employee;

(b) have a minimum overall floor area of 6m² and width of two metres; and

(c) be equipped with an adequate metal locker for each employee;

(11) where no changeroom is required in terms of subsection (10), each employee must be provided with an adequate metal locker;

(12) for the purposes of washing, clipping or grooming of pets -

(a) a bathroom fitted with a bath, or similar fitting, and a wash hand basin supplied with running potable water must be provided;

(b) a clipping and grooming room fitted with impervious topped tables and an adequate number of portable storage receptacles of an impervious durable material with close fitting lids, for the storage of cut hair pending removal, must be provided;

(c) at least 50 % of the floor area of the rooms referred to in subsections (a) and (b) must be unobstructed; and

(d) the floors of the rooms referred to in subsections (a) and (b) must be graded to a drainage channel;

(13) all buildings, including storage areas, must be rodent-proof; and

(14) the premises may not have direct internal access with any room or place-

(a) used for human habitation;

(b) where clothing is stored or sold; or

(c) where food is prepared, stored or sold for human consumption.

Duties of pet shop or pet parlour keeper

21. Any keeper of a pet shop or pet parlour must -

(1) provide cages for housing the pets complying with the following requirements:

(a) the cages must be constructed of metal or other impervious material and fitted with a removable metal floor-tray to facilitate cleaning;

(b) the exterior cavity of any tubular or hollow material used to construct a cage must be sealed;

(c) the cages must be able to be moved easily;

(d) where rabbits are kept in a cage, the metal floor-tray referred to in subsection (a), must be drained to a removable receptacle;

(e) the cages must be fitted with a drinking vessel filled with water;

(f) the distance from any cage to the nearest wall must be a minimum of 150 mm;

(g) the cages must be kept a minimum of 450 mm above floor level; and

(h) the space below every cage must be unobstructed;

(2) provide rodent-proof receptacles, of an impervious material and with close fitting lids, for the storage of all loose pet food in the store room;

(3) provide adequate refrigeration facilities to store all perishable pet food on the premises;

(4) ensure that in any room in which the pets are kept -

(a) 50 % of the floor space is unobstructed; and

(b) the cages are placed a minimum of 800 mm from one another;

(5) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment or appliances used in connection with the pet shop, in a clean and sanitary condition, free from pests and in good repair;

(6) provide overalls or other protective clothing for employees and ensure that the employees wear them when on duty;

(7) provide isolation facilities in which every pet which is, or appears to be, sick must be kept while on the premises;

(8) provide an adequate supply of potable water for drinking and cleaning purposes;

(9) provide adequate ventilation to ensure the comfort and survival of the pets; and

(10) ensure that the number of pets contained in each cage does not impede their free movement.

CHAPTER 10

KEEPING OF WILD ANIMALS

Requirements for the premises

22. No person may keep wild animals on premises that do not comply with the following requirements:

- (1) all wild animals must be kept in enclosures constructed and equipped as follows -
 - (a) the enclosure must satisfy the needs of the specific animal as specified by the relevant nature conservation authorities;
 - (b) the enclosure may not be situated within 50 metres of -
 - (i) any boundary of the premises;
 - (ii) any dwelling, building or structure used for human habitation;
 - (iii) any dwelling, building or structure where food is stored, handled or prepared for human consumption; or
 - (iv) any water resource intended for domestic consumption;
 - (c) an adequate supply of potable water for drinking and cleaning purposes must be provided; and
 - (d) the enclosure must be graded and drained in a way that does not pollute any water resource or create a public health nuisance;
- (2) a separate room, equipped with a preparation table and wash-up sink, supplied with running potable water and adequately drained must be provided for the preparation of food;
- (3) adequate facilities must be provided for washing any cages, trays, crates, refuse receptacles and food containers in the form of either -
 - (a) a curbed platform constructed of concrete or other impervious material brought to a smooth finish; or
 - (b) a stainless steel sink or trough adequate in size to accommodate the equipment to be washed;
- (4) both facilities referred to in subsection (3) must be provided with a supply of running potable water and must be drained; and
- (5) all areas and rooms in which fodder and food are stored must be rodent-proof.

Duties of keeper of wild animals

23. Any person that keeps wild animals must -

- (1) maintain the premises in a clean and sanitary condition at all times;
- (2) clean all manure and food scraps from any enclosure at adequate intervals;
- (3) prevent the soil beneath or around any enclosure from becoming saturated with urine; and
- (4) comply with any other law which may be applicable to the keeping of the wild animals concerned, including but not limited to obtaining any permit which may be prescribed by law for the keeping of such animals.

CHAPTER 11**KEEPING OF PIGS****Requirements for premises**

24. No person may keep pigs in or on premises that do not comply with the following requirements:

(1) every wall must -

- (a) be constructed of brick, stone, concrete or other durable material;
- (b) have a minimum height of 1,5 metres; and
- (c) have a smooth, impervious internal surface;

(2) the floor area must provide at least 3 m² for each pig accommodated in the pigsty, with an overall minimum floor area of 6 m²,

(3) the roof over any portion of a pigsty must have a minimum height of 1,5 metres;

(4) except in the case of a roofed structure having one of its long sides completely open, the lighting and ventilation openings must -

(a) be situated opposite one another in the external walls; and

(b) provide a minimum of 0,15 m² for each pig;

(5) the floor must be -

(a) at least 150 mm above the surrounding ground level;

(b) constructed of concrete or other durable and impervious material brought to a smooth finish; and

- (c) graded for the run-off of liquids into an open channel outside the pigsty;
- (6) the open channel referred to in subsection (5)(c) must -
 - (a) be constructed of concrete or other durable and impervious material;
 - (b) be a minimum of 100 mm in diameter; and
 - (c) be adequately drained;
- (7) the pigsty must be strong enough to prevent the pigs breaking out;
- (8) the pigsty may not be situated within 100 metres of -
 - (a) the boundary of the premises;
 - (b) any dwelling, building or structure used for human habitation;
 - (c) any dwelling, building or structure in which food is prepared, stored or sold for human consumption;
 - (d) any water resource intended for domestic consumption;
- (9) a roofed over concrete platform must be provided for -
 - (a) the storage of all swill in containers; and
 - (b) the preparation of pig feed;
- (10) the platform referred to in subsection (9) must comply with the provisions of subsection (5) and in addition, must have a curbing of a minimum height of 100 mm on each edge; and
- (11) a potable water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the pigsty.

Duties of keeper of pigs

25. Every person keeping pigs must -

- (1) ensure that every pig is kept within a pigsty;
- (2) maintain the premises and any equipment, apparatus, container or receptacle in a clean and sanitary condition and in good repair;
- (3) provide portable storage receptacles, of impervious material and with close fitting lids, to store manure;
- (4) keep all manure storage receptacle on a platform that complies with section 24(9);
- (5) remove all manure from the pigsty at least once every 24 hours and place it in the manure

storage receptacles;

(6) remove the contents of the manure storage receptacles from the premises at least once every second day and dispose of the manure in a manner that will not create a public health nuisance;

(7) provide a rodent-proof store-room in which all feed, other than swill, must be stored; and

(8) provide rodent-proof receptacles, with close fitting lids, in which to store all loose feed.

CHAPTER 12

MISCELLANEOUS PROVISIONS

Drainage

26. Any person keeping animals must ensure that all sinks, wash hand basins, baths, shower-baths, troughs, floor surfaces, channels and washing platforms required to be drained in terms of this by-law, must be drained in accordance with provisions of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977).

Dangerous animals

27. (1) No person may without a permit issued by an environmental health officer or any other authorized official, keep any wild animal of a species that is dangerous to humans, including without limitation, large carnivores, venomous snakes, spiders or scorpions.[RTF bookmark end:]_Ref 9657762

(2) The permit referred to in subsection (1) may be issued subject to such conditions as may be deemed necessary by the environmental health officer including without limiting the generality of the foregoing the type of enclosure required to ensure that the animal does not escape from the premises or pose a danger to the residents of, or visitors to, the premises.

Requirements for keeping of bees

28. (1) No person may keep bees on any premises unless -

(1) the person is in possession of a valid permit, which may be issued subject to such conditions as the environmental health officer or any other authorized official may deem fit; and

(2) the bee hive is situated -

(a) a minimum of five metres from any boundary of the premises; and

(b) a minimum of ten metres from any public place or building used for human habitation;

(3) the bees are kept in an approved bee hive; and

(4) the bee hive is -

- (a) kept in an area inaccessible to children and animals;
 - (b) kept in the shade at all times; and
 - (c) supplied with a source of drinking water within five metres of the hive.
- (5) No person may dump or deposit any garbage, compost, grass cuttings or manure within five metres of any bee hive;

Keeping of and slaughtering animals for religious and ceremonial purposes

29. (1) Any person who keeps an animal prior to slaughtering it for religious or ceremonial purposes, or slaughters an animal for such purposes, must comply with the provisions of these Bylaws; provided that the Council may for such reasons as it may deem appropriate exempt certain areas within its jurisdiction from compliance with the provisions of this Bylaw..

(2) A person intending to slaughter an animal for religious or ceremonial purposes in any place other than in a recognised abattoir must -

- (a) notify the Council in writing, fourteen days prior to the event;
- (b) notify all neighbours in writing, seven days prior to the event;
- (c) screen the slaughtering process from the public;
- (d) use the meat derived from the slaughtered animal solely for the purposes of the religious or ceremonial feast;
- (e) handle the meat in a hygienic manner at all times; and
- (f) dispose of any portions of the animal that are not used or consumed, in the manner prescribed by the environmental health officer or any other authorized official.

CHAPTER 13

APPEALS

30. (1) A person whose rights are affected by a decision taken by any authorised official under these Bylaws, may appeal against the decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.

(2) The municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).

(3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

(4) When the appeal is against a decision taken by -

- (a) a staff member other than the municipal manager, the municipal manager is the appeal

authority; or

(b) the municipal manager, the Mayor is the appeal authority.

(5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

CHAPTER 14

GENERAL

Offences

31. Any person who -

(a) contravenes or fails to comply with any provisions of these Bylaws;

(b) fails to comply with any lawful instruction given in terms of these Bylaws; or

(c) obstructs or hinders any authorised official in the execution of his or her duties under these Bylaws - shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R5 000 or imprisonment for a period not exceeding 3 months or both.

Repeal of existing Bylaws

32. The Council's existing Keeping of Animals Bylaws are hereby repealed.

Short title and commencement

33. These Bylaws shall be called the Keeping of Animals Bylaws, 200..., and shall come into operation on.....

CEMETERY AND CREMATORIA BY-LAWS

Be it enacted by the Council of the Utrecht Municipality, in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, and approval of the Member of the Executive Council responsible for Local Government in terms of Section 104 (2) Funeral, Burial and Cremation Services Act of 2002 in the Province of KwaZulu-Natal, read with section 11 of the Local Government: Municipal Systems Act No. 32 2000, as follows:

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CHAPTER 1

GENERAL

1. Definitions

In these by-laws, unless the context otherwise indicates:-

"adult" means a deceased person over the age of 12 years and any deceased person the dimensions of whose coffin cannot be accommodated in an excavation of 1,40m in length and 400 mm in width;

"after-hours fee" means a fee over and above the set norm of fee for burial or cremation outside normal week day cemetery operating hours, save in the case of cremations or burials, which, because of religious belief, are undertaken after such hours, or in the case of burial, where the mourners undertake to close the grave;

"ashes" means the cremated remains of a body;

"Births and Deaths Registration Act" means the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);

"body" means any dead human body, including the body of a stillborn child;

"burial order" means an order issued in terms of the Births and Deaths Registration Act;

"burial" means burial or inhumation into earth or any other form of burial and includes a tomb and any other mode of disposal of a body;

"cemetery" means any land or part thereof within the municipal area set aside by the Council or approved by the Council as a cemetery;

"child" means a deceased person who is not an adult;

"Commonwealth war grave" means any grave, tombstone, monument or memorial connected with a Commonwealth war burial in terms of the Commonwealth War Graves Act. 1992 (Act No. 8 of 1992);

"Council" means the Utrecht Municipal Council and its committees or any other body acting by virtue of any power delegated to it by the Council in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties relating to these bylaws.

"cremation" means the process of disposing of a human body by fire;

"crematorium" means a crematorium as defined in section 1 of the Ordinance and includes the buildings in which the ceremony is conducted and the cremation carried out;

"crematorium section" means a section of a cemetery or crematorium set aside by the Council for the burial of ashes;

"cremated remains" means all recoverable ashes after the cremation process;

"exhumation" means the removal of a body from its grave;

"garden of remembrance" means a section of a cemetery or crematorium set aside for the erection of memorial work, placing or scattering of ashes, but does not include a columbarium;

"grave" means any piece of land excavated for the burial of a body within a cemetery and includes the contents, headstone or other marker of such place and any other structure on or associated with such place;

"grave of conflict" means the grave of a person who died while defending the country;

"hero" means a person who performed a heroic act for the country and is given the status of a hero by the Council;

"indigent person" means a destitute person who has died in indigent circumstances, or if no relative or other person, welfare organisation or non governmental organization can be found to bear the burial or cremation costs of such deceased person and includes a pauper;

"indigent relief" means assistance received for the burial or cremation of an indigent person;

"medical officer of health" means the officer appointed by Council or any other person

acting in the capacity of the medical officer of health;

"memorial section" means a section of a cemetery set aside for the erection of memorials;

"memorial wall" means a wall in a cemetery or crematorium section provided for the placement of inscribed tablets commemorating deceased persons;

"memorial work" means any headstone, monument, plaque, or other work, or object, erected or intended to be erected in any cemetery or crematorium to commemorate a deceased person, and includes a kerb demarcating a grave, and a slab covering a grave;

"Municipality" means the Utrecht Municipality or any official or agent of the Municipality who has been authorised by the Council to administer, implement, and enforce the provisions of these Bylaws.

"municipal area" means the area under the control and jurisdiction of the Council;

"niche" means a compartment in a columbarium or garden of remembrance for the placing of ashes;

"officer-in-charge" means the person in the employ of the Council who, from time to time, is in control of any cemetery.

"prescribed" means prescribed by the Council;

"prescribed fee" means a fee determined by the Council by resolution of that Council or its successor.

"South African Heritage Resources Agency" means the South African Heritage Resources Agency, established in terms of section 11 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999)

"stone mason" means a person carrying on business as a stone mason;

"victim of conflict" means a person defined in section 1 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

CHAPTER 2

ESTABLISHMENT AND MANAGEMENT OF CEMETERIES

2. Establishment of cemeteries

(1) The Council may from time to time set aside and reserve suitable municipal land within the municipality for the establishment and management of a cemetery. The Council may consider and approve an application for the establishment and management of a cemetery. The Council may consider and approve an application for the establishment and maintaining of a private cemetery or a private columbarium on private land on the conditions that the Council may deem necessary.

(2) The Council may set aside, reserve and demarcate within a cemetery, in accordance with

an approved layout plan, such areas as the Council may deem necessary for exclusive use by the members of a particular religion or denomination, or for the burial of adults, children, security forces or war heroes, or for the creation and management of the following sections:

(a) Berm-section where memorial work of a restricted size may be erected only on a concrete base provided by the Council at the top or bottom end of a grave the top surface of graves are level and the Council will cut planted as well as natural grass as part of its maintenance program:

(b) Monumental-section where memorial work erected shall cover the entire grave area,

(c) Semi-monumental section where memorial work, without a restriction on the size, may be erected only on a concrete base at the top end of a grave, which base will not be provided by the Council;

(d) Natural-grass section where the surface of graves are levelled. Graves are identified by numbers affixed on top of the graves in such a way that lawnmowers can be used to cut the natural grass without damaging the numbers:

(e) Traditional-section where memorial work does not have to cover the entire grave area, and may be erected on graves that are not supplied with a concrete base as required in the Berm-section. The surfaces of graves are level;

(f) Columbarium-section where ashes may be buried in a niche in a memorial wall or wall of remembrance provided by the Council;

3. Official hours

(1) The cemetery shall be open during the hours as determined by the Council. The office designated by the Council for the administration of the cemetery shall be open from Monday to Friday.

(2) Burials shall take place on the days and during the hours as determined by the Council.

(3) The Council has the right to close a cemetery or any portion thereof to the public for such periods and for such reasons as the Council may deem fit

(4) No person shall be or remain in a cemetery or part thereof before or after the official hours as determined by the Council or during any period when it is closed for the public, without the permission of the Municipality.

4. Register

(1) A register of graves and burials shall be kept by the Municipality.

(2) Such register shall be completed as far as possible immediately after a burial has taken place, with reference to the prescribed particulars contained in the burial order concerned.

5. Numbering of graves

(1) All graves in a cemetery that are occupied or for which a burial has been authorised in

terms of the provisions of this by-law shall be numbered by the Municipality.

(2) The number shall be affixed to the grave and indicated on a plan to be kept available by the Municipality.

6. Reservation of graves

(1) No reservation of a grave in a cemetery shall be allowed.

(2) Reservation of graves made and recorded in the official records of the Council in terms of any previous by-laws shall still be valid and the Council shall honour such reserved rights.

7. Transfer of reserved rights

(1) A reserved right as contemplated in section 6(2) may not be transferred without the prior approval of the Municipality.

(2) Application to transfer such right shall be made to the Municipality in writing by completing and submitting a prescribed application form.

(3) If the application is granted, a certificate will be issued in favour of the transferee who will become the holder

(4) The reserved right may be cancelled on request of the holder and if the request is approved by the Municipality, the amount paid by the holder (if any) minus 10% administration fees, will be refunded to the holder.

8. Number of corpses in a grave

(1) Only one corpse may be buried in a grave with measurements as contemplated in this by-law.

(2) Only two corpses may be buried in a grave with measurements as set out in sub-section 15(4): Provided that application for the burial of two corpses has been made to the Municipality in writing by completing and submitting the required application form before the first corpse is buried.

(3) After the re-opening of a grave for the purpose of the burial of a second corpse as mentioned in sub-section 9(2) in that grave, a concrete layer of not less than 25 mm thick shall be cast above the coffin previously buried.

(4) If on re-opening any grave, the soil is found by the Medical Officer of Health to be offensive or dangerous to the general health of people, the situation will be handled in consultation with the Medical Officer of Health.

9. Number of Corpses in a coffin

(1) A deceased stillborn child and his or her deceased mother may be buried in the same coffin at the fee for a single interment of an adult.

(2) Still-born twin babies may be buried in the same coffin at the fee for a single interment of a

stillborn child.

CHAPTER 3

BURIALS

10. Application for a burial

(1) Application for permission for a burial in a cemetery shall be made to the Municipality in writing by completing and submitting a prescribed application form. An application shall be accompanied by:

- (a) the prescribed burial order;
- (b) the prescribed fees; and
- (c) a reservation certificate, if applicable;

(2) No person shall, without the prior written approval of the Council, execute, cause, or allow a burial in any other place in the municipality than in a cemetery established and managed by the Council. This includes the burial of a corpse, of ashes and of a cadaver.

(3) An application for permission for a burial must be submitted to the Municipality at least 24 working hours prior to the planned burial, failing which the Municipality may refuse the application.

(4) No person shall execute a burial or cause or allow a burial to be executed in a cemetery, unless written permission for the burial has been obtained, a specific grave has been allocated for the purpose of the burial and a date, and time for the burial has been arranged with the Municipality.

(5) In allocating a date and time for a burial, the Municipality shall have regard to the customs of the deceased's relatives and their religion or church affiliation.

(6) In allocating a grave the Municipality shall as far as practicably possible allow the responsible person access to a plan of the cemetery showing the various sections, and allow him or her to select the section of his choice, but not the individual grave of his or her choice. The allocation of a specific grave is the sole responsibility and discretion of the Municipality and a burial shall be executed only in a grave allocated by the Municipality.

(7) The Council may allow in its discretion a burial without payment of the prescribed fees in a part of a cemetery set aside for such purposes and in such manner as it may deem fit.

(8) Notice of cancellation or postponement of a burial must be submitted to the Municipality at least 4 working hours before the time set for the burial.

(9) The granting of permission for a burial and the allocation of a specific grave in a cemetery, does not give the applicant, the responsible person or any other person any right in respect of such grave other than to bury a corpse in the grave.

(10) Except with the permission of the Council, no person shall place or cause any coffin

constructed of any material other than natural wood or other perishable material to be placed in any grave.

11. Burial of a corpse

(1) All graves shall be provided by the Municipality with the exception of brick-lined or concrete-lined graves, in which cases the brickwork or concrete work shall be carried out by the undertaker under the supervision of the person designated by the Municipality and in conformity with the specifications applicable to ordinary graves.

(2) There shall be at least 1 200 mm of soil between the top of an adult coffin and the ground surface, and at least 900 mm of soil between the top of a child coffin and the ground surface.

(3) All corpses shall be placed in a coffin for the burial thereof, except as provided for the Muslim community.

(4) No person shall without the prior permission of the Municipality conduct any religious ceremony or service according to the rites of one denomination in any portion of a cemetery reserved by the Council in terms of the provisions of this by-law, for the use of some other denomination.

(5) No person shall permit any hearse in a cemetery to leave the roads provided, and every hearse shall leave the cemetery as soon as possible after the funeral for which it was engaged.

(6) Every person taking part in any funeral procession or ceremony shall comply with the directions of the Municipality as to the route to be taken within the cemetery.

(7) No person shall convey or expose a corpse or any part thereof in an unseemly manner in any street, cemetery or public space.

(8) Every application and every document relating to any burial shall be marked with a number corresponding to the number in the register referred to in section 4 and shall be filed and preserved by the Council for a period of not less than ten years.

(9) Every coffin or body upon being placed in any grave shall, at once, be covered with 500 mm of earth.

(10) No person shall disturb any human remains or any soil adjacent thereto in any cemetery, except where such disturbance is expressly permitted by this bylaw or by an order of court.

12. Burial of ashes

(1) Ashes may be buried in a coffin and only two such coffins containing ashes may be buried in an extra deep grave; provided that a coffin does not exceed the average body weight of 70 kg, and further-more that the grave is re-adjusted to the prescribed depth and measurements.

(2) No person shall execute a burial or cause a burial of ashes to be executed in a cemetery, unless written permission for the burial has been obtained, a specific grave or niche has been allocated for the purposes of the burial and a date, and time for the burial has been arranged with the Municipality.

(3) Application for the burial of ashes for definite periods or in perpetuity, or for the provision of memorial tablets of approved material to be fixed on the building, columbarium or other facility shall be made to the Municipality in writing by completing and submitting a prescribed application form.

(4) Niches will be allocated by the Municipality strictly in the order in which the applications therefore are received and no reservations for future use will be made.

(5) An application for permission for a burial must be submitted at least 24 working hours prior to the planned burial, failing which the Municipality may refuse the application.

(6) An urn or casket containing ashes that has been deposited in a building, columbarium, or other facility shall not be removed without Municipality's prior written consent.

(7) Every niche containing ashes shall be sealed by a tablet approved by the Council and shall only be opened for the purpose of withdrawing an urn or casket contained therein for disposal elsewhere, or for the purpose of depositing an additional urn or casket therein where after it will once again be sealed.

(8) Application for the opening of a niche shall be made to the Municipality in writing by completing and submitting a prescribed application form.

(9) No person shall introduce any material into the columbarium for the purpose of constructing or erecting any memorial work therein unless and until:

(a) approval for the burial has been obtained from Council;

(b) approval for the erection of the memorial work has been obtained from Council; and,

(c) the prescribed fees have been paid which shall be determined by Council from time to time.

(10) Any person engaged upon any work on the columbarium, shall execute such work to the satisfaction of the caretaker, and such work shall be undertaken during the official office hours of the cemetery.

(11) No permanent wreaths, sprays, flowers, or floral tributes may be placed in or on a columbarium.

(12) The columbarium may be visited daily during the official cemetery hours as determined by Council.

(13) Plaques shall be made of material approved by the Council and shall be affixed simultaneously with the placing of the ashes and within 30 days of the obtaining of the consent.

13. Burial of a cadaver

The remains of a corpse used at an educational institution for the education of students, generally known as a cadaver, may be buried in one coffin and two such coffins containing cadavers may be buried in an extra deep grave as contemplated in sub-section 15(4): Provided that a coffin does not exceed the average body weight of 70 kg, and furthermore

that the grave is re-adjusted to the prescribed depth and measurements.

14. Persons dying outside the municipal area

The provisions of these by-laws shall apply *mutatis mutandis* to any burial in a cemetery of a person who has died outside the municipality

15. Grave measurements

(1) The excavation of a grave for an adult shall be at least 1820 mm deep, 2300 mm long, and 760 mm wide.

(2) The excavation of a grave for a child shall be at least 1370 mm deep, 1520 mm long, and 610 mm wide.

(3) In the event that a grave of a greater depth, length or width than those specified above is required, application in respect thereof, together with extra prescribed fees that are due, shall be made to the Municipality together with the application to obtain permission for a burial.

(4) The excavation of an extra deep grave for the burial of two corpses shall be at least 2400 mm deep 2300 mm long and 760 mm wide.

(5) Deviations from measurements of graves shall be as follows:

Extra wide : 2300 mm long

: 840 mm wide

Extra long : 2530 mm long

: 760 mm wide

Rectangular small : 2300 mm long

: 900 mm wide

Brick-nogging : 2600 mm long

: 1050 mm wide

(6) The area of a rectangular grave for an adult shall be 1500 mm wide by 2600 mm long.

(7) The area of a grave for an adult shall be 1210 mm wide by 2430 mm long.

(8) The area of a grave for a child shall be 1210mm wide by 1520mm long. If a coffin is too large, an adult grave shall be used.

CHAPTER 4

RE - OPENING OF GRAVES AND EXHUMATIONS

16. Conditions of exhumations

(1) No person may exhume or cause to be exhumed a body without the written consent of the -

(a) Premier of the Provincial Government;

(b) the Council;

(c) the provincial Department of Health;

(d) the Administrator of cemeteries;

(e) the Council's Medical Officer of Health or

(f) by an order of a court having jurisdiction over such matters.

(2) Whenever an exhumation is to take place, the officer-in-charge must inform the Provincial Commissioner of the South African Police Services.

(3) A member of the South African Police Services must always be present when an exhumation is being conducted.

(4) An exhumation must not take place when the cemetery is open to the public and must take place under the supervision of the officer-in-charge.

(5) If remains are to be exhumed from any grave, only the undertaker under the supervision of the officer-in-charge, may cause the grave to be excavated for such exhumation;

(6) (a) If a grave is to be excavated for exhumation, the officer-in-charge must be given 48 hours written notice before the time of exhumation, and

(b) The authority referred to in paragraph (1)(d) of this Section and the prescribed fee must accompany such notice.

(7) A person who wishes to exhume the remains of an indigent person must pay the costs incurred by the Council at the time of burial, to the Administrator of Cemeteries.

(8) The person carrying out the exhumation must ensure that the body and grave are properly disinfected and deodorized.

(9) The South African Police Services must -

(a) if there is proof of illegal burial immediately exhume the body; and

(b) take it to a government mortuary for investigation.

(10) A grave of victims of conflict and a grave which is older than 60 years may only be

exhumed with the permission of the South African Heritage Resources Agency.

(11) A Commonwealth war grave may only be exhumed in accordance with the provisions of section 3 of the Commonwealth War Graves Act, 1992.

17. Exhumation and reburial

(1) The Council may, if a body has been buried in contravention of these By-laws, cause the body to be exhumed and re-buried in another grave.

(2) The relatives of the deceased must be -

(a) notified of the intended exhumation and re-burial; and

(b) allowed to attend.

18. Screening of exhumation

(1) A grave from which a body is to be exhumed must be screened from the view of the public during the exhumation.

(2) The person carrying out the exhumation must provide a suitable receptacle for each body or remains.

CHAPTER 5

MISCELLANEOUS

19. Injuries and damages

(1) A person using a cemetery do so at his own risk, and the Council accepts no liability whatsoever for any personal injuries sustained by such person or for any loss of or damage to such person's property relating to or resulting from the aforementioned usage of the cemetery.

(2) A person using a cemetery accepts full responsibility for any incident, damages or injuries that may be caused by or that may result from the aforementioned use of the cemetery and he or she accordingly indemnifies the Council, its members, employees or agents, whether in personal or official capacity, against liability for all claims from whichever nature by himself, his or her dependants or third parties in respect of any patrimonial loss, consequential damages, injuries or personal prejudice that may be suffered or sustained in connection with or resulting from such a person's use of a cemetery. The aforementioned indemnity does not apply to injuries sustained by employees of the Council while on duty at the cemetery, as well as damages to Council property at the cemetery.

20. Fire-arms and traditional weapons

(1) No fire-arms and traditional weapons shall be allowed in a cemetery except if authorized by the Council in writing and on such terms and conditions as may be deemed by the Council to be appropriate.

(2) The request for authority to bring into a cemetery traditional weapons and/or firearms

must be submitted to the Council in writing at least three days before the date of the funeral in respect of which such authority is sought.

21. Offences and penalties

(1) Any person contravening or failing to comply with any of the provisions of these by-laws shall be guilty of an offence and shall upon conviction by a court be liable to a fine not exceeding R 60 000, or imprisonment for a period not exceeding three years or both a fine as well as period of imprisonment, or such other fine or period of imprisonment which the Minister of Justice may from time to time determine in terms of the provisions of section 92 of the Magistrate's Courts Act, 1944 (Act No 32 of 1944).

(2) Any expense incurred by the Council as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he or she failed to do, may be recovered by the Council from the person who committed the contravention or who failed to do such thing.

22. Complaints

Any person wishing to lodge a complaint shall lodge such complaint, in writing, with the Municipality.

23. Charges

The charges set forth in "the tariff in respect of the various items therein contained, shall be paid to the Municipality in advance.

24. Rights on Graves

No person shall acquire any right to or interest in any ground or grave in any cemetery.

25. Consents, Notices and Orders

Any written consent, notice or other order issued by the Council in terms of these by-laws shall be prima force evidence of the contents of such a signed consent, notice or other order.

26. Religious Ceremonies

(1) The members of any religious denomination may conduct religious ceremonies in connection with any interment of memorial service subject to the control and by-laws of the Council.

(2) No animal may be slaughtered on the premises of the cemetery regardless of any religious ceremony which may require an animal to be slaughtered.

27. Hearses and vehicles at Cemeteries

(1) No person shall cause any hearse or vehicle, as defined by the Road Traffic Act, while within a cemetery to depart from the carriage drives. Every hearse or vehicle such removal shall leave the cemetery by the route indicated by the Municipality.

(2) The cemetery is a public place and all laws applicable to the driving of a vehicle and the use of a public road will be applicable inside the premises of the cemetery.

28. Exposure of Bodies

No person shall convey or cause to be conveyed a dead body which is not covered, or any part of which dead body is not covered, in any street, cemetery or public place.

29. Instruction of the Municipality

Every person taking part in any funeral procession or ceremony shall comply with the directions issued by the Municipality while such person is within a cemetery.

30. Music Inside Cemetery

Only sacred singing shall be allowed in any cemetery, except in the case of police and military funerals or any other type of funeral which may be allowed by the Council.

31. Interments Attended by large Numbers of People

In any case where it is probable that an unusually large number of persons will be present at any interment, the person giving notice of such interment shall notify the Municipality the day before the funeral.

32. Erection of headstones

Only headstones, and not gravestones, shall be permitted to be erected at the cemetery.

CHAPTER 6

REPEAL OF BY-LAWS

Repeal of existing By-laws

33. The Council's existing Cemetery and Crematoria by-laws are hereby repealed.

Short title and commencement

34. These by-laws shall be called the Cemetery and Crematoria By-Laws By-laws, 200..., and shall come into operation on.....

CREDIT CONTROL AND DEBT COLLECTION BY-LAWS

Be it enacted by the Council of the Utrecht Municipality, in terms of section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government:

Municipal Systems Act No. 32 of 2000, as follows:

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CHAPTER 1

DEFINITIONS AND APPLICATION

Definitions

1. In these By-laws any word or expression to which a meaning has been assigned in the Act bears the same meaning, and unless the context otherwise indicates -

"account" means a notification by means of a statement of account to a person liable for payment of any amount for which he or she is liable to pay the Council in respect of the following:

(a) Electricity consumption or availability fees based on a meter reading or estimated consumption;

(b) refuse removal and disposal-

(c) rates;

(d) interest; and

(g) miscellaneous and sundry fees and collection charges;

"Act" means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

"authorised official" means any official or agent of the Council who has been authorised by it to administer, implement and enforce the provisions of these By-laws;

"by-law" means a by-law adopted and promulgated by the Council;

"Municipal Manager" means -

(a) the person appointed by the Council as the Municipal Manager in terms of section 82 of the Local Government : Municipal Structures Act, 1998 (Act No. 117 of 1998), and includes any person acting in that position; or

(b) in relation to a service provider referred to in paragraph (d) of the definition of "Council", the chief executive officer of that service provider,

"collection charges" means charges which may be recovered by the Council in terms of section 75A of the Act, and includes the cost -

(a) of reminding customers of arrears;

(b) for the termination, restriction and reinstatement of municipal services;

(c) of any notice rendered, sent, delivered or published in terms of these By-laws or any other law; and

(d) all legal costs, including attorney and client costs, incurred in the recovery of arrear amounts;

"Council" means -

(a) the Utrecht Municipal Council established by Provincial Notice No. 349 of 2000, as amended, exercising its legislative and executive authority through its municipal council; or

(b) its successor in title; or

(c) a structure or person exercising a delegated power or carrying out an instruction, where

any power in these By-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Act; or

(d) a service provider fulfilling a responsibility under these By-laws, assigned to it in terms of section 81(2) of the Act, or any other law, as the case may be;

"customer" means any occupier of premises to which the Council has agreed to provide or is actually providing any municipal service, or if there is no occupier, the owner of the premises concerned;

"fee" means a fee prescribed for or in respect of any municipal service;

"municipal service" means any or all of the services specified in subparagraphs (i) to (iv), inclusive, of section 2(b);

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

"owner" -

(a) in relation to a property referred to in paragraph (a) of the definition of "property", means a person in whose name ownership of the property is registered;

(b) in relation to a right referred to in paragraph (b) of the definition of "property", means a person in favour of whom the right is registered;

(c) in relation to a right referred to in paragraph (c) of the definition of "property", means a person in favour of whom the right is registered or to whom it was granted in terms of any law; and

(d) in relation to public service infrastructure referred to in paragraph (d) of the definition of "property", means the organ of state which owns or controls that public service infrastructure, and includes a person who the Council may for the purpose of these By-laws regard as the owner of a property in the following cases:

(i) A trustee, in the case of a property in a trust excluding state trust land;

(ii) an executor or administrator, in the case of a property in a deceased estate;

(iii) a trustee or liquidator, in the case of a property in an insolvent estate or the owner of which is in liquidation;

(iv) a judicial manager, in the case of a property in the estate of a person under judicial management;

(v) a curator, in the case of a property in the estate of a person under curatorship;

(vi) a person in whose favour a usufruct or other personal servitude is registered, in

the case of a property that is subject to a usufruct or other personal servitude;

(vii) a lessee, in the case of a property that is registered in the name of the Council and is let by it; or

(viii) a buyer, in the case of a property that was sold by the Council and of which possession was given to the buyer pending registration of ownership in the name of the buyer;

"Policy" means the Credit Control and Debt Collection Policy adopted by the Council;

"prescribed" means prescribed by the Council from time to time, by resolution;

"premises" means any piece of land, with or without any building or structure thereon, the external surface boundaries of which are delineated on -

(a) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act No. 9 of 1927), or in terms of the Deeds Registry Act, 1937 (Act No. 47 of 1937); or

(b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), which is situated within the area of jurisdiction of the Council;

"property" means -

(a) immovable property registered in the name of a person, including, in the case of a Sectional title scheme, a sectional title unit registered in the name of a person;

(b) a right registered against immovable property in favour of a person, excluding a mortgage bond registered against the property;

(c) a land tenure right registered in favour of a person or granted to a person in terms of any law; or

(d) public service infrastructure;

"rates" means a municipal rate on property levied in terms of the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), or any prior law;

Application of By-laws

2. These By-laws only apply in respect of amounts of money due and payable to the Council for -

(a) rates;

(b) fees and surcharges on fees in respect of the following municipal services:

(i) refuse removal and disposal; and

(ii) electricity consumption and the availability thereof;

(c) interest which has or will accrue in respect of any amount of money due and payable or which will become due and payable to the Council in regard to rates and municipal services;

and

(d) collection charges;

(2) These By-laws also apply to any municipal service provided through pre-paid meters, in so far as the By-laws may be relevant.

CHAPTER 2

SERVICE AGREEMENTS AND GENERAL TERMS AND CONDITIONS OF PROVISION OF MUNICIPAL SERVICES

Provision of municipal services to applicants

3. No municipal service may be provided to any applicant, unless and until -

(a) application for the service has been made in writing on a form substantially similar to the form prescribed;

(b) any information and documentation required by the Council have been furnished;

(c) a service agreement, in the form substantially similar to the form of agreement prescribed, has been entered into between the customer and the Council; and

(d) an amount equal to the amount prescribed, in cash or a bank cheque, has been deposited as security or other acceptable security, as prescribed, has been furnished.

(2) If an applicant for a municipal service is an existing customer of the Council in respect of any other municipal service in respect of which the account is in arrears -

(i) such arrears must be paid; or

(ii) an agreement for payment of the arrears in terms of section 22 must have been entered into and payment in terms thereof must not be in arrears, before an application for a new service in terms of this section may be considered.

(3) The Council may at any time require a customer to increase a deposit paid or security furnished in terms of subsection (d);

(4) No interest is payable on any amount deposited in terms of subsection (d) or (3).

General terms and conditions for the provision of municipal services

4. The general terms and conditions for the provision of any municipal service set out in a service agreement contemplated in section 3(c) are deemed to be incorporated in these Bylaws and apply to the provision of such service to any customer.

Estimated consumption

5. The Council may have an estimate made of the consumption of electricity for any relevant

period if -

- (a) no meter reading could be obtained in respect of the period concerned; or
- (b) no meter has been installed to measure the consumption on the premises concerned, and the customer concerned is liable for payment of the prescribed fee in respect of such estimated consumption.

New service agreements and deposits or security by existing customers

6. Any existing customer, or the trustee, liquidator, judicial manager or curator of such customer, may be required by the Council to enter into a new service agreement to replace an existing agreement of the customer concerned, and to pay a deposit or furnish security contemplated in section 3, notwithstanding the fact that a service agreement was previously entered into in respect of the municipal service concerned and the provisions of section 3(3) apply in respect of such new agreement.

- (2) The provisions of section 3(4) apply to a deposit referred to in subsection .

Termination of service agreements

7. Subject to the provisions of sections 14 and 22 -

(a) a customer may terminate an agreement for the provision of any municipal service by notice in writing of not less than seven days' to the Council, of his or her intention to do so;

(b) the Council may, subject to compliance with the provisions of these By-laws and any other applicable law, by notice in writing of not less than 14 days, to a customer, terminate his or her agreement for the provision of the municipal service concerned, if the customer -

(i) has not used the municipal service during the preceding six months and has not made arrangements to the satisfaction of the Council for the continuation of the agreement; or

(ii) has, in relation to the municipal service concerned, failed to comply with any provision of these By-laws and has failed to rectify such failure after the service on him or her of a notice of compliance in terms of section 8;

(iii) has failed to pay any prescribed fee, collection charge or interest due and payable in respect of the municipal service concerned; or

(iv) has made an arrangement with another services provider to provide the municipal service concerned to the customer; or

(v) has vacated the premises to which the agreement concerned relates.

(2) A customer to whom notice has been given in terms of subsection (b), may within the period of 14 days referred to in that subsection, make written representations to the Council why the agreement concerned should not be terminated and if such representations are unsuccessful, either wholly or in part, the agreement concerned may only be terminated if the Council is satisfied that the decision on such representations justifies it.

Notices of compliance

8. If a customer fails or refuses to comply with any provision of these By-laws, a notice of compliance must be served on that customer, requesting him or her, subject to the provisions of section 7(2), to forthwith comply with the provision concerned to avoid the termination of his or her agreement in terms of section 7(b)(ii).

CHAPTER 3**ACCOUNT ADMINISTRATION****Accounts**

9. (1) Accounts must be rendered and administered in accordance with the Policy, other prescribed requirements and any other law.

(2) Failure by the Council to render an account does not relieve a customer of the obligation to pay any amount that is due and payable in terms of these By-laws.

(3) The Council may, in accordance with the provisions of section 102 of the Act -

(a) consolidate any separate accounts of a customer liable for payments in terms of these By-laws to the Council;

(b) credit any payment by such customer against any account of that customer; and

(c) implement any of the debt collection and credit control measures provided for in these By-laws in relation to any arrears on any of the accounts of a customer.

(4) In the event of separate accounts being consolidated as contemplated in sub-section (3) above, the total amount due and payable by a customer shall constitute a consolidated debt, and any payment made by a customer of an amount less than the total amount due, will, subject to the provisions of section 20, be allocated in reduction of the consolidated debt in the order prescribed.

(5) (a) Any amount paid by a customer in excess of an existing debt may be held in credit for the customer in anticipation of future rates and fees for municipal services or for the purposes contemplated in section 15(b).

(b) No interest is payable on any amount contemplated in paragraph (a).

Account information

10. Accounts must contain the following -

(a) the consumption or estimated consumption as determined for the measuring or consumption period;

(b) the measuring or consumption period;

- (c) the amount due based on the estimated consumption;
- (d) the amount due and payable for any other municipal service;
- (e) the amount in arrears, if any;
- (f) the interest payable on any arrears, if any;
- (g) collection charges insofar as they may be relevant;
- (h) the final date for payment; and
- (i) the methods, places and approved agents where payment may be made.

Account administration

11. The Council must, subject to the provisions of section 5, endeavour to ensure -

- (a) accurate metering of consumption at fixed intervals with the minimum delay between service connection and first and subsequent rendering of accounts;
- (b) accurate and up-to-date information in accounts;
- (c) accurate monthly accounts with the application of the appropriate and correct prescribed fees, rates and other related amounts due and payable;
- (d) the timely dispatch of accounts;
- (e) adequate provision and the efficient operation of facilities for payment throughout the municipal area;
- (f) where necessary, the appointment of agents to accept payments on behalf of the Municipality; and
- (g) appropriate reasonable hours of business in order to facilitate account payments.

Queries or complaints in respect of accounts

12. A customer may lodge a query or complaint in respect of the accuracy of any amount due and payable in terms of an account rendered to him / her in terms of these Bylaws.

- (2) A query or complaint must be lodged with the Council before or on the due date for payment specified in the account concerned, or as soon as reasonably possible thereafter.
- (3) If a query or complaint is lodged after the due date for payment specified in the account concerned, such query or complaint must be accompanied by the payment of at least an amount equal to the average amount per month that was due and payable in respect of the service concerned during the preceding three months.
- (4) An authorised official must register the query or complaint and provide the customer with a

reference number.

(5) The Council must -

(a) investigate or cause the query or complaint to be investigated within 14 days, or as soon as possible after the query or complaint was received; and

(b) inform the customer, in writing, of its finding as soon as possible after conclusion of the investigation, instructing that either such customer's account will be credited with any amount found to have been overpaid or, alternatively, that any amount found to be due and payable must, subject to the provisions of section 22, be paid within 21 days from the date on which the customer is notified thereof, unless an appeal is lodged within that period in terms of subsection (6) or section 13.

(6) A customer may, subject to the provisions of section 13, lodge an appeal with the Municipal Manager in terms of section 62 of the Act against a decision referred to in subsection (5), within 21 days of the date of the notification of the decision.

(7) The Council must inform the customer concerned in writing of the decision on the appeal, instructing that any amount found to be overpaid will be credited to such customer's account or, alternatively, that any amount found to be due and payable must be paid within seven days from the date on which the customer is notified thereof.

Appeals against decisions by service providers on queries and complaints

13. If a decision contemplated in section 12(5) has been made in respect of a municipal service provided by a service provider referred to in paragraph (d) of the definition of Council in section 1, a customer may lodge an appeal against that decision by giving written notice of the appeal and reasons to the chief executive officer of the service provider concerned, within 21 days of the date of the notification of the decision.

(2) The Chief Executive Officer must promptly submit the appeal to the appropriate appeal authority specified in subsection (4).

(3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation may detract from any rights that may have accrued as a result of the decision.

(4) If an appeal is against a decision taken by -

(a) a staff member, other than the chief executive officer, the chief executive officer is the appeal authority;

(b) the chief executive officer or any committee of the service provider -

(i) the board of directors of the service provider; or

(ii) a committee of directors who were not involved in the decision concerned and appointed by the board of directors for this purpose,

is the appeal authority.

(5) An appeal authority contemplated in subsection (4), must commence with an appeal within six weeks and decide the appeal within a reasonable period.

(6) A service provider must comply with the provisions of section 12(7).

Arrear accounts

14. If a customer fails to pay an amount due and payable for any municipal service or rates on or before the due date for payment specified in the account concerned, a final demand notice may be sent to the customer.

(2) Failure by the Council to send a final demand notice does not relieve a customer from paying the arrears concerned.

(3) A final demand notice referred to in subsection (1) must contain the following:

(a) the amount in arrears and any interest payable, and a statement that payment must be made within 14 days of the date of the final demand notice;

(b) that the customer may in terms of section 22 conclude a written agreement with the Council for the payment of the amount in arrears in instalments within the period contemplated in paragraph (a);

(c) that if no such agreement is entered into within the period stipulated in paragraph (b), legal action may be instituted for the recovery of any amount in arrear and that, in the case of services, the service concerned may be terminated or restricted without further notice;

(d) that the customer's name may be made public, and may be listed with a credit bureau in terms of section 21(a);

(e) that the account may be handed over to a debt collector or attorney for collection;

(f) that proof of registration as an indigent person in terms of section 25 and any other documentation required by the Council must be furnished to the Council on or before the date for payment contemplated in paragraph (a);

(g) that an indigent person referred to in paragraph (f) is only entitled to benefits relating to municipal services as stipulated in the Council's policy relating to the supply of municipal services to indigent persons; and

(h) that the customer has an opportunity to make representations in writing on any matter referred to in a final demand notice within the period of 14 days contemplated in paragraph (a).

Action to secure payment

15. The Council may, in addition to the normal civil legal steps to secure payment of any in arrear amount of accounts, take the following action to secure payment of such amount:

(a) The termination or restriction of the provision of any municipal service in terms of section 16; and

(b) the allocation of the whole or a portion of a payment of an account, or the whole or a portion of a pre-payment for future accounts as contemplated in section 9(5)(a), as payment for arrear municipal service fees or rates, in terms of section 20.

Power to terminate or restrict provision of municipal services

16. (1) For the purposes of subsection (2), a final demand notice means a notice contemplated in sections 12(5)(b), 12(7), 13(6) and 14.

(2) Subject to the provisions of subsection (4), the Council may terminate or restrict the provision of any service in terms of the prescribed termination and restriction procedures, to any premises if the customer in respect of the municipal service concerned -

(a) fails to make full payment of arrears specified in a final demand notice sent to the customer concerned, before or on the date for payment contemplated in sections 12(5)(b), 12(7), 13(6) or 14, whichever is applicable, and no circumstances have arisen which requires the Council to send a further final demand notice to that customer in terms of any of those sections, and the customer -

(i) fails to enter into an agreement in terms of section 22, in respect of the arrears concerned before termination or restriction of the service concerned; or

(ii) fails to submit written proof of registration as an indigent person in terms of section 25, before such termination or restriction;

(b) fails to pay any instalment payable in terms of an agreement referred to in paragraph (a)(i) before or on the due date;

(c) fails to comply with any condition of provision imposed by the Council in respect of the service concerned;

(d) obstructs the efficient provision of the service concerned to another customer;

(e) provides the service concerned to a person who is not entitled thereto or permits such provision to continue;

(f) causes a situation relating to any service which, in the opinion of the Council, is dangerous or constitutes a contravention of any applicable law, including the common law;

(g) in any way reinstates the provision of a previously terminated or restricted service;

(h) is placed under provisional sequestration, liquidation or judicial management, or commits an act of insolvency in terms of the Insolvency Act, 1936 (Act No. 24 of 1936) or is subject to an administration order granted in terms of section 74 of the Magistrates Court Act, 1944 (Act No. 32 of 1944), and there is a failure to enter into a new service agreement within 14 days of the Council requiring such service agreement in terms of section 6.

(3) The Council may send a termination notice to a consumer informing him or her -

(a) that the provision of the service concerned will be, or has been terminated on the date specified in such notice; and

(b) of the steps which can be taken to have the service reinstated.

(4) Any action taken in terms of subsections (2) and (3) is subject to compliance with:

(a) the relevant provisions of the Constitution of the Republic of South Africa, Act No. 108 of 1996;

(b) the relevant provisions of the Electricity Act, 1987 (Act No. 41 of 1987), if the provision of electricity is involved;

(c) the relevant provisions of the Health Act, 1977, (Act No. 63 of 1977), and any regulations made in terms of that Act; and

(d) the Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000), in so far as it is applicable.

Reinstatement of municipal services

17. The Council must reinstate full levels of provision of any service terminated or restricted in terms of section 16 after -

(a) the full amount of arrears, including interest and collection charges, if any, have been paid; or

(b) an agreement for payment of the arrears contemplated in paragraph (a) has been entered into in terms of section 22; or

(c) the full amount of arrears in respect of any agreement referred to in paragraph (b), including interest and collection charges if any, and any increase deposit, have been paid, or any additional security required has been provided, and any other condition of the Policy that the Council may consider appropriate, has been complied with.

(2) Any reinstatement in terms of subsection may only be done after an authorised official has issued a written certificate of authorisation to the effect that every applicable condition contemplated in subsection has been complied with and that the municipal service concerned may be reinstated.

Interest charges

18. All arrears in respect of accounts for rates and municipal services bear interest at a rate prescribed.

Collection charges

19. A prescribed collection charge may be levied against the account of a customer, in

respect of any relevant action taken in terms of, or for the purposes of these By-laws.

Full and final settlement of an amount

20. Subject to the provisions of section 9(3), the Council may appropriate monies received in respect of any debt contemplated in these By-laws at its sole discretion, irrespective of any instruction by the customer directing how such monies are to be appropriated.

(2) If any amount due and payable to the Council in terms of these By-laws has not been paid in full, any lesser amount tendered to and accepted by any municipal employee, does not constitute payment in full and final settlement of the full amount, unless the lesser amount was accepted in full and final settlement in writing, under a power delegated or sub-delegated to such employee in terms of section 59 of the Act.

Accounts outstanding after the due date

21. If an account for assessment rates or any municipal service is rendered to a customer remains unpaid, wholly or in part, after the due date for payment stipulated in the account concerned -

(a) the defaulting customer's name may be made public, and may be listed with a credit bureau; and

(b) may be handed over to a debt collector or an attorney for collection.

(2) A customer is liable for any interest and collection charges and in addition payment of a higher deposit or the provision of additional security, if required by the Council.

(3) No action taken in terms of this section may be suspended or withdrawn, unless the arrears, any interest thereon, collection charges, and higher deposit, if required by the Council, have been paid in full or, instead of a higher deposit, additional security has been provided, if so required by the Council.

Agreements for the payment of arrears in instalments

22. (1) A customer with positive proof of identity or a person authorised, in writing, by such customer, may, subject to the approval of the Council, enter into an agreement in a form substantially similar to a form prescribed, for the payment of arrears in instalments.

(2) The amount due and payable by a customer in terms of an agreement contemplated in subsection (1), constitutes a consolidated debt and any payment made by a customer of an amount less than the total amount due, must be allocated in reduction of the consolidated debt in the order prescribed, notwithstanding any instruction to the contrary by the customer concerned.

(3) A customer may be required to arrange a debit order for the payment of arrears in respect of which an agreement contemplated in subsection (1) has been entered into.

(4) Subject to the provisions of subsection (5), no agreement for the payment of arrears may allow for a period of payment of longer than 24 months.

(5) (a) The Council may allow a period of payment in excess of 24 months for the payment of arrears, but not exceeding a period of 60 months, if special circumstances which the customer could not reasonably have prevented or avoided, prevail and which, in the opinion of the Council, warrant a longer period of payment.

(b) Documentary proof of any special circumstances as contemplated in paragraph (a), must be furnished by a customer on request by the Council.

(6) The Council must, in exercising its discretion in terms of subsection (5), have regard to a customer's -

(a) credit record;

(b) consumption;

(c) ability to afford the proposed instalments, taking into account the customer's financial situation;

(d) level of service;

(e) previous breaches of agreements for the payment of arrears in instalments; and

(f) any other relevant factor.

(7) A copy of an agreement contemplated in subsection (1) must, on request, be furnished to the customer concerned.

(8) If a customer fails to comply with an agreement contemplated in subsection (1), the total outstanding amount, including the arrears, any interest thereon, any collection charges, and payment of a higher deposit if required by the Council, will immediately become due and payable, and additional security, if so required, must be provided, without further notice.

(9) If a customer fails to comply with an agreement contemplated in subsection (1) entered into after receipt of a termination notice for water or electricity services, or both, as the case may be, the municipal service concerned may be terminated without further notice, in addition to any other action taken against or which may be taken against the customer concerned.

(10) No customer is permitted to enter into an agreement contemplated in subsection (1) if that customer has failed to honour a previous agreement for the payment of arrears in instalments, unless the Council otherwise decides on good cause shown.

(11) Once an agreement contemplated in subsection (1) has been concluded, the amount in arrears must be reflected as a current amount, and no further interest may be added.

Disputes as to amounts owing

23. If any dispute arises as to any amount owing by a customer, the customer must, pending resolution of that dispute, continue to make regular monthly payments in respect of rates, if applicable, and in respect of any municipal service concerned based on the average monthly fees for the preceding three months prior to the dispute arising, plus interest if applicable, until

the resolution of that dispute.

Dishonoured cheques

24. If any payment is made to the Council by a negotiable instrument, and such negotiable instrument is dishonoured, the Council may levy costs and administration fees against the account of the defaulting customer at a prescribed rate.

CHAPTER 4

INDIGENT PERSONS

Registration as indigent person

25(1) A person who wishes to receive assistance in terms of the Council's policy for the provision of municipal services to indigent persons, must make application for registration as an indigent person on a prescribed form at any of the Council's offices.

(2) An application in terms of subsection (1), must be considered by the Council which must adhere to the principles of transparency, equity, consistency, non-discrimination, accessibility, empathy, integrity, confidentiality and objectivity during the evaluation process.

(3) An applicant, contemplated in subsection (1), must, at the request of the Council, furnish any further information to enable the Council to arrive at a decision and the Council may, for the purpose of properly evaluating the application, also conduct any investigation which it considers appropriate.

(4) An applicant must be informed that he or she will automatically be disqualified from receiving any assistance contemplated in subsection (1), and be liable to -

(a) refund the amount of any such assistance received from the Council, if the application or information contemplated in subsection (3), contains any false information; and

(b) prosecution if any false information as contemplated in paragraph (a) is furnished by the applicant.

(5) If the Council finds an applicant to be indigent, such applicant is entitled to assistance in terms of the Policy referred to in subsection (1), and his or her personal particulars must be recorded in a prescribed register of indigent persons.

(6) The position of every indigent person so recorded, must be reviewed annually by an authorised official in accordance with the directives of the Council.

(7) A successful applicant must be informed in writing that he or she must immediately notify the Council when his or her indigent status has changed.

CHAPTER 5

MISCELLANEOUS

Council's right of access to premises

26. The Council may exercise its right of access to premises in terms of section 101 of the Act through the municipal manager or any authorised official or any duly appointed agent of the Council, authorised thereto in writing.

Conflicting laws

27. If there is any conflict between a provision in these By-laws and a provision of any other bylaw, the provision in these By-laws must prevail.

Preservation of rights consequent on non-compliance

28. A failure by the Council to comply with any provision of these By-laws does not in any way affect the liability of any person to pay any amount due and payable to the Council as contemplated in these By-laws, nor the Council's right to recover such amount.

Transmission of documentation

29. Subject to the provisions of any law, if in terms of or for the purposes of these By-laws any written communication must or may be rendered, sent or delivered -

(a) by the Council to any person, such communication must be -

(i) delivered by hand -

(aa) to that person's domicilium citandi et executandi, as stipulated in an agreement entered into in terms of section 3(c) or 6; or

(bb) in the absence of such agreement, to that person's most recently recorded address; or

(cc) to the premises concerned in respect of which rates are levied or any municipal service is provided, whichever is relevant; or

(ii) sent by post to the address referred to in subparagraph (i)(aa) or (bb), whichever is applicable, or to the address of the premises contemplated in subparagraph (i)(cc).

(b) by any person to the Council, such communication must be -

(i) delivered by hand to -

(aa) the Council's domicilium citandi et executandi stipulated in the agreement contemplated in paragraph (a)(i)(aa); or

(bb) another address, if the Council in writing furnished such an address to the person concerned; or

(ii) sent by post to the address referred to in subparagraph (i)(aa) or, in the circumstances contemplated in subparagraph (i)(bb), to the address contemplated in that subparagraph.

Prima facie evidence of documentation

30. For the purposes of the recovery of any amount due and payable to the Council in terms of these By-laws -

(a) a copy of any relevant account; and

(b) an extract from the Council's records relating to the quantity of consumption or provision of any municipal service and the period of provision of such service, certified by an authorised official as being correct,

shall constitute prima facie evidence of the information contained in such documents.

CHAPTER 6**Appeals against decisions taken by an authorized official**

31. (1) A person whose rights are affected by a decision taken by any authorised official under these By-laws, may appeal against the decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.

(2) The municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).

(3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

(4) When the appeal is against a decision taken by -

(a) a staff member other than the municipal manager, the municipal manager is the appeal authority; or

(b) the municipal manager, the Mayor is the appeal authority.

(5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

CHAPTER 7**GENERAL****Offences**

32. Any person who -

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

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

(c) obstructs or hinders any authorised official in the execution of his or her duties under these by-laws -

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R5 000 or imprisonment for a period not exceeding 3 months or both.

Repeal of existing By-laws

33. The Council's existing Credit Control and Debt Collection by-laws are hereby repealed.

Short title and commencement

34. These by-laws shall be called the Credit Control and Debt Collection By-laws, 200..., and shall come into operation on.....

ELECTRICITY SUPPLY BY-LAWS

Be it enacted by the Council of the Utrecht Municipality, in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

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CHAPTER 1**GENERAL****Definitions**

1. In these by-laws, unless inconsistent with the context, any term defined in the Electricity Act No. 41 of 1987) or Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) and the regulations made in terms thereof shall have the meaning given to it in that Act and -

"accredited person" means a person registered in terms of these by-laws as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;

"applicable standard specification" means-

- (a) SABS 1607 Electromechanical watt-hour meters;
- (b) SABS 1524 Parts 0,1 and 2-Electricity dispensing systems;
- (c) SABS IEC 60211 Maximum demand indicators, Class 1.0;
- (d) SABS IEC 60521 Alternating current electromechanical watt-hour meter (Classes 0.5, 1 and 2);
- (e) SABS 0142 Code of practice for the wiring of premises;
- (f) NRS 048 National Rationalised Specification for the Electricity Supply-Quality of Supply; and
- (g) NRS 057 Electricity Metering;

"approved" means approved in writing by the Engineer;

"certificate of compliance" means a certificate issued in terms of these by-laws in respect of

an electrical installation or part of an electrical installation by an accredited person;

"consumer" means the occupier of any premises to which the Council has agreed to supply or is actually supplying electricity, or, if there is no occupier, any person who has entered into a current agreement with the Council for the supply of electricity to such premises, or, if there is no such person, the owner of the premises;

"conventional meter" means a meter where an account is issued subsequent to the consumption of electricity;

"Council" means the Council of the Utrecht Municipality and its committees or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any power and duties with regard to these bylaws;

"engineer" means the official in charge of the electricity undertaking of the Council or any other person duly authorised to perform this duty on his or her behalf;

"high voltage" means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of 44kV and less than 220 kV [SABS 1019];

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

"medium voltage" means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of 1 kV and less than 44 kV [SABS 1019];

"motor load, total connected" means the sum total of the kW input ratings of all the individual motors connected to an installation; "motor rating" means the maximum continuous kW output of a motor as stated on the maker's rating plate;

"motor starting current" in relation to alternating current motors means the root-mean-square value of the symmetrical current taken by a motor when energised at its rated voltage with its starter in the starting position and the rotor locked;

"NRS 047" means National Rationalised Specification 047: Electricity Supply-Quality of Service; or "occupier", in relation to any premises, means any person -

(a) occupying the premises;

(b) leasing the premises; or

(c) who is not occupying the premises but is entitled to do so;

"owner", in relation to any premises, means -

(a) the person in whose name the title to the premises is registered; or

(b) if the person referred to in (a) is dead, insolvent, mentally ill, a minor or under any legal disability, the executor, guardian or other person who is legally responsible for

administering that person's estate;

"point of metering" means the point at which the consumer's consumption of electricity is metered, whether at the point of supply or at any other point on the distribution system of the Council or the electrical installation of the consumer, as specified by the Engineer; provided that it shall meter all of, and only, the consumer's consumption of electricity;

"point of supply" means the point determined by the Engineer at which electricity is supplied to any premises by the Council; "premises" means any land or any building or structure above or below ground 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; "safety standard" means the Code of Practice for the Wiring of Premises (SABS 0142 incorporated);

"service connection" means all cables and equipment required to connect the supply mains to the electrical installation of the consumer at the point of supply;

"service protective device" means any fuse or circuit breaker installed for the purpose of protecting the Council's equipment from overloads or faults occurring on the installation or on the internal service connection;

"standby supply" means an alternative electricity supply not normally used by the consumer;

"supply mains" means any part of the Council's electricity network;

"tariff" means the Council's tariff of charges for the supply of electricity;

"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; and

"voltage" means the root-mean-square value of electrical potential between two conductors.

CHAPTER 2

GENERAL CONDITIONS OF SUPPLY

Supply by agreement

2. (1) No person shall use or be entitled to use an electricity supply from the Council unless or until such person shall have entered into an agreement in writing with the Council for such supply.

(2) The agreement referred to in subsection (1) shall, together with the provisions of this by-law, govern all aspects of electricity supply.

(3) Any person who uses an electricity supply without entering into an agreement referred to in subsection (1) shall be guilty of an offence and shall be liable for the cost of electricity used as stated in section 44(2) of this by-law.

Application for supply

3.(1) Application for the supply of electricity shall be made in writing by the prospective consumer on the prescribed form obtainable at the office of the Council, and the estimated load, in kVA, of the installation, shall be stated therein.

(2) An application for an electricity supply for a period of less than one year shall be regarded as an application for a temporary supply and shall be considered at the discretion of the Engineer, who may specify any special conditions to be satisfied in such case.

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

Wayleaves

4(1) The Council may refuse to lay or erect a service connection or supply mains above or below ground on any thoroughfare not vested in the Council or on any private property, unless and until the prospective consumer shall have obtained and deposited with the Council 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 upon which any such thoroughfare as aforesaid exists, as the case may be, authorising the laying or erection of a service connection or supply mains 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 or to supply mains in order that the supply 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 is required to be continued.

Electricity tariffs and fees

5.(1) The consumer shall be liable for all charges for all electricity supplied to his or her premises at the prescribed tariff rates.

(2) The Council shall provide a statement of account indicating-

(a) the meter reading;

(b) the meter reading date;

(c) the due date for payment; and

(d) a warning that interest accrues on outstanding amounts and that the supply may be disconnected should the charges in respect of such supply remain unpaid after the due date.

(3) All accounts shall be deemed to be payable when issued by the Council.

(4) An error or omission in any account or failure to render an account shall not relieve the consumer of his obligation to pay the correct amount due for electricity supplied to the premises and the onus shall be on the consumer to satisfy himself that the account rendered is in accordance with the prescribed tariff of charges in respect of electricity supplied to the premises.

Deposits

6(1). The Council reserves the right to require a consumer to deposit a sum of money as security for any charges which are due or may become due to the Council.

(2) The deposit referred to in subsection (1) shall not be regarded as being in payment or part payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff referred to in this by-law.

(3) On cessation of the supply of electricity, the amount of such deposit, free of any interest, less any payments due to the Council shall be refunded to the consumer.

Availability charges

7(1) Availability charges as determined from time to time by the Council are payable to the Council by the owner of immovable property, with or without improvements, which is not connected to the electricity distribution system of the Council, if access to an electricity connection is available to such property.

(2) The provisions of subsection (1) are not applicable to-

(a) immovable property which belongs to the Council;; and

(b) immovable property in respect of which the Council has granted written exemption or partial exemption of payment of the availability charges; provided that the Council may at any time withdraw any such exemption by written notice to the owner of the property concerned stipulating reasons for such withdrawal.

Interest on overdue accounts

8(1) The Council may charge interest on overdue accounts at a rate of interest which is one percent higher than the rate of interest payable by the Council to its bank in respect of an overdraft.

(2) The date on which the payment of interest on arrear accounts will come into effect shall be the eighth day of the month if this day is a week day or the first week day after the eighth if the eighth falls on a weekend or a public holiday.

Leakage of electricity

9. No rebate shall be allowed on any account for electricity supplied and metered as a result of electricity wasted owing to leakage or any other fault in the electrical installation.

Right to disconnect supply

10(1). The Council shall have the right to disconnect electricity supply to any premises if the consumer fails to pay any amount due to the Council in connection with such supply, or, where any of the provisions of this by-law has been contravened, after 48 hour's notice has been given to the consumer of its intention to do so, or, in the case of a grave risk, without notice.

(2) After disconnection for non-payment of an account or a contravention of any provision of this by-law, the prescribed fees and any amounts due for electricity consumed shall be paid before reconnection is made.

Failure of supply

11(1). The Council does not undertake to attend to any failure of supply within a specified time, but shall make all reasonable attempts to attend to any such failure.

(2) When any failure of supply is found to be due to a fault in the electrical installation of the consumer or to the faulty operation of apparatus used in connection therewith, the Council shall have the right to charge the consumer the fee as prescribed by the Council for each restoration of the supply in addition to the cost of making good or repairing any damage which may have been done to the service main and meter by such fault or faulty operation as aforesaid.

Temporary disconnection and reconnection

12(1). The Engineer shall, at the request of the consumer, temporarily disconnect and reconnect the supply to the consumer's electrical installation upon payment of the fee as prescribed by the Council for each such disconnection and subsequent reconnection.

(2) In the event of the necessity arising for the Engineer to effect a temporary disconnection and reconnection of the supply to a consumer's electrical installation and the consumer is in no way responsible for bringing about this necessity, the Engineer shall waive payment of the fee hereinbefore referred to.

(3) The Engineer shall give 48 hour's notice of any proposed temporary disconnection, but may only under exceptional circumstances temporarily disconnect the supply to any premises without notice, for the purpose of effecting repairs or carrying out tests or for any other legitimate purpose.

Temporary supplies

13. It shall be a condition of the giving of any temporary supply, as defined in this by-law, that, if such supply is found to interfere with the efficient and economical supply of electricity to other consumers, the Engineer shall have the right, with notice, or under exceptional circumstances without notice, to terminate such temporary supply at any time and neither the Council nor its employees or contractors shall be liable for any loss or damage occasioned by the consumer by such termination.

Temporary work

14. Electrical installations requiring a temporary supply shall not be connected directly or indirectly to the supply mains except with the special permission in writing of the Engineer. Full information as to the reasons for and nature of such temporary work shall accompany the application for the aforesaid permission, and the Engineer may refuse such permission or may grant the same upon such terms and conditions as may to him appear desirable and necessary.

Load reduction

15(1). At times of peak load, or in an emergency, or when, in the opinion of the Engineer, it is necessary for any reason to reduce the load on the electricity supply system of the Council, the Engineer may without notice interrupt and, for such period as the Engineer may deem necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation. Neither the Council nor its employees or contractors shall be liable for any loss or damage directly or consequentially due to or arising from such interruption and discontinuance of the electricity supply.

(2) The Council may install upon the premises of any consumer such apparatus and equipment as may be necessary to give effect to the provisions of subsection (1), and the Engineer or any duly authorized official of the Council may at any reasonable time enter any premises for the purpose of installing, inspecting, testing adjusting and/or changing such apparatus and equipment.

(3) Notwithstanding the provisions of sub-section (2), the consumer or the owner, as the case may be, shall, when installing an electrically operated water storage heater, provide such necessary accommodation and wiring as the Engineer may require to facilitate the later installation of the apparatus and equipment referred to in sub-section (2).

Medium voltage and low voltage switchgear and equipment

16(1). In cases where a supply is given at either medium voltage or low voltage, 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 a medium voltage supply, all such equipment shall be approved by the Engineer and installed by or under the supervision of the Engineer.

(3) No person shall operate medium voltage switchgear at the points of supply without the written authority of the Engineer.

(4) All medium voltage 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 medium voltage equipment linked to the Council's network shall be conducted by or under the supervision of the Engineer.

(5) In the case of an low voltage supply, the consumer shall provide and install an approved low voltage main switch and/or any other equipment required by the Engineer.

Transformer substation accommodation

17(1). The Engineer may, on such conditions as may be deemed fit, require the owner to provide and maintain approved accommodation which shall constitute a substation and which shall consist of a separate room or rooms to be used exclusively for the purpose of housing:

- (a) medium voltage cables and switchgear;
- (b) transformers;

(c) low voltage cables and switchgear; and

(d) other equipment necessary for the supply requested by the applicant.

(2) The accommodation shall be situated at a point to which free and unrestricted access can be had at all times for purposes connected with the operation and maintenance of the equipment.

(3) The Council reserves the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the Council, such additional accommodation shall be provided by the applicant at the cost of the Council.

Wiring diagram and specification

18(1). When more than one electrical installation or electricity supply from a common main or more than one distribution board or meter is required for any building or block of buildings, the wiring diagram of the circuits starting from the main switch and a specification shall on request be supplied to the Engineer in duplicate for approval before the work commences.

(2) Where an electrical installation is to be supplied from a substation on the same premises on which the current is transformed from high voltage, or from one of the substations of the Council through mains separate from the general distribution system, a complete specification and drawings for the plant to be installed by the consumer shall, if so required, be forwarded to the Engineer for his approval before any material in connection therewith is ordered.

Standby supply

19. No consumer shall be entitled to a standby supply from the Council for any premises having a separate source of electricity supply except with the written consent of the Engineer and subject to such terms and conditions as may be laid down by the Engineer.

Consumer's emergency standby supply equipment

20(1). No emergency standby equipment provided by a consumer in terms of any by-laws shall be connected to any installation without the prior written approval of the Engineer.

(2) Application for approval for the connection of emergency standby equipment, as contemplated in subsection (1), shall be made in writing and shall include a full specification of the equipment and a wiring diagram.

Installation circular letters

21. The Engineer may from time to time issue Installation Circulars to all contractors and/or consulting engineers and/or architects detailing the requirements of the Council regarding matters not specifically covered in this by-law but which are necessary for the safe, efficient operation and management of the supply of electricity.

CHAPTER 3

SPECIFIC CONDITIONS OF SUPPLY

Service connection

22(1). The consumer shall bear the cost of the service connection, as determined by the Council.

(2) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection, laid or erected by the Council, shall vest in the Council.

(3) The Council shall be responsible for the maintenance of the service connection up to the point of supply.

(4) A 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 Engineer.

(5) The consumer shall provide, fix and/or maintain on the consumer's premises such ducts, wireways, trenches and fastenings as may be required by the Engineer for the installation of the service connection.

(6) The conductor used for the service connection shall have a cross-sectional area of not less than 10 mm² and shall be of copper or copper equivalent, and all conductors shall have the same cross-sectional area, unless otherwise approved by the Engineer.

(7) Unless otherwise approved, the Council shall only provide one service connection to each registered erf.

(8) Any covers of a wireway carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals of the Council.

(9) Within the meterbox, the service conductor or cable, as the case may be, shall terminate in an unobscured position and the conductors shall remain visible throughout their length.

(10) In the case of blocks of buildings occupied by a number of individual consumers, separate wireways and conductors or cables shall be laid from the common metering room or rooms to each individual consumer in the blocks of buildings. Alternatively, if bunking is used, the conductors of the individual circuits shall be clearly identified (tied together every 1,5 m) throughout their length.

Metering accommodation

23(1). The consumer shall provide -

(a) approved accommodation in an approved position;

(b) the meter board; and

(c) adequate conductors for the Council's metering equipment, service apparatus and protective devices.

(2) The accommodation and protection referred to in subsection shall be provided 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 connected with the operation and maintenance of the service equipment.

(3) Access at all reasonable hours shall be afforded for the inspection of prepayment meters.

(4) Where sub-metering equipment is installed, accommodation separate from the Council's metering equipment shall be provided.

(5) The consumer or, in the case of a common meter position, the owner of the premises shall provide adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus.

(6) Where in the opinion of the Engineer the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a course of danger to life or property or in any way becomes unsuitable, the consumer shall remove it to a new position, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.

(7) The accommodation for the Council's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices. No apparatus other than that used in connection with the supply and use of electricity shall be installed or stored in such accommodation unless approved.

CHAPTER 4

RESPONSIBILITIES OF CONSUMERS

Consumer to erect and maintain electrical installation

24. Any electrical installation connected or to be connected to the supply mains, and any additions or amendments thereto which may be made from time to time, shall be provided and erected and maintained and kept in good order by the consumer at the consumer's own expense and in accordance with this by-law.

Fault in electrical installation

25(1). 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 Council and shall immediately take steps to remedy the fault, failing which the Council may itself remedy such fault, subject to sub-section (2).

(2) The Engineer may require the consumer to reimburse the Council for any expense to which it may be put in connection with a fault in the electrical installation.

Discontinuance of use of supply

26. In the event of a consumer desiring to discontinue using the electricity supply, he shall give at least two full working days' notice in writing of such intended discontinuance to the Council, failing which the consumer shall remain liable for all payments due in terms of the

tariff for the supply of electricity until the expiration of two full working days after such notice has been given.

Change of occupier

27(1). In the case of a change of occupier, the consumer shall give the Council not less than two full working days' notice in writing of the consumer's intention to discontinue using the electricity supply, failing which the consumer shall remain liable for such supply.

(2) If the new consumer desires to continue using the electricity supply, the new consumer shall make application in accordance with the provisions of section 3 of this by-law. If the new occupier fails to make application for an electricity supply within ten working days of taking occupation of the premises, the supply shall be disconnected, and the new occupier shall be liable to the Council for the electricity supply from the date of occupation until such time as the supply is so disconnected.

Service apparatus

28(1). The consumer shall be liable for all costs to the Council arising from damage to or loss of any metering equipment, service protective device, service connection or other apparatus on the premises, unless such damage or loss is shown to have been occasioned by an Act of God or an act or omission of an employee of the Council or caused by an abnormality in the supply of electricity to the premises.

(2) If, during a period of disconnection of an installation from the supply mains, the service main, metering equipment or any other service apparatus, being the property of the Council and having been previously used, have been removed without its permission or have been damaged so as to render reconnection dangerous, the owner or occupier of the premises, as the case may be, during such period shall bear the cost of overhauling and/or replacing them.

(3) Where there is a common metering position, the owner of the premises shall be liable on the basis set out in sub-section (1).

CHAPTER 5

UNAUTHORISED ACTIONS

Tampering with service connection or supply mains

29(1). No person shall in any manner or for any reason whatsoever tamper or interfere with any meter or service connection or service protective device or supply mains or any other equipment of the Council, housed on the property of the consumer.

(2) Where prima facie evidence of tampering exists, or where metering equipment has been by-passed, the Council shall have the right to disconnect the supply immediately and without prior notice to the consumer.

(3) The consumer shall be liable for all fees and charges levied by the Council for such disconnection.

(4) In cases where the tampering or by-passing has resulted in the metering equipment recording less than the true consumption, the Council shall have the right to recover from the

consumer the full cost of estimated consumption.

Removal of seals

30. The meter, service protective devices and all apparatus belonging to the Council shall be sealed or locked by a duly authorized official of the Council, and no person not being an official of the Council duly authorised thereto shall in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with such seals or locks.

Prevention of tampering with service connection or supply mains

31. If the Engineer decides that it is necessary or desirable to take special precautions in order to prevent tampering with any portion of the supply mains, service connection or meter, the consumer shall either supply and install the necessary protection or pay the costs thereof where such protection is supplied by the Council.

Unauthorised connections

32. No unauthorized person shall directly or indirectly connect, attempt to connect or cause or permit to be connected any electrical installation or part thereof to the supply mains or service connection.

Unauthorised reconnections

33. No unauthorized person shall reconnect, attempt to reconnect or cause or permit to be reconnected to the supply mains or service connection any electrical installation or installations which has or have been disconnected by the Council.

(2) Where the supply that has previously been disconnected is found to have been reconnected, the consumer using the supply shall be liable for all charges for electricity consumed between the date of disconnection and the date the supply was found to be reconnected and any other charges raised in this regard in terms of Council's tariff.

Improper use

34(1). If the consumer uses electricity for any purpose or deals with the electricity in any manner which the Engineer reasonable believes interferes in an improper or unsafe manner or is could interfere in an improper or unsafe manner with the efficient supply of electricity to any other consumer, the Council may give written notice to the consumer concerned to desist from such use or dealing within a stipulated period, failing which the Council may without further notice disconnect the electricity supply to such consumer; provided that such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed to the satisfaction of the Engineer.

(2) The fee as prescribed by the Council for the disconnection and reconnection shall be paid by the consumer before the electricity supply is restored, unless it can be shown to the satisfaction of the Engineer that the consumer did not use or deal with the electricity in an improper or unsafe manner.

Protection of electrical distribution system

35(1). No person shall, except with the consent of the Engineer and subject to such conditions

as 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 such a position or in such a manner as to interfere with or endanger the electrical distribution system;

(b) excavate, open up or remove the ground above, next to or under any part of the electrical distribution system;

(c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the electrical distribution system;

(d) make any opening in any part of the electrical distribution system or obstruct or divert or cause to be obstructed or diverted any electricity there from;

(e) the owner shall limit the height of trees or length of projecting branches in the proximity of overhead lines or provide a means of protection which in the opinion of the Engineer will adequately prevent the tree from interfering with the conductors should the tree or branch fall or be cut down. Should the owner fail to observe this provision, the Council shall have the right, after prior written notification, 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 provision and shall be entitled to enter the property for this purpose;

(f) the cost of any such work carried out by the Council which was necessary due to the contravention of this by-law, shall be to the account of the person who acted in contravention of this by-law.

(2) The Engineer may-

(a) demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention with this by-law;

(b) fill in and make good any ground excavated or removed in contravention with this by-law;

(c) repair and make good any damage done in contravention of this by-law or resulting from a contravention of this by-law; and

(d) remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.

CHAPTER 6

SYSTEMS OF SUPPLY

Load requirements

36. Alternating current supplies shall be given as prescribed by the Electricity Act, 1987 (Act No. 41 of 1987), and in the absence of a quality of supply agreement, as set out in NRS 048.

Load limitations Natal 1249

37(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 15 kVA, 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.

Interference with other consumers

38(1). No consumer shall operate electrical equipment having load characteristics which, singly or collectively, give rise to voltage variations, harmonic currents or voltages, or unbalanced phase currents which fall outside the standards determined by the Engineer.

(2) The assessment of interference with other consumers shall be carried out by means of measurement taken at the point of common coupling.

Supplies to motors

39(1). The following limitations are given as a guide in order to comply with section 50:

Limited size for LOW VOLTAGE motors

The rating of an LOW VOLTAGE 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.

(2) Maximum starting and accelerating currents of three-phase alternating current motors

The starting current of three-phase LOW VOLTAGE motors permitted shall be related to the capacity of the consumer's service connection, as follows:

Insulated Service Cable, size in mm ² , Equivalent	Maximum permissible starting current A	Suggested maximum motor rating in kW 1
mm ²		
Direct on line (6x Star/Delta (2,5 x		Other means (1,5 x
full-load	full-load	full-load

current) kW	current) kW	current) 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

(3) Consumers supplied at medium voltage In an installation supplied at medium voltage the starting current of an LOW VOLTAGE motor shall be limited to 1,5 times the rated full-load current of the transformer supplying such a motor.

Power factor

40. If required by the Engineer, 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 subsection , 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.

Protection

41. Electrical protective devices for motors shall be of such a design as effectively to prevent sustained over-current and single phasing, where applicable.

CHAPTER 7

MEASUREMENT OF ELECTRICITY

Metering

42(1). The Council shall, at the consumer's cost in the form of a direct charge or prescribed fee, 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 consumer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the Council and read at the end of such period except where the metering equipment is found to be defective, in which case the consumption for the period shall be estimated.

(3) Where the electricity used by a consumer is charged at different tariff rates, the consumption shall be metered separately for each rate.

(4) The Engineer 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 Engineer.

Accuracy of metering

43(1). A meter shall be conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in sub-section (5) hereof, is found to be within the limits of error as laid down in NRS 057 Part 2: Electricity Metering: Minimum Requirements.

(2) The Council shall have the right to test its metering equipment. If it is established by test or otherwise that such metering equipment is defective, the Council shall-

(i) in the case of a conventional meter, adjust the account rendered;

(ii) in the case of prepayment meters,

(a) render an account where the meter has been under-registering, or

(b) issue a free token where the meter has been over-registering, in accordance with the provisions of subsection (6).

(3) The consumer shall be entitled to have the metering equipment tested by the Council on payment of the prescribed fee. If the metering equipment is found not to comply with the system accuracy requirements laid down in NRS 057 Part 2, an adjustment in accordance with the provisions of subsections (2) and (6) shall be made and the aforesaid fee shall be refunded.

(4) In case of a dispute, the consumer shall have the right at his own cost to have the metering equipment under dispute tested by an independent testing authority accredited by the South African Accreditation Services and the result of such test shall be final and binding on both parties.

(5) Meters shall be tested in the manner prescribed by NRS 057 Part 2: Electricity Metering: Minimum Requirements.

(6) When an adjustment is made to the electricity consumption registered on a meter in terms of sub-section (2) or (3), such adjustment shall either be based on the percentage error of the meter as determined by the test referred to in sub-section (5) or upon a calculation by the Engineer from consumption data in his possession. Where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect the consumption of electricity.

(7) When an adjustment is made as contemplated in subsection (6), the adjustment may not exceed a period of six months preceding the date on which the metering equipment was found to be inaccurate. The application of this section does not bar a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.

(8) Where the actual load of a consumer differs from the initial estimated load provided for under section 7 to the extent that the Council deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the consumer.

(9) (a) Prior to the Council making any upward adjustment to an account in terms of subsection (6), the Engineer shall-

(i) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefore;

(ii) in such notification provide sufficient particulars to enable the consumer to submit representations thereon; and

(iii) call upon the consumer in such notice to provide him with reasons in writing, if any, within 21 days or such longer period as the Engineer may permit why his account should be adjusted as notified.

(b) The Engineer shall consider any reasons provided by the consumer in terms of subsection (9)(a) and shall, if satisfied that a case has been made out therefor, adjust the account appropriately.

(c) Should the consumer fail to make any representations during the said period or should the Engineer not be satisfied that a case exists for the variation of the account, the Council shall be entitled to adjust the account as notified in terms of subsection (9)(a)(i).

Reading of conventional meters

44(1). Unless otherwise prescribed, conventional meters shall normally be read at intervals of one month and the fixed or minimum charges due in terms of the tariff shall be assessed accordingly. The Council shall not be obliged to effect any adjustments to such charges.

(2) If for any reason the conventional meter cannot be read, the Council may render an estimated account. The energy consumption shall be adjusted in a subsequent account in accordance with the energy consumption actually used.

(3) When a consumer vacates a property and a final reading is not possible, an estimation of the consumption may be made and the final account rendered accordingly.

(4) If a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed fee.

(5) If any calculating, reading or metering error is discovered in respect of any account rendered to a consumer, the error shall be corrected in subsequent accounts. Any such correction shall only apply in respect of accounts for a period of three years preceding the date on which the error in the accounts was discovered, shall be free of interest up to the date on which the correction is found to be necessary, and shall be based on the actual tariffs applicable during the period.

Prepayment metering

45(1). No refund of the amount tendered for the purchase of electricity credit shall be given at

the point of sale after initiation of the process by which the prepayment meter token is produced.

(2) Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer.

(3) When a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer.

(4) The Council shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, prepayment meters and/or tokens.

(5) Where a consumer is indebted to the Council for electricity consumed or to the Service Authority for any other service supplied by the Service Authority (including rates) or for any charges previously raised against him in connection with any service rendered, the Council may deduct a percentage from the amount tendered to offset the amount owing to the Service Authority and/or Service Provider, as set out in the section 4 agreement for the supply of electricity.

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

CHAPTER 8

ELECTRICAL CONTRACTORS

In addition to the requirements of the By-laws the following requirements shall apply:

46(1) . Where an application for a new or increased supply of electricity has been made to the Council the Engineer may at his discretion accept notification of the completion of any pan of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such pan of the electrical installation may, at the discretion of the Engineer, be inspected, tested and connected to the supply mains as though it were a complete installation.

(2) The examination, test and inspection that may be carried out at the discretion of the Council in no way relieves the electrical contractor/accredited person or the user or lessor, as the case may be, from his responsibility for any defect in the installation. Such examination, test and inspection shall not be taken under any circumstances (even where the electrical installation has been connected to the supply mains) as indicating or guaranteeing in any way that the electrical installation has been carried out efficiently with the most suitable materials for the purpose or that it is in accordance with this by-law or the safety standard, and the Service Authority nor the Council shall be held responsible for any defect or fault in such electrical installation.

(3) Neither the Service Authority nor the Council shall be held responsible for the work done by the electrical contractor/accredited person on a consumer's premises and, furthermore, the Service Authority and the Council shall not in any way be responsible for any loss or damage which may be occasioned by fire or by any accident arising from the state of the wiring on the premises.

Right of admittance to inspect, test and/or do maintenance work -

47. The Engineer or any duly authorised official of the Council may at any reasonable time, or, in an emergency, at any time enter any premises when there are reasonable grounds for supposing that a breach of this by-law has been or is being committed, and may remove any earth, bricks stone, iron or woodwork or other covering on any portion of the premises for purposes of inspection, and the Council shall not be liable for any damage as a result of such removal but shall restore such premises to their former condition should no breach of this by-law be discovered.

Refusal or failure to give information

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

Hindering officials

49. No person shall wilfully hinder, obstruct, interfere with or refuse admittance to the Engineer or any duly authorised official or agent of the Council in the performance of his duty under this by-law or of any duty connected therewith or relating thereto.

CHAPTER 9 PENALTIES

50(1). Any person who contravenes any of the provisions of sections 4, 6, 12, 13, 20, 25, 26, 27, 29 and 30 of this by-law shall be guilty of an offence and liable upon conviction to the penalties prescribed in the Municipal Systems Act.

(2) Every person committing a breach of the provisions of this by-law shall be liable to recompense the Service Authority or the Council as the case may be for any loss or damage suffered or sustained by it in consequence of such breach.

(3) The occupier, as defined in section 1 of this by-law, shall be guilty of a contravention under section 26 unless he proves the contrary on a balance of probability.

CHAPTER 10**GENERAL****Arbitration**

51. If at any time any difference or question arises between the Council and the consumer as to the construction, meaning or effect of this by-law or as to the rights, obligations or liabilities of either party thereunder, such difference or question or matter or thing so subject to agreement or adjustment shall be referred to the National Electricity Regulator for a decision, failing which shall be determined by arbitration in terms of the provisions of the Arbitration Act, 1965 (Act No. 42 of 1965), as amended.

Indemnity

52. The Council shall not be liable for any loss or damage, direct or consequential, suffered or sustained by a consumer as a result of or arising from the cessation, interruption or discontinuance of the supply of electricity, unless caused by negligence on the part of the Council.

Offences

53. Any person who -

- (a) contravenes or fails to comply with any provisions of these by-laws;
- (b) fails to comply with any notice issued in terms of these by-laws;
- (c) fails to comply with any lawful instruction given in terms of these by-laws; or
- (d) obstructs or hinders any authorised official in the execution of his or her duties under these by-laws -

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R15 000 or imprisonment for a period not exceeding 6 months or both.

Repeal of existing By-laws

54. The Council's existing Electricity Supply Bylaws by-laws are hereby repealed.

Short title and commencement

55. These by-laws shall be called the Electricity Supply By-laws, 200..., and shall come into operation on.....

TARIFF POLICY FOR INDIGENT PERSONS BY-LAWS

Be it enacted by the Council of the Utrecht Municipality, in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

INDEX**CHAPTER 1: DEFINITIONS**

1. Definitions

CHAPTER 2: FREE BASIC SERVICES

2. Qualification
3. Excess consumption
4. Voluntary restriction

5. Non-payment

CHAPTER 3: LIFE LINE SERVICES

6. Application

7. Non-payment

CHAPTER 4: GENERAL

8. Appeals

9. Repeal of existing By-laws

10. Short title and commencement

CHAPTER 1: DEFINITIONS

Definitions

1. In these bylaws, unless the context indicates otherwise -

"beneficiary" or "beneficiaries" means the -

(a) the owner and the occupiers of a property, where the owner occupies the property with other occupiers; or

(b) the occupiers of a property, where the owner does not occupy the property, where the combined income level of the owners and/or occupiers does not exceed the level determined by Council by resolution from time to time;

"beneficiary property" a residential property owned or occupied by a beneficiary or beneficiaries;

"Council" means the Council of the Utrecht Municipality and its committees or any official or agent of the Municipality who has been authorized by the Council to administer, implement, and enforce the provisions of these Bylaws.;

"consumption" means the ordinary use of municipal services for domestic or household services;

"due date" means, in the absence of any express agreement to the contrary, the date determined from time to time by the Council as the last date on which any account for municipal services rendered shall be paid;

"free basic water allocation" means the maximum amount of water which will be provided free of charge to indigent persons as reflected in Council's tariffs from time to time;

"free basic services" means free refuse removal or any other service provided by the Municipality without charge;

"income level" means the total, combined income of -

(c) the owner and all the occupiers of a beneficiary property, where the owner occupies the property with other occupiers; or

(d) all the occupiers of a beneficiary property, where the owner does not occupy the property, regardless of the source of such income;

"life line services" means refuse removal provided at the life line tariff determined by Council by resolution from time to time;

"municipal services" means domestic electricity and refuse removal services provided by the Council;

"municipal value" means the total combined value of land and the buildings on a beneficiary property, as reflected in the municipal valuation roll;

"occupier" means any person in actual occupation of a beneficiary property without regard to the title under which he or she occupies, if any; and

"owner" means the person in whose name legal title in the beneficiary property is vested.

CHAPTER 2: FREE BASIC SERVICES

Qualification

2. The owners and/or occupiers of a beneficiary property shall automatically qualify for free basic services where the municipal value of the land and buildings on such property is equal to, or less than, the value determined by resolution of the Council from time to time, as reflected in the Council's tariffs.

Excess consumption

3. Where the consumption of any municipal service on the beneficiary property exceeds the free basic allocation thereof, such excessive consumption will be billed at the normal tariff as determined by the Council from time to time.

Voluntary restriction

4(1). A beneficiary may request the Council to restrict the supply of any municipal service in any manner possible, including, where possible, installing a variable flow-restricting device to the supply of such service to the beneficiary property in order to ensure that consumption does not exceed the free basic allocation thereof.

(2) There shall be no charge for the installation of a variable flow-restricting device in terms of subsection (1).

Non-payment

5. In the event that a beneficiary fails to pay any account by due date, notwithstanding that the beneficiary may qualify for free basic services, the Council may -

- (a) restrict the supply of the municipal service concerned to the beneficiary property;
- (b) disconnect or discontinue the supply of such service to the beneficiary property; or
- (c) take any other action permitted in terms of the Council's credit control by-laws.

CHAPTER 3: LIFE LINE SERVICES

Application

6(1). The owners and/or occupiers of a residential property who do not qualify as beneficiaries, but whose level of income is less than or equal to the amount determined by Council as qualifying for life line services, may apply in writing to the Council for life line services.

(2) Where life line services are granted, such grant shall be valid for one year.

Non-payment

7. In the event that an owner or occupier fails to pay any account by due date, notwithstanding that the owner or occupier may have been granted life line services, the Council may-

- (a) restrict the supply of water to the property;
- (b) disconnect the electricity supply to the property; or
- (c) take any other action permitted in terms of the Council's credit control by-laws.

CHAPTER 4: GENERAL

Appeals

8(1). A person whose rights are affected by a decision taken by any authorised official under these by-laws, may appeal against the decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.

(2) The municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).

(3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

(4) When the appeal is against a decision taken by -

- (a) a staff member other than the municipal manager, the municipal manager is the appeal authority; or
- (b) the municipal manager, the Mayor is the appeal authority.

(5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

Repeal of existing By-laws

9. The Council's existing Tariff Policy By-Laws for Indigent Persons are hereby repealed.

Short title and commencement

10. These by-laws shall be called the Tariff Policy By-Laws For Indigent Persons, 200..., and shall come into operation on.....

MUNICIPALITY PUBLIC TRANSPORT BY-LAWS

Be it enacted by the Council of the Utrecht Municipality, in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, and approval of the Member of the Executive Council responsible for Local Government in terms of Section 80 A of the National Road Act No 93 of 1996, as amended, in the Province of KwaZulu- Natal, read with section 11 of the Local Government: Municipal Systems Act No. 32 2000, as follows :

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3. Driver to keep engagement

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21. Repeal of By-laws
22. Short title and commencement

CHAPTER 1

DEFINITIONS

Definitions 1. In this by-law, unless the context indicates otherwise, any word or expression defined in the Act shall bear the meaning so given to it.

"authorised official " means any official of the Council who has been authorised by it to administer, implement, and enforce the provisions of these by-law;

"bus rank" means any place designated or any area demarcated for the exclusive parking of busses;

"Bus stop " means any place or area designated or demarcated as a bus stop, by a road traffic sign, for the purposes of loading and off loading passengers;

"Chief Traffic Officer " means the person appointed as such by Council, or during his or her absence, the officer acting in that capacity and includes any employee of the Council acting

under control of the Chief Traffic Officer;

"Council" means the Council of the Utrecht Municipality and its committees or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any power and duties with regard to these bylaws;

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

"Medical Officer of Health" means a person appointed as such under section 22 or 25 of the Health Act No 63 of 1977;

"notice" means an adequate notice in words or in sign, erected or posted in a prominent position;

"Parking bay" means any portion of a public demarcated as a parking bay or parking place for the by a road traffic sign or marking;

"Prescribed fee" means a fee determined by the Council by resolution in terms of section 10 G (7) (a) (ii) of the Local Council Government Transition Act No. 209 of 1993 or any applicable legislation.;

"Prescribed tariff " means the fares and charges prescribed by in any journey undertaken in a taxi or a bus;

"Public car park" means any land reserved as a park as indicated in the town planning maps of the Utrecht Municipality.

"Public road" means a public road a defined in the National Road Traffic Act No.93 of 1996 as amended;

"road carrier permit " means a public road permit issued in terms of the Road Traffic Transportation Act no 74 of 1977;

"Road Traffic Act " means the National Road Traffic Act No 93 of 1996 (as Amended);

"Taxi" means a public motor vehicle (other than a public bus) used for the conveyance of passengers or of passengers and goods;

"Taxi meter cab" means a motor vehicle licensed to transport passengers in return for payment of a fare;

"Taximeter" means a devise used in taxis that automatically records the distance traveled and the fare payable;

"taxi rank" means any place designated or area demarcated as a taxi rank or for the exclusive parking of taxis by a road traffic sign;

"Traffic offer" means the same as the meaning in the Road Traffic Act;

CHAPTER 2

TAXI METER CAB

Driver to take shortest route

2(1). A driver of any taxi meter cab must, while the taxi meter cab is hired, drive to the passenger's destination along the shortest route, unless another route is agreed on or directed by the passenger;

(2) A taxi meter cab driver must have a current map of the municipal area in his or her possession, which must be made available by the driver to a passenger on request.

Driver to keep engagement

3(1). A driver of any taxi meter cab must convey a passenger and his or her personal effects to the destination agreed upon between the passenger and the driver;

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

Operation of taxi meter cab

4(1). The driver of a meter taxi cab fitted with the taximeter must, as soon as the driver arrives at the point where his or her hiring commences and not sooner, set the taxi meter in motion, and must upon the termination of hiring immediately stop the taximeter from receding;

(2) Upon the occurrence of any stoppage not caused by traffic congestion or by the action or request of any passenger, the said driver must for the duration of such stoppage stop the taxi meter from recording.

CHAPTER 3

BUSES

Stopping places

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

Entering and alighting from a bus

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

Driver to stop at stopping places

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

CHAPTER 4**RANK PERMIT FOR BUSES, TAXI METER, TAXIS****Permits**

8(1). A bus, taxi or taxi meter operating within the Council's area of jurisdiction shall hold a rank permit which shall be obtained from the offices of the Chief Traffic Officer within its jurisdiction;

(2) Any person wishing to obtain a rank permit shall submit an application to the Chief Traffic Officer on the prescribe form obtainable from the offices of Chief Traffic Officer within his or her jurisdiction;

(3) The Chief Traffic Officer may grant the rank permit if he or she is satisfied-

(a) that the motor vehicle concerned -

(i) complies with the provisions of this chapter and any law applicable to the testing of motor vehicles prescribe by the Road Traffic Act No 93 of 1996 as amended;

(ii) that the taxi meter cab has been fitted with the taximeter;

(b) that it is permitted to operate as a motor vehicle use for hire;

(c) that the taxi rank fee or fees determined by Council from time to time , have been paid; and

(d) that the applicant is in possession of a valid certificate from the Local Road Transportation Board to operate the said motor vehicle in the area jurisdiction of the Council.

(4) the Council may when granting rank permit, impose conditions, restrictions and requirements in respect of the motor vehicle concerned, its equipage and the use of the taxis and buses rank ;

(5) the Council shall, with every rank permit issue , issue a token specifying-

(a) the year for which such permit has been granted;

(b) the registration mark allocate to the motor vehicle;

(c) the make of such motor vehicle;

(d) the area, taxi or bus rank from which the motor vehicle may ply for hire; and

(e) the number of the taxi, taxi meter cab and bus approved for use by such motor vehicle;

(6) the owner of the taxi, taxi meter cab and bus in respect of which a rank permit has been issued under these by-laws, shall advise the Chief Traffic Officer-

(a) of any change of his or her residential and or postal address during the validity of such permit; or

(b) when disposing of or otherwise ceasing to be the owner of motor vehicle during the said year, the name and address of the person to whom the motor vehicle is being disposed to or other cause of his or her ceasing to be the owner, within 31 days of the event.

Period of validity of rank permit and token

9. A rank permit and token shall be valid from the date of issue until the expiry of one year immediately thereafter.

Suspension of rank permit

10(1). The Chief Traffic Officer may by notice in writing suspend the operation of the current rank permit issue in respect of any motor vehicle if it fails to comply with the requirements or restriction imposed under these by-laws;

(2) The owner shall within 7(seven) days, upon receipt of such notice , deliver the token to the Chief Traffic Officer within his or her jurisdiction;

(3) The suspension shall be withdrawn by the Chief Traffic Officer on condition that the owner has complied with provisions of these by-laws within 7 (seven) days and the Chief Traffic Officer is satisfied with same.

Restrictions relating to rank permit and token

11. No person shall-

(a) affix a token to any other motor vehicle other than the motor vehicle the token was issued for;

(b) operate the motor vehicle -

(i) unless the token of that taxi, taxi meter cab and bus is affixed on the left hand side of the windscreen thereof so that its face is clearly visible from the outside;

(ii) while any token which has ceased to be valid is affixed to such motor vehicle;

(iii) while the operation of the rank permit in respect of such motor vehicle issued is suspended under section 10 above.

CHAPTER 5

GENERAL

Parking of taxi meter cab, taxi, bus

12. No person may park a taxi meter cab, taxi, bus on any public road for the purpose of providing a transport service, except in an exclusive parking bay, marked by a road traffic sign as prescribe in terms of the National Road Traffic Act No. 93 of 1996 as amended , for that motor vehicle.

Entering and alighting from the taxi meter cab, taxi, bus

13. A prospective passenger of a taxi meter cab, taxi, bus, as defined in the National Land Transport Transition Act No 22 of 2000, may only enter or alight from a bus, taxi meter cab and taxi, at a stopping place designated by the Council for that purpose.

Stopping places

14(1). No driver of a public motor vehicle, as defined in the National Land Transport Transition Act No 22 of 2000 may stop it for the purpose of picking up or settling down any passenger, except at a stopping place designated by the Council;

(2) The driver of a public motor vehicle engaged in a public passenger road service, which at the time is not carrying the maximum number of passengers the motor vehicle is lawfully entitled to carry, must stop at any designate place if a prospective passenger is waiting at such stopping place and, where applicable, indicates by hand or sign language that his or her intended destination is along the route of the public motor vehicle concerned.

Engagement of passengers

15(1). No driver of taxi meter cab, taxi, bus ,may by using force or threat, or any other offensive manner prevent or seek to prevent any person from hiring any other taxi meter cab, taxi or seek to prevent the driver of such other taxi meter cab, taxi, bus from obtaining or conveying a passenger or a load;

(2) No person may use force, a threat or any clandestine or other method, to prevent or attempt to prevent any person from participating in a lift club;

Entitlement to refuse to convey or carry certain persons

16(1). A driver of a motor vehicle engaged in a public passenger road transport may refuse to convey or carry -

(a) any person if he believes on reasonable grounds that the presence of such person in the motor vehicle is likely to pose serious risk to the health or safety of either himself or other passengers by reason of such person being obviously in a state of filth, obviously suffering from any easily transmissible contagious disease or obviously in a state of physical aggression or violence; or

(b) any dead animal except animal or poultry intended for human consumption if the animal or poultry is properly wrapped

(2) No person who has another person in his or her care who, to his or her knowledge, has been exposed to or contaminated with any deadly contagious disease which is transmissible through air or casual contact may place such person in any taxi meter cab, taxi or bus.

(3) No person who is obviously in a state of filth, physical aggression or violence, or who is

obviously suffering from any deadly contagious disease which is easily transmissible through air or casual contact may enter any taxi meter cab, taxi or bus or, having entered, remain upon such motor vehicle after being requested by the driver or conductor thereof to leave the motor vehicle;

(4) The owner, driver, conductor or any person in charge of a motor vehicle in a public passenger road transport service must immediately take steps as soon as it comes to his or her knowledge that-

(a) any person suffering from a deadly disease which is easily transmissible through air or casual contact; or

(b) the body of person who has died of such disease; or

(c) anything which has been exposed to or contaminated with such disease;

has been conveyed in or upon such public motor vehicle engaged in a public passenger road transport service to report the matter to the Medical Officer of Health;

(2) The owner, driver, conductor or other person must carry out the instructions issued by the Medical Officer of Health with regard to the disinfection of such motor vehicle engaged in a public passenger road transport services.

Property left in taxi meter cab, taxi, bus

17(1). If any property is left in a public motor vehicle engaged in a public road transport service is not claimed within 24 hours after it has been discovered in such public motor vehicle, the driver or conductor of the public motor vehicle must-

(a) if he or she belongs to a taxi association, take such property to the nearest office of such association;

(b) if he or she uses a bus depot for the purposes of the business in which he or she is engaged, take such property to such depot; or

(c) if he or she does not belong to a taxi association or use a bus depot for the purpose of the business concerned, take such property to the relevant South African Police Station which has jurisdiction, and obtained a receipt from the person with whom the property is deposited, or the officer on duty at the relevant South African Police Services which has jurisdiction, as the case may be;

(2) if the property referred to is not claimed within seven (7) days of its receipt in the office of the offices of the relevant taxi association or bus depot, the person with whom it was deposited must take it to the South African Police Services.

Queue marshal

18(1). A queue marshal at any rank must be clearly identifiable and must display his or her name in a conspicuous manner on his or her clothing below left shoulder;

(2) A queue marshal must discharge his or her duties in a courteous and polite manner and show respect to every passenger;

(3) Where a queue marshal is controlling the entry onto taxi meter cab, taxi, bus, he or she must not allow more than the number of passengers permitted by law, to enter such taxi meter cab, taxi, bus.

Rank managers

19(1). The Taxi Association may appoint rank managers to manage taxi ranks and ensure that there is no shortage of taxis in taxi ranks;

(2) The rank managers may also assist in any manner which ensures a smooth operation of taxis in their areas which shall be stipulated by the Taxi Association;

(3) A remuneration shall be paid by the Taxi Association to the rank managers for their assistance at the tax rank;

(4) The rank managers shall be clearly identifiable and must accept any grievance or complaint from any passenger about a taxi, a taxi driver or a queue marshal.

Offences and penalties

20. Any person who-

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

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

(c) fails to comply with any lawful instruction given in terms of these by-laws'

(d) who obstructs or hinders any authorised official of the Council in the execution of his or her duties under these by-laws, is guilty of an offence and liable to a fine of R1000.00 and or imprisonment for a period not exceeding one year

CHAPTER 6

GENERAL PROVISIONS

Repeal of existing By-laws

21. The Council's existing Municipality Public Transport by-laws are hereby repealed.

Short title and commencement

22. These by-laws shall be called the Municipal Public Transport By-laws, 200..., and shall come into operation on.....

PROPERTY ENCROACHMENT BYLAWS

Be it enacted by the Council of the Utrecht Municipality, in terms of section 156 of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996), read with section 11 of the Local Government; Municipal Systems Act, 2000 (Act No. 32 of 2000), as follows:

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CHAPTER 1

DEFINITIONS

Definitions

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

"Council" means the Council of the Utrecht Municipality and its committees or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;

"council property" means any property, including but not limited to public roads -

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

"encroachment" means any physical object which intrudes on Council property;

"prescribed" means determined by resolution of the Council made from time to time;

"prescribed fee" means a fee determined by the Council by resolution from time to time;

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

- (a) the verge of any such road, street or thoroughfare;
- (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
- (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare.

Council permission required

2(1). No person may, without prior written permission obtained from the Council, make or construct any encroachment into, over or under any Council property.

(2) The Council may in its sole discretion -

- (a) refuse the permission required in terms of subsection ; or
- (b) grant such permission either unconditionally or subject to such conditions as may be determined by upon the conditions and subject to the payment of the prescribed fee annually or the performance of the works or services determined by the Council in each case.

(3) The prescribed fees mentioned in subsection (2) are payable in advance at the beginning of each year which is calculated from date of approval or the period determined by the Council, and the owner is liable for the payment of prescribed fees in terms of these by-laws for each encroachment.

(4) The owner of any existing encroachment must within three months after the date of commencement of these by-laws make application to the Council on the prescribed form for permission for the existence of the encroachment in terms of these by-laws.

Rules for the construction of encroachments

3(1). The design, arrangement and construction of verandas, balconies, bay windows and

other encroachments over Council property, as well as the paving, kerb and gutter thereof, must be to the satisfaction of and to the levels approved by the Council.

(2) If corrugated iron is used for covering a veranda, its exposed surfaces must be painted in a colour which will not probably or in fact be unsightly or objectionable.

(3) A veranda over a public road must correspond in line, height and detail with existing adjoining verandas.

Columns

4(1). The Council may determine areas within the municipal boundary where no person is permitted to place veranda columns over any public road or pavement.

(2) No person may place any veranda column -

(a) over any pavement where such pavement is less than 2,6 m wide;

(b) more than 3 m from the building line measured to the outside of the column or at less than 3 m centre to centre;

(c) over any pavement at the corner of a public road that is beyond the alignment of the building lines; and

(d) at a distance lesser than 600 mm back from the front edge of any kerb.

(6) No person may place a twin or double veranda column over any public road or pavement.

(7) Where verandas are supported on columns-(a) the columns may not have square arris;

(b) no base may project more than 50 mm beyond the bottom diameter of the column; and

(c) the maximum horizontal axial dimensions of such base may not exceed 350 mm.

(8) Where the form of a column is classic in character, the shaft must have suitable entasis and cap and base in due proportions.

(9) Columns, including cap and base, may not be less than 3 m or more than 3,6 m in height and not more than 4,5 m including plinth.

(10) The minimum height from the footway or sidewalk to the underside of each cantilever or fascia girder is 3 m.

(11) A coping, blocking course or balustrade, if any, may not extend less than 750 mm nor more than 1,05 m above the floor of a balcony.

(12) Nothing in these by-laws prohibits -

(a) the erection and use of a party column common to two adjoining verandas if the column stands partly on the extended boundary lines of two properties or adjoins the same; or

(b) in the case of adjoining verandas, the placement of any column upon a plinth if this is necessary for alignment and all the other provisions of these by-laws are observed.

Balconies and bay windows

5(1). Balconies, bay windows or other similar encroachments may not -

(a) overhang a public road if they are at a height of less than 3 m above the pavement;

(b) encroach more than 1,35 m over any public road; or

(c) encroach more than 900 mm over any public road.

(2) The aggregate horizontal length of bay windows at any level over a public road may not exceed one-third of the length of the building frontage to that road.

(3) Any balcony superimposed upon any veranda must be set back at least 1,2 m from the line of such veranda.

(4) No part of any balcony that is attached to any veranda, may be carried up to a height greater than two storeys above the pavement level except that, where the top portion of the balcony is roofed with a concrete flat roof forming a floor, a balustrade not exceeding 1 m in height is allowed above the level of the floor.

(5) Any dividing wall across a balcony over a public road may not exceed 1 m in height or 225 mm in thickness.

(6) A balcony over any public road may not be the sole means of access to any room or apartment.

(7) No person may place or permit or cause to be placed any article upon any balcony over a public road, except ornamental plants, tables, chairs, canvas blinds and awnings not used for signs or advertisements.

(8) Where any floor of a building is used solely for the parking of a motor vehicle, bay windows at the level of the floor may not project over any public road for more than 1,35 m for the full length of the building frontage to that road.

Plinths, pilasters, corbels and cornices

6(1). No plinths, pilasters or other encroachments beyond building lines carried up from ground level are permitted to encroach on a public road.

(2) Any pilaster, cornice, corbel or similar architectural feature that is at least 3 m above the ground may not exceed the following level of encroachment over a public road:

(a) a pilaster: 450 mm the total aggregate frontage length of the pilaster may not exceed one-fifth of the building frontage and bay windows in the same storey must be included in the calculation of the maximum aggregate length for bay windows;

(b) a fire-resisting ornamental hood or pediment over a door: 600 mm and in any part not less

than 2,75 m in height above the footway or pavement;

(c) a cornice: 1,05 m where not exceeding 10,5 m above the footway or pavement and one-tenth of the height from the footway or pavement if exceeding 10,5 m with a maximum of 1,8 m.

Verandas around corners

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

Pavement openings

8(1). No pavement opening may -

(a) be the sole means of access to any vault or cellar; and

(b) extend more than 1,2 m beyond the building line.

(2) Where flaps are permitted in pavement openings each flap may not exceed 0,75 square metres in area and must open upwards and, while open, must be provided with stout iron guard rails and stanchions.

(3) Flap openings may be opened and used only for the purpose of lowering and raising goods and must be kept closed except when lowering and raising operations are in progress.

(4) The front wall or wall parallel to the kerb in every opening must be built with a suitable batter to the satisfaction of the Council.

(5) No pavement opening may be covered with metal bar gratings or with metal plates or with wood.

Encroachment erected in front of building

9. Where any encroachment has been erected or constructed in front of any building, the owner must -

(a) at his, her or its own expense, pave the whole of the footway or pavement under the encroachment or in front of the building in which the pavement opening is fixed; and

(b) lay the road kerbing and guttering and paving in front of the building for the full width of the footway or pavement.

Maintenance, removal and tenancy of projections

10. The owner of any encroachment must maintain the encroachment in good order and repair.

(2) Pavement openings, pavement lights, walls thereof and basement walls must be made and kept water-tight by the owner.

(3) The owner of any encroachment on, under or over any public road or pavement, or sign or other fixture on or over any public road, is regarded a tenant in respect of the encroachment, sign or fixture and, if called upon by the Council to remove any or all of them and restore the public road or pavement to its former condition, must do so within a reasonable time.

Encroachments

11. (a) Any person other than the owner wishing to erect or construct an encroachment or any other fixture on, under or over any public road, or any immovable property owned by or vested in the Council, must apply to the Building Control Officer on a form provided by the Council for that purpose.

(b) Where in the opinion of the Building Control Officer drawings are required for the conclusion of an encroachment agreement, the prescribed charge in addition to any other prescribed charge is payable to the Council.

(2) The owner of the building in connection with which any encroachment or fixture exists, or is proposed -

(a) must defray any cost incurred in connection with wires or property of the Council;

(b) must allow the Council to erect on, or attach to the encroachment or fixture or anything required in connection with electrical or other activities.

Offences and penalties

12. A person who contravenes any of these by-laws is guilty of an offence and be liable on conviction to a fine not exceeding R500.00 or to imprisonment not exceeding 6 months or to both that fine and that imprisonment.

Repeal of existing By-laws

13. The Council's existing Property Encroachment by-laws are hereby repealed.

Short title and commencement

14. These by-laws shall be called the Property Encroachment By-laws, 200..., and shall come into operation on.....

ENVIRONMENT BY-LAWS

Be it enacted by the Council of the Utrecht Municipality, in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

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CHAPTER 1: DEFINITIONS**Definitions**

1. In these by-laws, unless the context indicates otherwise -

"authorised official" means an official authorised by the Council for the purposes of these bylaws to perform and exercise any or all of the functions in terms of the provisions of these by-laws;

"compliance notice" means a notice issued in terms of section 16 to comply with these by-laws or with a permit issued in terms of these by-laws;

"Council" means the Council of the Utrecht Municipality and its committees or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;

"environmental health officer" means an official appointed by the Council, and who is duly registered as an environmental health officer or environmental health practitioner with the Health Professions Council of South Africa;

"municipal manager" means a person appointed as such by the Council in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"occupier", in relation to any premises, means any person -

(a) occupying the premises;

(b) leasing the premises; or

(c) who is not occupying the premises but is entitled to do so;

"owner", in relation to any premises, means -

(a) the person in whose name the title to the premises is registered; or

(b) if the person referred to in (a) is dead, insolvent, mentally ill, a minor or under any legal disability, the executor, guardian or other person who is legally responsible for administering that person's estate;

"permit" means a public health permit granted by the Council in terms of the section 10;

"person" means a natural person or a juristic person, and includes an organ of state;

"pest" means any animal that may create a public health hazard or public health nuisance if it is present in significant numbers and without limitation, includes rats, mice, flies, mosquitoes and cockroaches;

"premises" means -

(a) any land without any buildings or other structures on it;

(b) any building or other structure and the land on which it is situated; or

(c) any vessel, vehicle or movable structure that is used for a scheduled use;

"prescribed fee" means a fee determined by the Council by resolution;

"prohibition notice" means a notice issued in terms of section 17;

"public health" means the mental and physical health and well-being of people in the Council's area;

"public health hazard" means any actual threat to public health, and without limitation, includes -

(a) the circumstances referred to in section 2(3);

(b) unsanitary conditions;

(c) circumstances that make it easier for a communicable disease to spread;

(d) circumstances that make food or drink, including water for domestic consumption, unhygienic or unsafe to eat or drink; and

(e) circumstances that allow pests to infest any place where they may affect public health;

"public health nuisance" means the use of any premises or place in a manner that creates conditions that significantly increase the risk of a public health hazard occurring or that compromises any aspect of the public health to an extent that is more than trivial or

insignificant, and without limitation, includes those circumstances in which a public health nuisance is considered to exist in terms of section 5; and

"public place" means any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, footpath, sidewalk, lane square, open space, garden park, path, bus or taxi rank, servitude or enclosed space vested in a Council and includes any road, place or thoroughfare which is in the undisturbed use of the public or which the public have the right to use.

CHAPTER 2: PUBLIC HEALTH HAZARDS

Prohibition on causing a public health hazard

2(1). No person may create a public health hazard on any premises or public place within the Council's area of jurisdiction:

(2) Every owner or occupier of premises must ensure that a public health hazard does not occur on the premises.

(3) An owner or occupier of premises creates a public health hazard if -

(a) the premises are infested with pests or pests are breeding in significant numbers on the premises;

(b) there are conditions on the premises that are conducive to the spread of a communicable disease;

(c) there are unsanitary conditions in any part of the premises; or

(d) any water supply for domestic consumption on the premises is unsafe for human consumption.

(4) Any person that contravenes or fails to comply with subsections or (2) commits an offence.

Duty to report

3(1). The owner or occupier of premises who knows of a public health hazard on the premises must within 24 hours of becoming aware of its existence -

(a) eliminate the public health hazard; or

(b) if the owner or occupier is unable to comply with subsection (a), take reasonable steps to reduce the risk to public health and report the existence of the public health hazard to the Council.

(2) An owner or occupier who does not comply with subsection (1) commits an offence.

CHAPTER 3: PUBLIC HEALTH NUISANCES

Prohibition on causing a public health nuisance

4(1). No person may cause a public health nuisance on any premises or public place within

the Council's area of jurisdiction.

(2) Every owner or occupier of premises must ensure that a public health nuisance does not arise on the premises.

General nuisances

5. An owner or occupier of premises creates a public health nuisance where –

(a) any stream, pool, marsh, ditch, gutter, watercourse, cistern, urinal, drain, sewer, septic tank, long drop, slop tank, ash heap or dung heap is so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to the public health;

(b) any stable, kraal, shed, run or other structure used for the keeping of animals or birds is so constructed, situated, used or kept as to be offensive or to be injurious or dangerous to health;

(c) any accumulation of refuse, offal, manure or other matter is offensive or is injurious or dangerous to health;

(d) any factory, industrial or business premises is so overcrowded, inadequately lit or ventilated as to be injurious or dangerous to the health of those employed therein or thereon; and

(e) any factory, industrial or business premises causes or gives rise to smells or effluvia which are offensive or which are injurious or dangerous to health.

Pest control

6. An owner or occupier of premises creates a public health nuisance where –

(a) waste or other material is left or kept in a manner that attracts rodents or other pests to the premises; or

(b) flies or mosquitoes are attracted to, or breeding, in significant numbers on the premises.

CHAPTER 4: POTENTIALLY HAZARDOUS USES OF PREMISES

Duty to list potentially hazardous uses

7. The Council may list any use of premises, in a schedule to these by-laws, which has caused, or is likely to cause, a public health hazard or to create a public health nuisance unless reasonable measures are taken to avoid the risk or to reduce it to an acceptable level and Council must prescribe measures that must be taken to avoid the risk or reduce it to a level acceptable to the Council.

Scheduled uses

8. Any person who uses premises in a manner or for a purpose listed in the Schedule to these by-laws must -

(a) comply with each of the provisions set out in the Schedule relating to that use unless that person has been granted an exemption under section 9 from complying with any provision; and

(b) obtain a permit under section 10 before commencing the use and must comply with the terms and conditions of the permit.

Exemption certificate

9(1). Any person who wishes to use premises in a manner or for a purpose listed in the Schedule to these by-laws, but who wishes to be exempted from complying with one or more of the requirements of the Schedule, may apply to the Council for an exemption certificate.

(2) The Council may grant an exemption certificate, with or without conditions, if an environmental health officer is satisfied that -

(a) the measures taken to avoid or reduce the risk to public health arising from the scheduled use are equivalent to or better than the measures required by the relevant schedule; and

(b) the scheduled use for which the exemption is required is not likely to cause a public health hazard or a public health nuisance.

Public health permits

10(1). Any person who wishes to use premises in a manner or for a purpose listed in the Schedule to these by-laws must apply in writing to the Council in accordance with section 11 for a public health permit.

(2) The Council may issue a public health permit to the owner or occupier of any premises if an environmental health officer is satisfied that the use for which the permit is required is not likely to cause a public health hazard or a public health nuisance.

(3) A public health permit -

(a) must be issued subject to conditions aimed at reducing the risk to public health created by the scheduled use, to a level acceptable to the Council; and

(b) may exempt the permit holder from complying with one or more of the provisions of the relevant schedule if the person authorised to issue the permit reasonably believes that the permit requires the permit holder to take measures to avoid or reduce the risk to public health arising from the activity that are equivalent to, or better than, the measures required by the relevant schedule.

Application procedure

11(1). Any person who wants to obtain a permit or an exemption certificate must apply to the Council in writing in a form stipulated by the Council, prior to undertaking the relevant scheduled use.

(2) When the Council receives an application for a permit or an exemption certificate it must ensure that the relevant premises are inspected by an environmental health officer as soon as reasonably possible.

(3) Before deciding whether or not to approve an application referred to in subsection (1), the Council -

(a) must ensure that every person in the vicinity of the premises whose health or wellbeing may be affected if the premises are used for a scheduled use, has been consulted and has had an opportunity to make representations; and

(b) may request the applicant to provide any further information which the Council considers necessary or relevant to enable the Council to make a properly informed decision.

General terms applicable to permits and certificates

12(1). A permit or an exemption certificate -

(a) is not transferable from one person to another; and

(b) applies only to the premises specified in the permit or certificate.

(2) Every permit or exemption certificate -

(a) must specify the address and other relevant details regarding the location of the premises concerned;

(b) must describe the premises concerned;

(c) must describe the activity concerned;

(d) may specify terms and conditions; and

(e) must indicate when it expires.

(3) The Council may charge applicants a prescribed fee for considering and granting the permit or exemption certificate.

(4) The Council may refuse to consider an application until it has been provided with the information that it reasonably requires to make an informed decision and until the prescribed fee, if any, has been paid.

Suspension, cancellation and amendment of permits and of exemption certificates

13(1). An environmental health officer may, by written notice to the holder of a permit or exemption certificate, suspend, amend or cancel the permit or certificate.

(2) An environmental health officer may suspend or cancel a permit or exemption certificate with immediate effect if -

(a) the environmental health officer reasonably believes that it is urgently necessary to do so to eliminate or to reduce a significant risk to public health posed by a public health hazard or a public health nuisance; and

(b) the holder of the permit or certificate has failed to comply with a compliance notice that

states that the permit or certificate may be suspended or cancelled without further notice if the holder fails to comply with the compliance notice.

(3) An environmental health officer may amend a permit or exemption certificate by endorsing the permit or certificate or by written notice to the holder, if the environmental health officer reasonably believes that it is necessary to do so to protect public health or to take account of changed circumstances since the permit or exemption certificate was issued.

CHAPTER 5: IMPLEMENTATION AND ENFORCEMENT

Appointment and identification of environmental health officers

14(1). The Council must issue an identity card to each environmental health officer.

(2) The identity card must -

(a) contain a recent photograph of the environmental health officer;

(b) be signed by the environmental health officer; and

(c) identify the person as an environmental health officer.

(3) The environmental health officer must display his or her identity card so that it is clearly visible or produce it at the request of any person in relation to whom the environmental health officer is exercising a power under these by-laws.

General powers of an environmental health officer

15(1). An environmental health officer may, for the purposes of implementing or administering any power or duty under these by-laws -

(a) exercise any power afforded to such officer in terms of these by-laws or any other applicable legislation;

(b) issue a compliance notice in terms of section 16 requiring any person to comply with the provisions of these by-laws;

(c) issue a prohibition notice in terms of section 17 prohibiting any person from conducting an activity;

(d) undertake measures in terms of section 19 to remove, reduce and/or minimise any public health nuisance;

(e) cancel, suspend or amend any permit or exemption certificate in terms of section 13 or

(f) enter and inspect premises and for this purpose may-

(i) question any person on the premises;

(ii) take any sample that the environmental health officer considers necessary for examination or analysis;

(iii) monitor and take readings or make measurements; and

(iv) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises.

(2) An environmental health officer who removes anything from any premises being inspected must -

(a) issue a receipt for it to the owner, occupier or person apparently in control of the premises; and

(b) return it as soon as practicable after achieving the purpose for which it was removed.

Compliance notice

16. If an environmental health officer, after inspecting premises, reasonably believes that a public health hazard or public health nuisance exists on the premises or that the premises are being used in a manner or for a purpose listed in the Schedule to these by-laws without a permit, the environmental health officer may serve a compliance notice on one or more of the following persons:

(a) the owner of the premises;

(b) the occupier of the premises; or

(c) any person apparently in charge of the premises.

(2) A compliance notice must state -

(a) why the environmental health officer believes that these by-laws is being contravened;

(b) the measures that must be taken -

(i) to ensure compliance with these by-laws; or

(ii) to eliminate or minimise any public health nuisance;

(c) the time period within which the measures must be taken;

(d) the possible consequences of failing to comply with the notice; and

(e) how to appeal against the notice.

(3) If a person fails to comply with a compliance notice that requires a particular action be taken, the Council may -

(a) take the required action specified in the compliance notice; and

(b) recover, as a civil debt, from the person to whom the notice was given, the costs and expenses reasonably incurred in taking the required action.

Prohibition notice

17(1). An environmental health officer may, after inspecting premises, serve a prohibition notice prohibiting the premises from being used for specified purposes and requiring measures to be taken to ensure that this occurs, on one or more of the following persons:

- (a) the owner of the premises;
- (b) the occupier of the premises; or
- (c) any person apparently in charge of the premises,

If the environmental health officer reasonably believes that that person has not complied with the terms of a compliance notice.

(2) The environmental health officer must give the person on whom he or she intends serving a prohibition notice a reasonable opportunity to make representations before serving the notice unless the environmental health officer reasonably believes that the delay in doing so would significantly compromise public health, in which case the person on whom a prohibition notice is served must be given reasonable opportunity to make representations why it should be withdrawn.

(3) A prohibition notice must state -

- (a) the reasons for serving the notice;
- (b) whether or not the Council will withdraw the notice if certain measures are taken, and if so, the measures that must be taken;
- (c) the possible consequences of failing to comply with the notice; and
- (d) how to appeal against the notice.

(4) The environmental health officer must as soon as possible affix a copy of the notice in a conspicuous position on the premises and in the language which is likely to be understood by the occupants of the premises.

Withdrawal of prohibition notice

18(1). An environmental health officer must, within 48 hours of receiving a written request for the withdrawal of a prohibition contained in a prohibition notice, carry out an investigation of the premises.

(2) After completing the investigation, the environmental health officer must inform in writing the person on whom the prohibition notice was served, or that person's agent whether or not the prohibition has been removed or the prohibition order withdrawn.

(3) The Council may charge the owner or occupier of any premises where an investigation is carried out in terms of subsection (1) a prescribed fee for undertaking the investigation.

Municipal remedial work

19. The Council may enter into any premises and do anything on the premises that it reasonably considers necessary -

- a. to ensure compliance with these by-laws or with any compliance notice or prohibition notice;
- b. to reduce, remove or minimise any public health nuisance; or
- c. to reduce, remove or minimise any significant public health hazard.

CHAPTER 6: APPEALS

20 (1) A person whose rights are affected by a decision taken by any authorised official under these by-laws, may appeal against the decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.

(2) The municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).

(3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

(4) When the appeal is against a decision taken by -

(a) a staff member other than the municipal manager, the municipal manager is the appeal authority; or

(b) the municipal manager, the Mayor is the appeal authority.

(5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

CHAPTER 7: GENERAL**Offences**

21. Any person who -

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

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

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

(d) obstructs or hinders any authorised official in the execution of his or her duties under these by-laws -

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R15 000 or imprisonment for a period not exceeding 6 months or both.

Repeal of existing By-laws

22 The Council's existing Environment by-laws are hereby repealed.

Short title and commencement

23 These by-laws shall be called the Environment By-laws, 200.., and shall come into operation on.....

SCHEDULE**SCHEDULED USES**

The uses of premises defined as scheduled businesses in this Schedule are considered to pose an unacceptable risk to public health unless the measures specified are taken to avoid the risk or to reduce it to a level acceptable to the Council.

1 Definitions

In this Schedule, unless the context indicates otherwise -

"effluent" means any waste water which may arise as a result of undertaking any scheduled use;

"scheduled uses" means any business listed below or that involves an activity listed below -

(a) panel beating or spray painting;

(b) operating a waste recycling plant;

(c) scrap yard;

(d) tanning, glue or size making;

(e) charcoal burning, brick burning or lime burning;

(f) manure or compost making or storing;

(g) manufacturing malt and yeast;

(h) cement works, coke-ovens or salt glazing works;

(i) sintering of sulphurous materials;

(j) viscose works;

(k) ore and mineral smelting, calcining, puddling and rolling of iron and other metals, conversion of pig iron into cast iron, reheating, tempering, hardening, forging, conversion and compounding of carbon with iron and other metals;

(l) works for the production of carbon bisulphide, cellulose lacquer, cyan or its compounds, hot pitch or bitumen, pulverized fuel, peridine, liquid or gaseous sulphur dioxide or sulphur chlorides;

(m) works for the production of amyl acetate, aromatic ethers, butyric acid, caramel, enameled wire, glass, hexamine, lampblack, B-naphthol, resin products, salicylic acid, sulphated organic compounds, sulphurous paints, ultramarine, zinc chloride and zinc oxide; or

(n) the refining or processing of petrol, oil or their products; and

"scheduled business person" means any person who owns, conducts or carries on a business which is listed as a scheduled use or which includes an activity listed as a scheduled use.

2 Permit requirement

No person may conduct a scheduled business in or on any premises, except in terms of a valid permit.

3 Requirements for premises

No person may undertake a scheduled use of any premises unless -

(a) the floors of the premises are constructed of cement concrete or a similar impervious material, brought to a smooth finish;

(b) the floors of the premises are adequately graded and drained for the disposal of effluent to an approved disposal system;

(c) the inside walls, except where glazed or glass brick or glazed tiles are used, are plastered, brought to a smooth finish and painted with a light-coloured, washable paint;

(d) the surface of any backyard or open space is paved with concrete or similar impervious material, brought to a smooth finish;

(e) the premises are provided with adequate light and ventilation as prescribed in National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), as amended;

(f) an adequate supply of running potable water is provided;

(g) an adequate number of portable containers constructed of iron or another non-absorbent material, equipped with closely fitting lids, are provided for the removal of all waste and waste water from the premises;

(h) adequate means are provided for the disposal of all effluents arising from the manufacturing process performed on the premises;

(i) adequate accommodation is provided for the storage of all finished products or articles or materials which are used in the manufacturing process and which may-

(j) discharge offensive or injurious effluent or liquids; or

(ii) decompose in the course of the work or trade;

(j) adequate means are provided to control the discharge in the open air of any noxious, injurious or offensive gases, fumes, vapours or dust produced during any handling, preparation, drying, melting, rendering, boiling, grinding process or storage of material;

(k) adequate toilet facilities are provided as prescribed in the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977), as amended;

a perimeter wall or fence with a minimum height of 2 metres is constructed around the premises; (m) all gates to the premises are of solid construction with a minimum height of 2 metres; (n) all perimeter walls and gates adequately screen activities from public view; and (o) all materials are stacked or stored on the premises below the height of the perimeter screening.

4 Duties of a scheduled business person

A scheduled business person must -

(a) maintain the premises in a clean, hygienic and good condition at all times;

(b) maintain all walls and floors of the premises in a manner and condition that prevents the absorption of any waste or waste water;

(c) maintain all machinery, plant, apparatus, furniture, fittings, tools, implements, vessels, containers, receptacles and vehicles in a clean, hygienic and good condition at all times; and

(d) prevent the emission of noxious, injurious or offensive gases, fumes, vapours or dust generated during any handling, preparation, drying, melting, rendering, boiling, grinding process or storage of any material on the premises.

FIRE PREVENTION BY-LAWS

Be it enacted by the Council of the Utrecht Municipality, in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

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CHAPTER 1

DEFINITIONS

Definitions

1. In this bylaw, unless the context indicates otherwise -

"above ground storage tank" means a tank situated above ground for the storage of a flammable liquid;

"automatic releasing hold-open device" means a device used to hold open a fire door and operates on the detection of a fire to close the fire door;

"building" means any structure, whether of a temporary or permanent nature and irrespective of the materials used in the construction thereof, erected or used for or in connection with -

(i) the accommodation or convenience of human beings or animals;

(ii) the manufacture, processing, storage or sale of any goods;

(iii) the rendering of any service;

(iv) the destruction or treatment of combustible refuse or combustible waste;

(v) the cultivation or growing of any plant or crop;

(a) any wall, swimming pool, reservoir or bridge or any other structure connected therewith;

(b) any fuel pump or any tank used in connection therewith;

(c) any facilities or system, or part or portion thereof, within or outside or incidental to a building, for the provision of a water supply, drainage, sewerage, stormwater disposal, electricity supply or other similar service in respect of the building;

"bund wall" means a containment wall surrounding an above ground storage tank, constructed of an impervious material and designed to contain 100% of the contents of the tank;

"combustible material" means combustible refuse, combustible waste or any other material capable of igniting;

"combustible refuse" means any combustible rubbish, litter or other material that has been discarded;

"combustible waste" means any combustible waste material which is salvageable, retained or collected for scrap or reprocessing;

"Council" means the council of the Utrecht Municipality and its committees or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws.

"dangerous goods" means a flammable gas, liquid or solid as contemplated in SABS 0228;

"division separating element" means a building element or component which separates one area in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with the SABS 0400;

"emergency evacuation plan" means a plan specifically designed to aid in the evacuation of occupants from a building in the event of a fire or other threatening danger and assigns responsibility to various staff, indicates escape routes to be used and provides for general contingencies for a safe and quick evacuation from a building;

"emergency route" means that part of an escape route that provides fire protection to the occupants of any building and which leads to an escape door;

"emergency vehicle" means any fire, rescue or other vehicle intended for use at fires and other threatening dangers;

"escape door" means the door in an escape route, which at ground level leads directly to a street or public place or to any approved open space which leads to a street or public place;

"escape route" means the entire path of travel from the furthest point in any room in a building to the nearest escape door and may include an emergency route;

"escape route plan" means a diagram indicating the floor layout, the occupant's current position and the route of travel to the nearest primary and secondary escape routes in the building, as well as the action to be taken in the event of a fire or other threatening danger;

"Fire Brigade Services Act" means the Fire Brigade Services Act, 1987 (Act 99 of 1987);

"fire damper" means an automatic damper and its assembly that complies with the requirements contained in SABS 193;

"fire door" means an automatic or self-closing door or shutter assembly especially constructed to prevent the passage of fire for a specific length of time;

"fire extinguisher" means a portable or mobile rechargeable container which has a fire extinguishing substance that is expelled by the action of internal pressure for the purposes of extinguishing a fire;

"fire hazard" means any situation, process, material or condition which may cause a fire or explosion or provide a ready fuel supply to increase the spread or intensity of the fire or explosion and which poses a threat to life or property;

"fire lanes" means the road, path or other passageway constructed or designated to allow access for emergency vehicles;

"fire protection system" means any device or system designed and installed to -

(a) detect, control or extinguish a fire, or

(b) alert occupants or the fire service, or both, to a fire, but excludes portable and mobile fire extinguishers;

"fire wall" means a wall that is able to withstand the effects of fire for a specific period of time as contemplated in the National Building Regulations (T1) read with SABS 0400;

"flammable gas" as contemplated in SABS 0228, means a gas that at 20 degrees centigrade and at a standard pressure of 101,3 kilopascals -

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

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

"flammable liquid" means a liquid, or mixtures of liquids, or a liquid containing solids in solution or in suspension that give off a flammable vapour at or below 60,5 degrees centigrade;

"flammable solid" means a solid that is easily ignited by external sources, such as sparks and flames, solids that are readily combustible, solids that are liable to cause, or contribute to, a fire through friction or solids that are desensitised (wetted) explosives that can explode if not diluted sufficiently;

"flammable substance" means a flammable liquid or a flammable gas;

"flammable store" means a store that is used for the storage of flammable liquids and complies with the criteria set out in section 46 of this by-law;

"Hazardous Substances Act" means the Hazardous Substances Act, 1973 (Act 15 of 1973);

"National Building Regulations" means the regulations promulgated in terms section 17 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), and -

(a) "National Building Regulations (A2)" means the provisions regulating the submission of building plans and particulars to the Council;

(b) "National Building Regulations (A20)" means the provisions regulating the classification and designation of occupancies;

(c) "National Building Regulations (A21)" means the provisions regulating the population of a building;

(d) "National Building Regulations (T1)" means the provisions regulating general requirements for fire protection of a building, and

(e) "National Building Regulations (T2)" means the provisions regulating the offences for non-compliance with the National Building Regulations (T1);

"National Road Traffic Act" means the National Road Traffic Act, 1996 (Act 93 of 1996);

"non-combustible" means a substance or material classified as non-combustible when tested in accordance with SABS 0177: Part 5;

"occupancy separating element" means a building element or component which separates

one occupancy in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with the SABS 0400;

"Occupational Health and Safety Act" means the Occupational Health and Safety Act, 1993 (Act 85 of 1993);

"operator" means the person responsible for the use of a motor vehicle and who has been registered as the operator of such a vehicle in terms of the National Road Traffic Act;

"owner" means -

(a) in relation to premises, other than a building, either a natural or juristic person whose identity is determined by operation of law;

(b) in relation to a building, either a natural or juristic person in whose name the land on which such building was or is erected or such land, as the case may be, is registered in the deeds office in question;

(c) in relation to an installation, either a natural or juristic person in whose name a contract is entered into regarding approval, erection and maintenance of the installation; provided that such a person is not the owner mentioned in (b), and

(d) in the event of the Council being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is entitled to the benefit of the use of such premises, building or installation or who enjoys such benefit;

"person in charge" means -

(a) in relation to premises, either a natural or juristic person who is permanently or temporarily responsible for the management, or utilisation of the premises;

(b) in relation to a building, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the building;

(c) in relation to an installation, either a natural or juristic person who is permanently or temporarily responsible for the management or utilisation of the installation; provided that such a person is not the person mentioned in (a), and

(d) in the event of the Council being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is in the opinion of the Council deemed to be in charge of such premises, building or installation;

"premises" means any building, beach, land, terrain, road, vehicle and can include a vessel, train or aircraft;

"site" means any erf, lot, plot, stand or other piece of land on which a building has been, is being or is to be erected;

"Standards Act" means the Standards Act, 1993 (Act 29 of 1993);

"storage vessel" means a pressure vessel as defined in the regulations for pressure vessels

promulgated in terms of the Occupational Health and Safety Act;

"summary abatement" means to immediately judge a condition to be a fire hazard or other threatening danger to life or property and to order immediate correction of such condition;

"tank" means a container mounted permanently or temporarily on or embodied in a vehicle and so constructed to be suitable for the containment of flammable liquid or gas cargo;

"underground tank" means a tank used or intended to be used for the storage of flammable liquid wholly sunk into and below the surface of the ground;

"vehicle" means a vehicle as defined in the National Road Traffic Act, and any reference to an SABS Code shall refer to the relevant Code published by the South African Bureau of Standards and issued in terms of the Standards Act.

CHAPTER 2

FIRE PROTECTION OF BUILDINGS

Reporting a fire hazard and other threatening danger

2. An owner or the person in charge of any premises must, upon discovering any evidence of a fire hazard or other threatening danger pertaining to this by-law, immediately take reasonable steps to eliminate such hazard or prevent such danger and thereafter notify the Council of such fire hazard or threatening danger and the reasonable steps taken to prevent or eliminate if, if any.

Access for emergency vehicles

3(1). When, in the opinion of the Council, premises are not readily accessible from public roads, such premises must be provided with emergency vehicle access which must -

(a) be constructed so that it is capable of supporting the mass of the heaviest emergency vehicle required to cater for the risk of the premises; and

(b) where the premises have a motorized or electronically operated gate, be equipped in such a manner that access to the premises can be gained without the use of a motor or electronic device.

(2) Fire lanes must be provided for all premises which are set back more than 45 metres from a public road or exceed nine metres in height and are set back over 15 metres from a public road.

(3) Fire lanes must be at least four metres in width, the position of which must be decided upon after consultation with the Council, and the area from ground level to a clearance height of four metres above the fire lane must remain unobstructed.

(4) A cul-de-sac that is more than 90 metres in length, must be provided with a minimum turning circle at the closed end of the road capable of accommodating the largest emergency vehicle which is required to cater for the risk of the premises.

(5) The design, marking, use and maintenance of fire lanes not forming part of a public road must comply with the requirements of the Council.

(6) It is unlawful for a person to park a vehicle in or otherwise obstruct a fire lane.

Division and occupancy separating elements

4. An owner or person in charge of a building may not alter a division or occupancy separating element in anyway that would render it less effective or to allow flame, heat or combustion products from penetrating into the adjacent compartment or structure.

Fire doors and assemblies

5(1). Subject to the provisions of SABS 1253, a fire door and assembly must be maintained in such a manner that in the event of a fire it retains its integrity, insulation and stability for the time period required for that particular class of door.

(2) A fire door may be kept open, only when it is equipped with an automatic releasing hold-open device approved by the Council.

(3) A fire door and assembly may not be rendered less effective through -

(a) altering the integrity, insulation or stability of a particular class of door;

(b) disconnecting the self-closing mechanism;

(c) wedging, blocking or obstructing the door so that it cannot close;

(d) painting the fusible link actuating mechanism of a door;

(e) disconnecting or rendering less effective an electric or electronic release mechanism, or

(f) any other action that renders a fire door or assembly less effective.

Escape Routes

6(1). No part of a fire escape route shall be obstructed or rendered less effective in any way.

(2) A locking device, which is fitted to an access or escape door in an escape route, must be of a type approved by the Council.

(3) Where required by the Council, an escape route must be clearly indicated with signage, which complies with SABS 1186, indicating the direction of travel in the event of fire or any other emergency.

CHAPTER 3

FIRE SAFETY EQUIPMENT

Fire extinguishers

7(1). Fire extinguishers must be provided and installed on premises as required by the National Building Regulations (T1) and (T2).

(2) Fire extinguishers must be maintained in accordance with the requirements of the Occupational Health and Safety Regulations, SABS 1475: Part 1, SABS 1571, SABS 1573 and SABS 0105: Part 1.

(3) No person may fill, recharge, recondition, modify, repair, inspect or test a fire extinguisher in terms of SABS 1475: Part 1, unless such a person is the holder of a permit issued by the South African Bureau of Standards or a certificate of competence issued by the South African Qualifications Certification Committee.

(4) The owner or person in charge of the premises may not allow a fire extinguisher to be filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit or certificate mentioned in subsection (3).

(5) Where a fire extinguisher has been filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit mentioned in subsection (3), the Council must instruct the owner or person in charge of such premises to have the work carried out by a person who is in possession of such a permit or certificate.

(6) When, in the opinion of the Council, a fire extinguisher is unsafe or ineffective either by reason of deterioration, design or construction, the Council must instruct the owner or the person in charge of the premises to have the appliance inspected and tested in terms of SABS 1475: Part 1 and SABS 1571.

(7) A fire extinguisher may not be removed from the premises for filling, recharging, reconditioning, modification, repair, inspection or testing unless the appliance is replaced temporarily with a similar appliance in good working condition.

(8) A fire extinguisher may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in an area where such action would create a danger or hazard.

Testing and maintenance of fire protection systems

8(1). A fire protection system must be tested and maintained on a regular basis and the owner or person in charge of the premises must keep a detailed record of the test and maintenance of the system.

(2) A person may not test a fire protection system before notifying the occupants of the premises concerned of the starting and completion times of the test, and where applicable, the parties who monitor the fire protection system.

(3) A fire protection system designed for detecting, fighting, controlling and extinguishing a fire must be maintained in accordance with the National Building Regulations (T2).

(4) A fire protection system may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in any area where such action would create a danger or hazard.

(5) The owner or person in charge of the premises must immediately notify the Council when the fire protection system, or a component thereof, is rendered inoperable or taken out of

service and must notify the Council as soon as the system is restored.

(6) The owner or person in charge of the premises must take all steps deemed necessary by the Council to provide alternate equipment to maintain the level of safety within the premises.

Interference with fire protection systems and fire extinguishers

9. No person shall tamper or interfere with a fire extinguisher or fire protection system, except as may be necessary during emergencies, maintenance, drills or prescribed testing.

CHAPTER 4 PUBLIC SAFETY

Attendance of a service

10(1). When the Council is of the opinion that a representatives of the fire brigade service are required to be in attendance during a function in a place used for entertainment or public assembly, the Council may provide, in the interest of public safety and subject to the exigencies of the service, one or more members, a vehicle or equipment of a service to be in attendance on the premises for the duration of the function or part thereof.

(2) Where the entertainment or public assembly is taking place on Council property, the costs of the attendance of the representatives of the fire brigade service shall be recoverable from the organizers

Formulation of an emergency evacuation plan

11(1). The owner or person in charge of a school, hospital, residential institution, hotel, guest house, hostel or other similar occupancy which has a population in excess of 25 persons (including staff), must formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.

(2) The Council may order the owner or person in charge of the premises, other than those contemplated in subsection (1) , to formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.

(3) The plan mentioned in subsections and (2) must be revised if an aspect thereof is no longer applicable or if the building for which the plan was designed has changed.

(4) The emergency evacuation plan must be tested in its entirety at a maximum of six-monthly intervals or when the plan has been revised and a record of the testing must be kept in a register.

(5) The register mentioned in subsection (4) must contain the following information -

- (a) the date and time of the test;
- (b) the number of participants;
- (c) the outcome of the test and any corrective actions required, and

(d) the name and signature of the person supervising the test.

(6) The register, together with the emergency evacuation plan, must be available on the premises for inspection by the Council.

(7) The Council may evaluate the formulation and implementation of the emergency evacuation plan and may officially communicate any recommendations or remedial actions to improve or rectify faults in the plan.

Displaying of escape route plans

12. The escape route plan must be displayed in a conspicuous position in any room designed for sleeping purposes.

Barricading of vacant buildings

13. The owner or person in charge of a building or portion thereof which is vacant must remove all combustible waste or refuse therefrom and lock, barricade or otherwise secure all windows, doors and other openings in the building to the satisfaction of the Council which will prevent the creation of a fire hazard caused by the entering of an unauthorized person.

CHAPTER 5

HOUSEKEEPING

Combustible waste and refuse

14(1). The owner or person in charge of the premises or a portion thereof must not allow combustible waste or refuse to accumulate in any area or in any manner so as to create a fire hazard or other threatening danger.

(2) Combustible waste and refuse must be properly stored or disposed of to prevent a fire hazard or other danger.

Combustible or flammable substances and sweeping compounds

15(1) Only water-based solutions, detergents, floor sweeping compounds and grease absorbents must be used for cleaning purposes.

(2) The use of sawdust or similar combustible materials to soak up spilled combustible or flammable substances is prohibited.

Accumulations in chimneys, flues and ducts

16. The owner or person in charge of the premises or a portion thereof must not allow soot or any other combustible substance to accumulate in a chimney, flue or duct of the premises in such quantities or in such a manner as to constitute a fire hazard or other threatening danger.

Sources of ignition

17(1). Smoking, the carrying of matches, the use of heating, flame-emitting devices or spark-

producing equipment is prohibited in areas containing combustible or flammable substances.

(2) Hot ashes, cinders or smouldering coals must be placed in a non- combustible container and the container must be placed on a non- combustible surface or stand.

(3) An adequate distance, as deemed appropriate by the Council, must be ensured and maintained between combustible substances and heating or lighting equipment or other sources of ignition.

(4) Portable heaters must be secured so that they cannot be overturned and the Council may prohibit the use of portable heaters in respect of occupancies or situations where such use or operation would present a fire hazard or other threatening *danger*.

Smoking

18(1). If conditions exist where smoking creates a fire hazard on the premises, smoking is prohibited and "No Smoking" signs must be displayed as directed by the Council and the signs must comply with SABS 1186: Part 1.

(2) No person may remove a "No Smoking" sign.

(3) No person may light or smoke a cigar, cigarette, pipe, tobacco or other substance or ignite or otherwise set fire to other material, nor hold, possess, throw or deposit any lighted or smouldering substance in any place where expressly prohibited.

(4) A person may not throw, put down or drop a burning match, burning cigarette, or other burning material or any material capable of spontaneous combustion or self-ignition in a public road or public place.

Electrical fittings, equipment and appliances

19. No person may cause or permit -

(a) an electrical supply outlet to be overloaded; or

(b) an electrical appliance or extension lead to be used in a manner which is likely to create a fire hazard or other threatening danger.

Flame-emitting device

20. A person may not cause or permit a flame-emitting device, such as a candle, lantern or torch, but not limited thereto, to be used in a manner which is likely to create a fire hazard or other threatening danger.

CHAPTER 6

FIRE HAZARDS

Combustible material

21(1). A person may not store, transport, use or display or cause or permit to be stored,

transported, used or displayed, whether inside or outside any premises, any combustible material or a flammable substance in quantities or in a position or in a manner likely to cause or create a fire hazard or other threatening danger.

(2) The owner or person in charge of any premises may not permit vegetation to grow or accumulate thereon, or other combustible material to accumulate thereon, in a manner likely to cause a fire hazard or other threatening danger.

Lighting of fires and burning of combustible material

22. The lighting of fires and the disposal of combustible material by burning is prohibited, save in the circumstances set out in this section.

(2) A person may light a fire or use a flame-emitting device for the purpose of preparing food or for any other domestic purpose in a manner which will not cause a fire hazard or other threatening danger or where such a fire is not precluded by any other legislation.

(3) Controlled burning may take place on State land, a farm, a small holding, or, subject to prior approval being obtained from the Council, on land within a proclaimed township or a built up area.

CHAPTER 7

FLAMMABLE SUBSTANCES

Storage and use of a flammable substance

23(1). Prior to the construction of a new installation or the alteration of an existing installation, whether temporary or permanent, for the storage of a flammable substance, the owner or person in charge of the installation must submit a building plan to the Council, in accordance with the National Building Regulations, and a copy of the approved plan must be available at the site where the installation is being constructed.

(2) Prior to the commissioning of an above ground or underground storage tank installation, liquid petroleum gas installation or associated pipework, the owner or person in charge of the installation must ensure that it is pressure-tested in accordance with the provisions of the National Building Regulations (T1), SABS 0131: Parts 1 and 2, SABS 089: Part 3 and SABS 087: Parts 1, 3 and 7 (whichever is applicable) in the presence of the Council.

(3) Notwithstanding subsection (2), the Council may require an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipework, to be pressure-tested in accordance with the provisions of the National Building Regulations (T1).

(4) The Council must be notified at least 48 hours prior to the pressure test.

(5) The owner or person in charge of the premises may not store or use -

(a) a flammable gas in excess of 19 kilogram, or

(b) a flammable liquid of a danger group (i), (ii), (iii) or (iv) in excess of 200 litres,

unless he or she has obtained a flammable substance certificate from the Council.

Flammable substance certificate

24(1). The owner or person in charge of the premises, who requires a flammable substance certificate mentioned in section 23(5), must submit an application to the Council.

(2) The Council must refuse to issue the flammable substance certificate if the premises do not comply with the requirements of the National Building Regulations (T1) as well as additional requirements set out in this by-law, and where the Council is of the opinion that the non-compliance of the premises can be remedied, the Council must instruct the owner or person in charge of the premises in writing to take all reasonable steps to render the premises safe prior to usage of the premises and the issuing of the certificate.

(4) A flammable substance certificate must be renewed annually, on or before the date as indicated on the flammable substance certificate, and whenever the quantity or class of the flammable substance requires to be changed.

(5) Premises must be used in accordance with any conditions specified in the flammable substances certificate and when in the opinion of the Council, a flammable substance is stored or utilised for any process in a manner which is hazardous to life or property, or an installation is unauthorised, an order may be issued for the removal of the flammable substance or installation from the premises.

(6) A supplier may not supply flammable substances to the owner or person in charge of the premises, unless the owner or person in charge of the premises is in possession of a valid flammable substance certificate issued by the Council.

(7) A flammable substance certificate is valid only:

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

(8) The flammable substance certificate must be available on the premises for inspection at all times.

Permanent or temporary above ground storage tank for a flammable liquid

25(1) A temporary above ground storage tank other than that at a bulk storage depot is permitted, at the discretion of the Council, on the merit of the situation, provided that the following requirements are complied with -

- (a) if it has a capacity not exceeding 9 000 litres and is not used for the storage of flammable substances with a flash point below 40 degrees centigrade;
- (b) to be on the premises for a period not exceeding six months;
- (c) the entire installation must comply with SABS 0131: Part 1 or SABS 0131: Part 2

whichever is applicable, and

(d) written application together with a plan must be forwarded to the controlling authority at least 14 days prior to the erection of the tank and prior written permission must be obtained from the Council for the erection of the tank.

(2) Notwithstanding section 28, if a larger capacity above ground storage tank is required or the tank is to be a permanent installation, an acceptable rational design based on a relevant national or international code or standard must be submitted to the Council for approval in terms of the National Building Regulations (T1).

(3) The design requirements and construction of a permanent tank must be in accordance with relevant national or international recognised codes.

(4) The rated capacity of a permanent or temporary tank must provide sufficient ullage to permit expansion of the product contained therein by reason of the rise in temperature during storage.

(5) A permanent or temporary tank must be erected at least 3,5 metres from boundaries, buildings and other flammable substances or combustible materials.

(6) A permanent or temporary tank must be located on firm level ground and the ground must be of adequate strength to support the mass of the tank and contents.

(7) A permanent or temporary tank must have a bund wall.

(8) Adequate precautions must be taken to prevent spillage during the filling of a tank.

(9) Sufficient fire extinguishers, as determined by the Council, must be provided in weatherproof boxes in close proximity to a tank.

(10) Symbolic safety signs depicting "No Smoking", "No Naked Lights" and "Danger" must be provided adjacent to a tank, and the signs must comply with SABS 1186: Part 1.

(11) The flammable liquid in the tank must be clearly identified, using the Hazchem placards listed in SABS 0232: Part 1.

(12) An electrical or an internal combustion-driven pump must be equipped and so positioned as to eliminate the danger of the flammable liquid being ignited.

(13) The electrical installation associated with the above ground storage tank must comply with SABS 0108 and SABS 089: Part 2.

Underground storage tank for a flammable liquid

26. The installation of underground storage tanks, pumps, dispensers and pipework at service stations and consumer installations must be in accordance with National Building Regulations (T1) read in conjunction with SABS 0400, SABS 089: Part 3 and SABS 0131: Part 3.

Bulk storage depot for flammable substances

27. The handling, storage and distribution of flammable substances at bulk depots must be in accordance with the National Building Regulations (T1), read in conjunction with SABS 089: Part 1.

Small installations for liquefied petroleum gas

28. Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500 litres and a combined water capacity not exceeding 3 000 litres per installation must be installed and handled in accordance with SABS 087: Part 1.

Liquid petroleum gas installation in mobile units and small non-permanent buildings

29. A liquid petroleum gas installation in mobile units and small non-permanent buildings shall be in accordance with SABS 087: Part 2.

The fuelling of forklift trucks and other LP gas operated vehicles

30. The fuelling of forklift trucks and other LP gas operated vehicles shall be in accordance with SABS 087: Part 8.

The storage and filling of refillable liquid petroleum gas containers

31. Storage and filling sites used for refillable liquid petroleum gas containers of capacity not exceeding 9kg must be in accordance with SABS 087: Part 7.

Bulk storage vessel for liquid petroleum gas

32. The layout, design and operation of installations for the storage of a bulk liquid petroleum vessel and allied facilities must be in accordance with the National Building Regulations (T1), read in conjunction with SABS 087: Part 3.

Termination of the storage and use of flammable substances

33. If an above ground or underground tank installation, liquid petroleum gas installation or associated pipework is no longer required for the storage or use of a flammable substance, the owner or person in charge of the premises on which the installation was erected must -

- (a) within seven days of the cessation, notify the Council in writing thereof;
 - (b) within 30 days of the cessation, remove the flammable substance from the installation and render it safe;
 - (c) within six months of the cessation, remove the installation including any associated pipework, from the premises entirely, unless the controlling authority otherwise instructs, and
 - (d) restore a public footpath or roadway, which has been disturbed by the removal to the satisfaction of the Council within a period of seven days of the completion of the removal of the installation.
- (2) If the removal of an underground tank installation detrimentally affects the stability of the premises, the owner or person in charge of the installation must apply in writing to the Council

to fill the tank with liquid cement slurry.

Reporting accidents

34. If an accident occurs which involves a flammable substance and results in a fire, an explosion, spillage or loss of a flammable substance, as well as personal injury or death, the owner or person in charge of the premises must immediately notify the Council.

Flammable stores

35(1). The construction of a flammable store must be in accordance with the National Building Regulations (T1) read in conjunction with SABS 0400.

(2) The floor must be of concrete construction or other impermeable material and must be recessed below the door level or incorporate a sill.

(3) The recess or sill must be of such a depth or height that in the case of spillage it will be capable of containing the quantity of flammable liquid, as indicated on the flammable substance certificate and an additional 10% of the quantity mentioned on the certificate.

(4) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400 -

(a) the roof assembly of a flammable store must be constructed of a concrete slab capable of providing a two-hour fire resistance when it forms part of another building;

(b) the ventilation of a flammable store must be achieved by the use of bricks located in the external walls at the ratio of one air brick nominally above the sill level and one air brick located in the top third of the wall per 5 m² of wall area or part thereof, so that vapour cannot accumulate inside the store;

(c) the air bricks must be covered both internally and externally with closely-woven, non-corrodible wire gauze of at least 1 100 meshes per metre, and

(d) the wire gauze must be held in position by metal straps, a metal frame or cement.

(5) When required by the Council, the flammable store must be ventilated by a mechanical ventilation system approved by the Council and must comply with the following requirements -

(a) the ventilation system is to be intrinsically safe, provide 30 air changes per hour and must operate continuously;

(b) the fan extraction point must be nominally above sill level and must discharge through a vertical metal duct terminating at least 1 metre above roof height or at least 3,6 metres above ground level, whichever is the greater;

(c) ducting material that is external to the store, but communicates with the remainder of the building, must be fitted with a fire damper of two-hour fire resistance at the point of exit from a flammable store, and

(d) the ducting must be as short as possible and must not have sharp bends.

(6) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400, a flammable store door must be constructed of material with a fire resistance of two hours, provided that all relevant safety distances are complied with, and the door must open outwards.

(7) When required by the Council, a flammable store door must be a D-class fire door, which complies with SABS 1253.

(8) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400, artificial lighting in the flammable store must be by electric light having vapour-proof fittings wired through seamless steel conduit and the switches operating the lights must be located outside the store.

(9) No other electrical apparatus may be installed in the flammable store.

(10) A flammable store must be provided with a foam inlet consisting of a 65 millimetre male instantaneous coupling and mild steel pipework leading to the inside thereof and the foam inlet must be identified by means of a sign displaying the words "Foam Inlet" in 100 millimetre block letters.

(11) Racking or shelving erected in the flammable store must be of non-combustable material.

(12) The flammable store must be identified by the words, "Flammable Store-Bewaarplek vir Vlambare Vloeistowwe- Indawo Yokugcina Impahla Ethatha Lula Umlilo", and the permissible quantity allowed within the flammable store, indicated in 100 millimetre block letters on both the inside and outside of all doors communicating directly with the store.

(13) The owner or person in charge of a flammable store must ensure that the flammable store doors are kept locked when the store is not in use.

(14) A person shall not enter a flammable store or cause or permit it to be entered without the permission of the owner or person in charge of the premises.

(15) Sufficient fire extinguishers, as determined by the Council, must be mounted on the external wall of the flammable store in a conspicuous and easily accessible position.

(16) Any hand tool used in the flammable store must be intrinsically safe.

(17) A person may not use or permit a flammable store to be used for any purpose other than that indicated on the flammable substance certificate, unless the store is not in use as a flammable store and the Council has been notified in terms of the following procedure -

(a) within seven days of the cessation, notify the Council in writing thereof;

(b) within 30 days of the cessation, remove the flammable substance from the flammable store and render it safe, and

(c) within 30 days of the cessation, remove all signage.

(18) Subject to the provisions in this section, the Council may call for additional requirements to improve the fire safety of a flammable store. Container handling and storage

- 36(1). All flammable substance containers must be kept closed when not in use.
- (2) A person may not extract flammable liquids from a container of a capacity exceeding 20 litres, unless the container is fitted with an adequately sealed pump or tap.
- (3) Flammable liquid containers must be labelled and marked with words and decals, which indicate the flammable liquids contained therein as well as the hazard of the liquids.
- (4) Flammable substance containers must be declared gas or vapour-free by a competent person before any modification or repairs are undertaken.
- (5) All flammable substance containers must be manufactured and maintained in such a condition as to be reasonably safe from damage and to prevent leakage of flammable substances or vapours therefrom.
- (6) An empty flammable liquid container must be placed in a flammable store.
- (7) Where a flammable store is not available for the storage of empty flammable liquid containers, the Council may permit such storage in the open, provided that -
- (a) the storage area must be in a position and of sufficient size which in the opinion of the Council, will not cause a fire hazard or other threatening danger;
- (b) the storage area is well ventilated and enclosed by a wire mesh fence and -
- (i) the fence supports are of steel or reinforced concrete;
- (ii) has an outward opening gate that is kept locked when not in use, and
- (iii) when the floor area exceeds 10 m² an additional escape gate is installed, fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key;
- (c) the storage area is free of vegetation and has a non-combustible firm level base;
- (d) a two metre distance around the perimeter of the fenced area is clear of grass, weeds and similar combustible materials;
- (e) when the storage area has a roof, the construction of the roof and supporting structure must be of non-combustible material;
- (f) open flames, welding, cutting operations and smoking is prohibited in or near the storage area and signage is prominently displayed on the fence and complies with SABS 1186: Part 1, and
- (g) fire-fighting equipment is installed as determined by the Council.
- (8) An empty flammable liquid container must be securely closed with a bung or other suitable stopper.

Spray rooms and booths

37. A spray room, booth or area designated for the application of a flammable liquid must be constructed and equipped in such a manner as to comply with the General Safety Regulations promulgated in terms of the Occupational Health and Safety Act.

Liquid petroleum gas containers

38(1). A liquid petroleum gas container must be manufactured, maintained and tested in accordance with SABS 087: Part 1 and SABS 019.

(2) A liquid petroleum gas container must be used and stored in such a manner as to prevent damage or leakage of liquid or vapour therefrom.

(3) A liquid petroleum gas container of a capacity not exceeding nine kilogram must be filled and stored in accordance with SABS 087: Part 7.

CHAPTER 8**GENERAL PROVISIONS****Indemnity**

39. The Council is not liable for damage or loss as a result of, but not limited to, bodily injury, loss of life or loss of or damage to property or financial loss, or consequential loss, which is caused by or arises out of or in connection with anything done or performed or omitted in good faith in the exercise or performance of a power, function or duty conferred or imposed in terms of this by-law.

Offences and penalties

40. Any person who -

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

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

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

(d) obstructs or hinders any authorised official in the execution of his or her duties under these by-laws -

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R15 000 or imprisonment for a period not exceeding 6 months or both.

Enforcement provisions

41. Any authorized official of the Council may -

(a) enter any premises at any reasonable time to inspect the premises for compliance with this by-law; and

(b) summarily abate any condition on any premises which is in violation of any provision of

this by-law and which presents an immediate fire hazard or other threatening danger and to this end may -

- (i) call for the immediate evacuation of the premises;
- (ii) order the closure of the premises until such time as the violation has been rectified;
- (iii) order the cessation of any activity, and
- (iv) order the removal of the immediate threat.

Authority to investigate

42. The Council has the authority to investigate the cause, origin and circumstances of any fire or other threatening danger.

Failure to comply with provisions

43(1). When the Council finds that there is non-compliance with the provisions of this by-law a written notice must be issued and include the following:

- (a) confirmation of the findings;
- (b) provisions of this by-law that are being contravened;
- (c) the remedial action required, and
- (d) set forth a time for compliance.

(2) Nothing in this by-law prevents the Council or any authorized official from taking immediate action to take immediate corrective action in respect of any fire or other threatening danger found on any premises and to recover any costs incurred from the owner.

Repeal of existing By-laws

44. The Council's existing Fire Fighting by-laws are hereby repealed.

Short title and commencement

45. These by-laws shall be called the Fire Prevention By-laws, 200..., and shall come into operation on.....

PARKING AREAS BYLAWS

Be it enacted by the Council of the Utrecht Municipality, in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government:

Municipal Systems Act No. 32 of 2000, as follows:

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CHAPTER 1**DEFINITIONS****Definitions**

1. In these By-laws, any word or expression which has been defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996), has that meaning and, unless the context otherwise indicates -

"association" means persons who are self employed and have organised themselves into a car guard association;

"authorised official" means any inspector of licences, a traffic officer, peace officer in terms of section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), or a police officer in terms of the Police Act, 1958 (Act No. 7 of 1958), and includes any other person whom the Provincial Minister of Local Government may from time to time by regulation declare to be an authorized authorised officer;

"Council" means the Council of the Utrecht Municipality and its committees or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any power and duties with regard to these bylaws;

"nuisance" means any condition, thing, act or omission which is offensive or injurious or

which tends to prejudice the safety, good order, peace of the area or part thereof or the rights of reasonable comfort, convenience, peace or quiet of any neighborhood within the area and includes any act, exhibition or publication contrary to public decency or morals;

"peace officer" mean a peace officer as contemplated in Section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

"public road" means a public road as described under Section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996).

"park" means to keep a vehicle, whether occupied or not, stationary for a period of time longer than is reasonable necessary for the actual loading or unloading of persons or goods, but does not include any such keeping of a vehicle by reason of a cause beyond the control of the person in charge of such vehicle;

"parking bay" means a demarcated area within which a vehicle is to be parked in terms of these By-laws, demarcated as such upon the surface of a parking area or a floor thereof;

"parking area" means any area of land or any building set aside by the Council as a parking area or garage for the parking of vehicles by members of the public or parking area along a road, whether or not a prescribed fee has been determined for the use thereof;

"parking meter parking area" means a parking area or any part thereof where parking is controlled by means of parking meters;

"parking meter" means a device for registering and visibly recording the passage of time in accordance with the insertion of a coin or other method of payment prescribed and includes any post or fixture to which it is attached;

"parking period" means that period of time, including a period reflected on a parking meter, on any one day during which vehicles are permitted to park in a parking area or parking bay or as indicated by a road traffic sign;

"pay and display machine" means a machine installed at a pay and display parking area for the sale of tickets;

"pay and display parking area" means a parking area, or any part thereof, where a notice is erected by the Council at the entrance thereof indicating that the parking area concerned or part thereof is a pay and display parking area;

"pound" means an area of land or place set aside by the Council for the custody of vehicles removed from a parking area in terms of these By-laws;

"prescribed" means determined by resolution of the Council from time to time;

"prescribed fee" means a fee determined by the Council by resolution in terms of any other applicable legislation.; and

"Ticket controlled parking area" means a parking area or any part thereof where parking is controlled by means of tickets.

CHAPTER 2 TICKET-CONTROLLED PARKING AREAS

Parking fees

2. Any person making use of a parking area or parking bay in a ticket ticket-controlled parking area must pay the prescribed fee.

Conditions of parking in ticket-controlled parking areas

3(1). No person may park a vehicle or cause or permit a vehicle to be parked or allow it to be or to remain in a ticket controlled parking area, wherein parking is controlled by the issue of tickets-----

(a) except in a parking bay and in compliance with any directions which may be given by an authorised official or, where no such bay has been marked, except in a place indicated by the authorised official;

(b) after an authorised official has indicated to the person that the parking area is full; or

(c) after the expiry of the parking period.

(2) No person may remove or cause or permit the removal of any vehicle from a ticket-controlled parking area unless -

(a) that person has produced, if so required by an authorised official, a ticket authorising him or her to park in the parking area and which was issued to that person upon entering or leaving the parking area; and

(b) that person has upon entering or leaving the parking area paid the prescribed fee to the authorised official.

(3) If a person fails to produce a ticket authorising him or her to park in a parking area, that person is deemed to have parked the vehicle from 08h00 on the day in question until the time that person wants to remove the vehicle and he or she must pay the prescribed fee for that period.

(4) No person may, after failing to produce a ticket, remove or cause or permit the removal of any vehicle parked in the parking area until that person has produced other proof, to the satisfaction of an authorised official, of his or her right to remove such vehicle.

(5) An authorised official may require a person referred to in subsection (4) to furnish prescribed security.

(6) If a vehicle has not been removed from a parking area by the end of the parking period for which the prescribed fee has been paid, a further prescribed fee is payable for the next parking period.

CHAPTER 3: PARKING METER PARKING AREAS

Parking fees

4. Any person making use of a parking area or parking bay in a parking meter parking area must pay the prescribed fee.

Place of parking

5. No person may park or cause or permit to be parked any vehicle or allow a vehicle to be or remain in a parking meter parking area otherwise than in a parking bay.

Conditions of parking

6(1). No person may park a vehicle or cause any vehicle to be parked in a parking bay unless a coin or other prescribed object is forthwith inserted -

(a) into the meter allocated to that parking bay; or

(b) if a meter controls more than one parking bay, in the meter controlling the parking bay concerned as indicated by any marking or sign on the surface or floor of the parking bay or the surface or floor adjacent thereto; and that meter is put into operation in accordance with the instructions appearing thereon so that the meter registers and visibly indicates the parking period appropriate to the inserted coin or other prescribed object.

(2) Notwithstanding the provisions of subsection (1), -

(a) a person may, subject to the provisions of section (5), park a vehicle in a vacant parking bay without inserting a coin or other prescribed object, for any period indicated on the parking meter as unexpired; and

(b) if a person has ascertained that the parking meter for any parking bay is not operating properly, he or she is entitled to park a vehicle in that parking bay without inserting a coin or other prescribed object, provided that such a person does not park the vehicle in that parking bay for a period exceeding the maximum ordinarily allowed by that parking meter.

(3) The insertion of a coin or other prescribed object into a parking meter entitles the person inserting it to park a vehicle in the appropriate parking bay for the period corresponding with the payment so made.

(4) The period during which a vehicle may be parked in a parking bay and the coin or other prescribed object to be inserted in respect of that period into the parking meter allocated to that parking bay, must be in accordance with the prescribed fee and the period and the coin or other prescribed object to be inserted in respect thereof, must at all times be clearly indicated on the parking meter.

(5) No person may either with or without the insertion of an additional coin or other prescribed object into a parking meter, leave a vehicle in a parking bay after the expiry of the period indicated on the parking meter or return the vehicle to that bay within fifteen minutes after such expiry, or obstruct the use of that bay by any other person.

Proof of time

7. The expiry of the parking period, as indicated by a parking meter, is for the purpose of these by-laws and in any proceedings arising from the enforcement of these by-laws, deemed to be correct and may constitute evidence, on the face of it, of the expiry of the parking period.

CHAPTER 4: PAY- AND- DISPLAY PARKING AREAS

Parking fees

8. Any person making use of a parking area or parking bay in a pay-and-display parking area must pay the prescribed fee.

Parking

9(1). No person may park or cause or permit to be parked any vehicle or allow a vehicle to be or remain in a pay- and- display parking area unless immediately upon entering the parking area-

(a) he or she purchases a ticket issued by means of a pay and display machine in that parking area in accordance with the instructions displayed on, or within a distance of not more than 1,5 m (one comma five meters) of such machine; and

(b) the person displays such ticket by affixing it to the inside of the driver's side of the front windscreen of the vehicle in such a manner and place that the information printed on the ticket by the pay and display machine is readily legible from the outside of the vehicle.

(2) The period during which a vehicle may be parked in a pay-and-display parking area and the coin or other prescribed object to be inserted in respect of that period into the pay-and-display machine, must be indicated on such machine.

(3) Tickets issued by the pay-and-display machine must reflect -

(a) the date or day of issue of the ticket;

(b) the amount paid for the ticket;

(c) the departure time; and

(d) the machine code number.

(4) No person may allow a vehicle to remain in a pay-and-display parking area after the expiry of the departure time indicated on the ticket.

Proof of date and time of departure

10. The commencement of the parking period as recorded by a pay-and-display machine and as observed by an authorised official is for the purposes of these by-laws and in any proceedings arising from the enforcement of these by-laws deemed to be correct and may constitute evidence on the face of it of the commencement of the parking period.

CHAPTER 5: VEHICLES

Abandoned vehicles

11(1). Any vehicle which has been left in the same place in a parking ground for a continuous period of more than 14 fourteen days may, unless otherwise authorised by the Council, be removed by or at the instance of an authorised officer.

(2) The Council must take all reasonable steps to trace the owner of a vehicle removed in terms of subsection (1) and, if after the lapse of 90 ninety days from the date of its removal the owner or person entitled to its possession cannot be found, the vehicle may, subject to the provisions of subsection (3), be sold by the Council by public auction.

(3) The Council must, 14 fourteen days prior to the date of an auction sale contemplated in subsection (2), publish a notice thereof in at least two newspapers circulating within the Council's area of jurisdiction; provided that a vehicle may not be sold at the auction if -

(a) at any time before the vehicle is sold it is claimed by the owner or any other person authorised by the owner to do so or otherwise lawfully entitled thereto; and

(b) every prescribed fee payable in respect thereof in terms of these by-laws and all costs referred to in subsection (4) are paid to the Council.

(4) The proceeds of a sale concluded in terms of this section must be applied first in payment of every fee referred to in subsection (3) and to defray the following:

(a) the costs incurred in attempting to trace the owner in terms of subsection (2);

(b) the costs of removing the vehicle and effecting the sale of the vehicle;

(c) the pro-rata costs of publication in terms of subsection (3), taking into account the number of vehicles to be sold at the auction; and

(d) the costs of keeping the vehicle in the pound which must be calculated at the prescribed rate.

(5) Any balance of the proceeds referred to in subsection (4), must be paid to the owner of the vehicle or any person lawfully entitled to receive it upon that person establishing his or her right thereto to the satisfaction of the Council, and if no claim is established within one year of the date of the sale, the balance will be forfeited to the Council.

Vehicles of excessive size

12. Unless a road traffic sign displayed at the entrance to a parking area indicates otherwise, no vehicle which, together with any load, exceeds 5 m (five meters) in length may be parked in a parking area.

(2) No person shall park a vehicle with a gross vehicle mass exceeding 3 500 kg three thousand five hundred kilograms, or any trailer with a gross vehicle mass exceeding one thousand kilograms 1000 kg, on a public road or road reserve within the Council's area of jurisdiction for a period in excess of two hours, unless -

(a) a temporary parking permit has been issued to such a vehicle or trailer by the Municipality; and

(b) such vehicle or trailer is parked in a parking bay specifically provided for the parking of such vehicles or trailers.

(3) No person shall park a caravan on a public road or road reserve within the Council's area

of jurisdiction for a period in excess of 24 (twenty-four) hours.

(4) The Municipality shall, on written application, issue a temporary parking permit to vehicles and trailers, which must park for specific periods on public roads or road reserves because of agricultural activities.

(5) Any person who contravenes any provisions of this by-law shall be guilty of an offence and be liable on conviction to a penalty not exceeding R1,000.00 (One Thousand Rand).

Parking after parking period

13. No person may park a vehicle or cause or permit it to be parked in any parking area before the beginning or after the expiry of the parking period prescribed for the parking area unless that person is the holder of a ticket issued in terms of these By-laws authorising him or her to do so.

Defective vehicles

14. No person may park or cause or permit to be parked or to remain in any parking area a vehicle which is mechanically defective or for any reason incapable of movement unless such vehicle has, after having been parked in a parking area, developed a defect which immobilises it and the person in control of it shows that he or she took reasonable steps to have the vehicle repaired or removed within a reasonable time.

Parking of a vehicle in parking area

15. No person may park or cause or permit to be parked or to remain in any parking area any vehicle other than a vehicle as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996).

Cleaning and repair of vehicle

16. No person may in any parking area clean, wash, work on or effect repairs to a vehicle except minor emergency repairs, unless the prior written permission of the Council has been obtained.

Tampering with vehicles and obstructions

17(1). No person may, in any parking area, without reasonable cause or without the knowledge and consent of the owner of a vehicle or person in lawful control thereof, enter or climb upon that vehicle or set the machinery thereof in motion or in any way tamper or interfere with its machinery or any other part of it or with its fittings, accessories or contents.

(2) No person may in any parking area -

(a) park any vehicle so that any part of it extends across any white line forming a boundary of a parking bay or that it is not entirely within the confines of the bay; or

(b) perform any act or introduce anything which obstructs or is likely to obstruct the movement of persons or vehicles.

CHAPTER 6: MISCELLANEOUS

Refusal of admission

18. An authorised official may refuse to admit into a parking ground a vehicle which is by reason of its length, width or height likely to cause damage to persons or property or to cause an obstruction or undue inconvenience or which in terms of section 6 or 16 may not be parked in a parking ground.

Forging or defacing tickets

19. No person may with intent to defraud the Council, forge, imitate, deface, mutilate, alter or make any mark upon any ticket issued in terms of these By-laws.

Medical practitioners exempt

20. A medical practitioner is exempt from paying the prescribed fees while the vehicle used by that practitioner is parked in a parking area to enable him or her to perform professional duties at any place other than a consulting room or similar place, subject to a form or token issued by the South African Medical Council for that purpose being displayed on the windscreen of the vehicle concerned in such manner that it is readily legible from outside the vehicle.

Parking directives

21. (1) No driver or person in charge of a vehicle shall park such vehicle or cause it to be parked -

(a) in a demarcated parking bay across any painted line marking the confines of the parking bay or in such a position that the said vehicle is not entirely within the area demarcated;

(b) in a demarcated parking bay which is already occupied or partly occupied by another vehicle;

(c) In an area demarcated for commercial loading purposes, unless it is lawful to do so for the purpose of commercial loading.

(2) The person or driver in charge of a vehicle shall park such vehicle in a demarcated parking bay-

(a) if the demarcated parking place is parallel to the curb or sidewalk of the public road, in such a way that it shall be headed in the general direction of the movement of traffic on the side of the road on which the vehicle is parked and so that the left hand wheels of the vehicle are substantially parallel to and within 450 mm four hundred and fifty millimeters of the left hand curb: Provided that where in a one-way street such demarcated parking place is in existence on the right hand side of the road the same shall apply to the right hand wheels and the right hand curb respectively; and

(b) if the demarcated parking place is at an angle to the curb or sidewalk of a public road, in such a manner that it is headed substantially in the general direction of the movement of traffic on the side of the road on which such vehicle is parked.

(3) Where by reason of the length of any vehicle, such vehicle cannot be parked wholly within

a demarcated parking place, it shall be lawful to park such vehicle by encroaching upon a demarcated parking place adjoining the first mentioned parking place, if such be the case, and any person so parking shall be liable for payment of parking fees in respect of both the said places.

Offences and penalties

22. Any person who -

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

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

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

(d) obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties under these By-laws,

shall be guilty of an offence and liable on conviction to a fine to a fine not exceeding R1, 000.00 (One thousand Thousand Rand) or to imprisonment for a period not exceeding 3 (three) months.

Monthly tickets

23. (1) Notwithstanding anything to the contrary contained in these By-laws, the Council may in respect of any parking area controlled by the issuing of tickets issue, at a prescribed fee, a ticket which entitles the holder thereof to park a vehicle in that area for one calendar month or any lesser period specified therein, at the times specified in the ticket, if a parking bay is available.

(2) The Council may issue to any of its employees a ticket which entitles the holder, when using a vehicle in connection with the business of the Council, to park it in a parking area specified in the ticket, if a parking bay is available in the parking area.

(3) A ticket issued in terms of subsection (1) or (2) may not be transferred to any other person or be used in respect of any vehicle other than the vehicle specified in the ticket, without the prior written permission of the Council.

(4) A ticket issued in terms of subsection (1) or (2) must be affixed by the holder of the ticket to the vehicle in respect of which it is issued in such manner and place that the written or printed text of the ticket is readily legible from the outside of the vehicle.

Closure of parking areas

24. Notwithstanding anything to the contrary contained in these By-laws, the Council may at any time close any parking area or portion thereof temporarily or permanently and must indicate the fact and the period of such closure by a road traffic sign displayed at the entrance to the parking area that is closed or at the closed portion thereof, as the case may be.

Parking according to instruction

25. No person may in any parking area park a vehicle otherwise than in compliance with an instruction or direction, if any, given by an authorised official or introduce or remove a vehicle otherwise than through an entrance thereto or exit therefrom demarcated for that purpose.

Prohibitions relating to parking meters

26. No person may -

(a) insert or attempt to insert into a parking meter a coin or object except:

(i) a coin of South African currency of a denomination as prescribed; or

(ii) an object which is prescribed as another method of payment as contemplated in section 8(1);

(b) insert or attempt to insert into a parking meter any false or counterfeit coin or prescribed object or any foreign object;

(c) tamper with, damage, deface or obscure a parking meter;

(d) in any way whatsoever cause or attempt to cause a parking meter to record the passage of time otherwise than by the insertion of a coin or other prescribed object;

(e) jerk, knock, shake or interfere with a parking meter which is not working properly or at all in order to make it do so or for any other purpose; or

(f) obscure a parking meter or any part thereof or remove or attempt to remove it from the post or other fixture to which it is attached.

Prohibitions relating to pay and display machines

27. No person may -

(a) insert or attempt to insert into a pay and display machine, a coin or other prescribed object which is false or counterfeit or any object other than a coin of South African currency or other prescribed object;

(b) jerk, knock, shake or in any way interfere with, or damage or deface a pay and display machine; or

(c) remove or attempt to remove a pay and display machine or any part thereof from its mounting.

CHAPTER 7: GENERAL PROVISIONS**Repeal of By-laws**

29. The Council's existing Parking Areas By-laws are hereby repealed.

Short title and commencement

30. (1) These By-laws shall be called the Parking Areas By-laws, 200..., and shall come into
(2) These By-laws shall come into effect operation on.....

POLLUTION CONTROL BY-LAWS

Be it enacted by the Council of the Utrecht Municipality, in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

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CHAPTER 1: DEFINITIONS

Definition

1. In this by-law, unless the context otherwise indicates:

"adverse effect" means any actual or potential impact on the environment that impairs or could impair human health or well-being or the environment to an extent that is more than trivial or insignificant;

"air pollutant" means any substance that causes or may cause air pollution including, without limiting the generality of the foregoing, dust, smoke, fumes and gas;

"air pollution" means any change in the environment caused by any air pollutant where that change has an adverse effect on human health or well-being or on the composition, resilience

and productivity of any natural or managed ecosystem, or on materials useful to people, or will have such an effect in the future;

"air pollution control zone" means the geographical area to which section 9 of these by-laws is declared to apply;

"ambient sound level" means the reading of an integrating impulse sound level meter measured at the end of a total period of at least 10 minutes after such integrating sound level meter has been put into operation, during which period a noise alleged to be a disturbing noise is absent;

"atmosphere" means air that is not enclosed by a building, machine, chimney or other such structure;

"authorised official" means a person authorised by the Council to perform the functions of an authorised official in terms of these by-laws;

"chimney" means any structure or opening of any kind from or through which air pollutants may be emitted;

"compressed ignition powered vehicle" means a vehicle powered by an internal combustion, compression ignition, diesel or similar fuel engine;

"Council" means the Council of the Utrecht Municipality and its committees or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;

"dark smoke" means dark smoke as defined in the Atmospheric Pollution Prevention Act No. 45 of 1965;

"disturbing noise" means the a noise level which exceeds the ambient sound level by 7dB(A) or more, and "disturbing" in relation to a noise shall have a corresponding meaning;

"dust" means any solid matter in a fine or disintegrated form which is capable of being dispersed or suspended in the atmosphere;

"dwelling" means any building or other structure, or part of a building or structure, used for residential purposes, and any outbuildings ancillary to it;

"fuel-burning equipment" means any furnace, boiler, incinerator; or

other equipment, including a chimney -

(a) designed to burn, or capable of burning, liquid, gas or solid fuel;

(b) used to dispose of any material or waste by burning; or

(c) used to subject liquid, gas or solid fuel to any process involving the application of heat;

"light absorption meter" means a measuring device that uses a light-sensitive cell or detector to determine the amount of light absorbed by an air pollutant;

"littering" means the discarding or leaving behind of any object or matter whether gaseous, liquid or solid by the person in whose control or possession it was;

"municipal manager" means the person appointed as such by the Council in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998);

"noise level" means the reading on an integrating sound level meter taken at the measuring point at the end of a reasonable period after the integrating sound meter has been put into operation during which period the noise level alleged to be disturbing noise is present, to which reading 5dB(A) is added if the disturbing noise contains a pure tone component or is of an impulsive nature;

"obscuration" means the ratio of visible light attenuated by suspended air pollutants to incident visible light, expressed as a percentage;

"open burning" means the combustion of material by burning without a chimney to vent the emitted products of combustion to the atmosphere, and "burning in the open" has a corresponding meaning;

"operator" means a person who owns or manages an undertaking, or who controls an operation or process, which emits air pollutants;

"person" includes a natural person, company, closed corporation, trust, association and partnership;

"premises" means any building or other structure together with the land on which it is situated and any adjoining land occupied or used in connection with any activities carried on in that building or structure, and includes any land without any buildings or other structures and any locomotive, ship, boat or other vessel which operates or is present within the area under the jurisdiction of the Council; "proclaimed township" means any land unit zoned and utilized for residential purposes; "public road" means a road which the public has the right to use;

"smoke" means the gases, particulate matter and products of combustion emitted into the atmosphere when material is burned or subjected to heat and includes the soot, grit and gritty particles emitted in smoke;

"vehicle" means any motor car, motor cycle, bus, truck or other conveyance propelled wholly or partly by any volatile spirit, steam, gas or oil, or by any means other than human or animal power;

"water course" includes -

(a) a spring;

(b) a natural channel in which water flows regularly or intermittently; and

(c) a wetland, lake or dam into which, or from which, water flows; and a reference to a water course includes, where relevant, its bed, banks and mouth.

CHAPTER 2: NOISE POLLUTION

Control of noise

2. No person shall, on any premises or land falling within the Council's area of jurisdiction, make, produce cause or permit to be made or produced by any person, machine, animal, device or apparatus or combination of these, a noise which is a disturbing noise.

Notices

3. The Municipality may by written notice instruct the person causing or responsible for a disturbing noise or the owner of such building or premises on which a disturbing noise is caused or both of them, within a period specified in such notice, immediately to stop such noise or have it stopped or take the necessary steps to reduce the disturbing noise level to a level below that of a disturbing noise; provided that if the Municipality is satisfied that the 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 Municipality been reduced or muffled according to the best practicable methods;

(b) a sports meeting; or

(c) circumstances or activities beyond the control of the person responsible for causing the disturbing noise,

the Municipality may, whether generally or specifically, permit the working of such machine or apparatus, or such sports meeting or circumstances or activities to continue, subject to such conditions as the Municipality may deem fit.

CHAPTER 3: POLLUTION OF A WATER COURSE

Pollution of a water course

4. Except with the permission of the Council or in terms of the provisions of the Sea-Short Act, 1935 (Act No. 21 of 1935), a person may not cause -

(a) waste water;

(b) any toxic or harmful substance; or

(c) any litter or waste to run into or be dumped in a water course.

Boats on water courses

5. No person shall operate a boat on a water course while it is leaking oil, petrol or any toxic or noxious substance.

Equipment on craft

6. No person shall use a motor-driven boat on a water course unless it is equipped with an effective silencer affixed to the exhaust pipe of the motor.

CHAPTER 4: LITTERING AND DUMPING**Littering**

7. No person shall discard or leave any litter on any land or water surface, street, road or any site in or on any place to which the public has access, except in a container or at a place which has been specifically indicated as having been provided or set aside for such purpose.

Dumping

8. (1) No person shall dump, or cause or permit to be dumped, on any land or premises any waste.

(2) If the provisions of subsection (1) are contravened, Council may direct, by way of a written notice, that -

(a) any person who committed, or who directly or indirectly caused or permitted, the contravention;

(b) the owner of the land or premises where the contravention took place;

(c) the person in control of, or any person who has or had at the time of the contravention a right to use, the land or premises where the contravention took place; or

(d) any person who negligently failed to prevent the contravention from taking place,

cease the contravention in a specified time, take steps to prevent a further contravention or the continuation of the contravention, and/or take whatever steps the Council considers necessary to clean up or remove the waste, to lawfully dispose of the waste and to rehabilitate the affected area.

(3) If a person fails to comply with subsection (1), or if a person fails to comply with directions given in a notice issued under subsection (2), Council may itself take whatever steps it considers necessary to clean up or remove the litter, to rehabilitate the affected area and to ensure that the waste, and any contaminated material which cannot be cleaned or rehabilitated, is disposed of lawfully. Council may then recover the reasonable costs of taking these steps from any of the persons listed in subsection (2), who shall be jointly and severally liable therefor.

CHAPTER 5: AIR POLLUTION CONTROL**Air pollution control zones**

9. (1) The whole area within the jurisdiction of the Council is hereby declared an air pollution control zone.

(2) Within the air pollution control zone, the Council may from time to time by resolution -

- (a) prohibit or restrict the emission of one or more air pollutants from all premises or certain premises;
- (b) prohibit or restrict the combustion of certain types of fuel;
- (c) declare smokeless zones, in which smoke with an obscuration of more than 10% may not be emitted; or
- (d) prescribe different requirements in an air pollution control zone relating to air quality in respect of -
 - (i) different geographical areas;
 - (ii) specified premises;
 - (iii) classes of premises; or
 - (iv) premises used for specified purposes.

(3) The Council may in writing exempt certain premises, classes of premises or premises used for specified purposes from the provisions of this by-law.

Smokeless zones

10. (1) Council may by resolution declare certain areas to be smokeless zones from a date indicated in that resolution.

(2) No owner or occupier of any premises within a smokeless zone shall cause or permit the emission from such premises of smoke of such a density or content as will obscure light to an extent greater than 10 per cent.

(3) If, on the written application of any person, the Council is satisfied that there are adequate reasons for the temporary exemption of any premises from the provisions of this section, the Council may, by notice in writing to the applicant, grant such exemption for a period specified in such notice.

CHAPTER 6: SMOKE EMISSIONS FROM PREMISES OTHER THAN DWELLINGS

Prohibition

11. (1) Subject to subsection (2), dark smoke must not be emitted from any premises for an aggregate period exceeding three minutes during any continuous period of thirty minutes.

(2) This section does not apply to dark smoke which is emitted from fuel-burning equipment which occurs while the equipment is being started or while the equipment is being overhauled or repaired, or awaiting overhaul or repair, unless such emission could have been prevented using the best practicable means available.

Installation of fuel-burning equipment

12. (1) No person shall install, alter, extend or replace any fuel-burning equipment on any

premises without the prior written authorization of the Council, which may only be given after consideration of the relevant plans and specifications.

(2) Where fuel-burning equipment has been installed, altered, extended or replaced on premises in contravention of subsection (1) -

(a) the owner or occupier of the premises and the installer of the fuel-burning equipment shall be guilty of an offence; and

(b) the Council may, on written notice to the owner or occupier of the premises, order the removal of the fuel-burning equipment from the premises at the expense of the owner or operator within a period stated in the notice.

Operation of fuel-burning equipment

13. (1) No person shall use or operate any fuel-burning equipment on any premises contrary to an authorisation referred to in section 12.

(2) Where fuel-burning equipment has been used or operated in contravention of subsection (1) -

(a) the owner and occupier of the premises concerned and the operator of the fuel-burning equipment shall each be guilty of an offence;

(b) the Council may on written notice to the owner and occupier of the premises –

(i) revoke its authorization under section 12; and

(ii) order the removal of the fuel-burning equipment from the premises at the expense of the owner and operator and within the period stated in the notice.

Installation and operation of obscuration measuring equipment

14. (1) The Council may give notice to any operator of fuel-burning equipment or any owner or occupier of premises on which fuel-burning equipment is used or operated, or intended to be used or operated, to install, maintain and operate obscuration measuring equipment at his or her own cost, if -

(a) unauthorised and unlawful emissions of dark smoke from the relevant premises have occurred consistently and regularly over a period of at least two days;

(b) unauthorised and unlawful emissions of dark smoke from the relevant premises have occurred intermittently over a period of at least fourteen days;

(c) fuel-burning equipment has been or is intended to be installed on the relevant premises which are reasonably likely in the opinion of an authorised official to emit dark smoke;

(d) the Council considers that the nature of the air pollutants emitted from the relevant premises are reasonably likely to create a hazard to human health or the environment.

(2) A notice referred to in subsection (1) must inform the person to whom it is addressed of -

- (a) that person's right to make written representations and to appear in person to present and dispute information and arguments regarding the notice, and must stipulate a reasonable period within which this must be done;
- (b) that person's right of appeal under section 28;
- (c) that person's right to request written reasons for the issuing of the notice; and
- (d) the measures that must be taken and the potential consequences if the notice is not complied with.

Monitoring and sampling

15. (1) An occupier or owner of premises, and the operator of any fuel-burning equipment, who is required to install obscuration measuring equipment in terms of section 16(1) must -

- (a) record all monitoring and sampling results and maintain a copy of this record for at least four years after obtaining the results;
- (b) if requested to do so by an authorised official, produce the record of the monitoring and sampling results for inspection; and
- (c) if requested to do so by an authorised official, provide a written report (in a form and by a date specified by the authorised official) of part or all of the information in the record of the monitoring and sampling results.

CHAPTER 7:

SMOKE EMISSIONS FROM DWELLINGS

16. (1) Subject to the provisions of section 17(4), no person shall emit or permit the emission of dark smoke from any dwelling for an aggregate period exceeding three minutes during any continuous period of thirty minutes.

(2) Any person who emits or permits the emission of dark smoke in contravention of subsection (1) commits an offence.

CHAPTER 8: EMISSIONS CAUSED BY OPEN BURNING

17. (1) Subject to subsection (4), any person who carries out open burning of any material on any land or premises is guilty of an offence, unless the prior written authorization of the Council, which may include the imposition of further conditions with which the person requesting authorization must comply, has been obtained.

(2) The Council may not authorize open burning under subsection (1) unless -

- (a) the material will be open burned on the land from which it originated;
- (b) that person has investigated and assessed every reasonable alternative for reducing, reusing, recycling or removing the material in order to minimize the amount of material to be open burned, to the satisfaction of the Council;

(c) that person has investigated and assessed the impact that the open burning will have on the environment, to the satisfaction of the Council;

(d) a warning under section 10(1)(b) of the National Veld and Forest Fire Act, 1998 (Act 101 of 1998) has not been published for the region;

(e) the land on which that person intends to open burn the material is not land within a proclaimed township;

(g) the open burning is conducted at least 100 metres from any buildings or structures;

(h) the open burning will not pose a potential hazard to human health or safety, private property or the environment;

(i) that person has notified in writing the owners and occupiers of all adjacent properties of -

(i) all known details of the proposed open burning; and

(ii) the right of owners and occupiers of adjacent properties to lodge written objections to the proposed open burning with the Council within 7 days of being notified; and

(j) the prescribed fee has been paid to the Council.

(3) Any person who undertakes or permits to be undertaken open burning in contravention of subsection (1) commits an offence.

(4) The provisions of this section shall not apply to -

(a) recreational outdoor barbecue or braai activities on private premises;

(b) small controlled fires in informal settlements for the purposes of cooking, heating water and other domestic purposes; or

(c) a self-contained fire place used for heating purposes in any dwelling.

CHAPTER 9: EMISSIONS FROM COMPRESSED IGNITION POWERED VEHICLES Prohibition

18. (1) No person may on a public road drive or use, or cause to be driven or used, a compressed ignition powered vehicle that emits dark smoke

(2) If dark smoke is emitted in contravention of subsection (1) the owner and driver of the vehicle shall each be guilty of an offence.

Stopping of vehicles for inspection and testing

19. (1) In order to enable an authorised official to enforce the provisions of these by-laws, the owner of a vehicle must comply with any reasonable direction given by an authorised official -

(a) to stop the vehicle; and

(b) to facilitate the inspection or testing of the vehicle.

(2) Failure to comply with a direction given under subsection (1) is an offence.

(3) When a vehicle has stopped in compliance with a direction given under subsection (1), the authorised official may:

(a) inspect and test the vehicle at the roadside, in which case inspection and testing must be carried out:

(i) at or as near as practicable to the place where the direction to stop the vehicle is given; and

(ii) as soon as practicable, and in any case within one hour, after the vehicle is stopped in accordance with the direction; or

(b) conduct a visual inspection of the vehicle and, if the authorised official reasonably believes that an offence has been committed under section 18, instruct the owner or driver of the vehicle in writing to take the vehicle to a testing station, within a specified period of time, for inspection and testing in accordance with section 20.

Testing procedure

20. (1) An authorised official must use the free acceleration test method in order to determine whether a compressed ignition powered vehicle is being driven or used in contravention of section 18.

(2) The following procedure must be adhered to in order to conduct a free acceleration test -

(a) when instructed to do so by the authorised official, the owner or driver must start the vehicle, place it in neutral gear and engage the clutch;

(b) while the vehicle is idling; the authorised official must conduct a visual inspection of the emission system of the vehicle;

(c) when instructed to do so by the authorised official, the owner or driver of the vehicle must in less than one second smoothly and completely depress the accelerator throttle pedal of the vehicle; provided that the authorised official may do so him/herself or herself if the owner or driver fails or refuses to comply with the authorised official's reasonable instructions;

(d) while the throttle pedal is depressed, the authorised official must measure the smoke emitted from the vehicle's emission system in order to determine whether or not it is dark smoke; and

(e) the owner or driver of the vehicle may only release the throttle pedal of the vehicle when the engine reaches cut-off speed, or when directed to do so by the authorised official.

(3) If, having conducted the free acceleration test, the authorised official is satisfied that the vehicle -

(a) is not emitting dark smoke, then the authorised official must furnish the owner of the

vehicle with a certificate indicating that the vehicle is not being driven or used in contravention of section 18; or

(b) is emitting dark smoke, the authorised official must issue the owner of the vehicle with a repair notice in accordance with section 21.

Repair notice

21. (1) A repair notice must direct the owner of the vehicle to repair the vehicle within a specified period of time, and to take the vehicle to a place identified in the notice for re-testing before the expiry of that period.

(2) The repair notice must contain *inter alia* the following information:

(a) the make, model and registration number of the vehicle;

(b) the name, address and identity number of the driver of the vehicle; and

(c) if the driver is not the owner, the name and address of the vehicle owner.

(3) A person commits an offence if that person fails to comply with the notice referred to in subsection (1).

CHAPTER 10: GENERAL PROVISIONS

Offences

22. Any person who contravenes any provision of these by-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R20 000 or imprisonment for a period not exceeding 2 years.

Appeals

23. (1) Any person may appeal against a decision taken by an authorised official under this by-law by giving written notice of the appeal, in which the reasons for the appeal are stated, to the municipal manager within 30 days of the date on which that person receives notification of the decision.

(2) Pending confirmation, variation or revocation of the decision in terms of subsection (4), any person appealing a decision in terms of subsection (1), unless the Council provides otherwise -

(a) must nonetheless substantively comply with any obligations that may have been imposed as a result of the decision that is the subject of the appeal; and

(b) may not exercise any rights that may have accrued as a result of the decision that is the subject of the appeal application, provided that no other person may exercise any right that may accrue either.

(3) Within 14 days of receipt of the notice of appeal, the Municipal Manager must -

- (a) submit the appeal to the appropriate appeal authority mentioned in subsection (5);
- (b) take all reasonable measures to ensure that all persons whose rights may be significantly detrimentally affected by the granting of the appeal application are notified in writing of the appeal application and advised of their right to -
 - (i) obtain a copy of the appeal application;
 - (ii) submit written objections to the application to the municipal manager within 30 days of date of notification.
- (4) After the expiry of the 30-day period referred to in subsection (3)(b)(ii), the appeal authority must consider the appeal and any objections raised to it, and confirm, vary or revoke the decision.
- (5) When the appeal is against a decision taken by -
 - (a) an authorised official other than the municipal manager, then the municipal manager is the appeal authority; or
 - (b) the municipal manager, then the Executive Committee is the appeal authority.
- (6) An appeal authority must commence with an appeal within 60 days of receiving notification and must decide the appeal within a reasonable period.

Repeal of existing By-laws

24. The Council's existing Pollution Control by-laws are hereby repealed.

Short title and commencement

25. These by-laws shall be called the Pollution Control By-laws, 200..., and shall come into operation on.....

POUND BYLAWS

Be it enacted by the Council of the Utrecht Municipality, in terms of Section 156 of Constitution of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

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Section 1: Definitions

Section 2: Application

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Section 4: Detention and removal of animals

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Section 7: Release of animals

Section 8: Disposal of animals

Section 9: Indemnity

Section 10: Offences and penalties

Section 11: Repeal of By-laws

Section 12: Short title and commencement

Definitions

1. In these bylaws, unless inconsistent with the context -

"animal" means any equine, canine or bovine animal and, without limiting the generality of the foregoing, includes donkey, sheep, goat, pig, domesticated ostrich, dog or any hybrid of such animals, or any poultry;

"Council" means the council of the Utrecht Municipality and its committees or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;

"impounded animal" means any animal received into a pound as contemplated in section 5;

"owner" in relation to any animal includes the agent of the owner or any other person having lawful custody of the animal;

"owner" in relation to any land includes the registered owner, the lessee and any lawful occupier of such animal;

"pound" means any premises on which a pound has been established by or on behalf of the Council for the impounding of animals under these bylaws; and

"pound manager" means the person appointed from time to time by the Council to manage a pound established by the Council and any other person appointed by such person to act in his or her stead during his absence from the pound.

"public place" any place to which the public has access including, without limiting the generality of the foregoing, any square, park, recreation ground, sports ground, open space, beach, shopping centre on municipal land, unused/vacant municipal land or cemetery; and

"public road" shall mean a public road as described under Section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996).

Application

2. Nothing prevents any animal detained in terms of these bylaws from being impounded in a pound or any similar facility established by any other municipality, the provincial government or other lawful authority.

Establishment of pound

3 (1) The Council may establish a pound at any convenient place within its area of jurisdiction and, whenever the Council deems it necessary, may disestablish such pound.

(2) The Council shall give notice of the establishment of a pound, or the disestablishment thereof, by publishing a notice in at least two newspapers circulating in the area of jurisdiction of the Council.

Detention and removal of animals

4 (1) Any animal -

(a) found trespassing on land; or

(b) straying or wandering unattended in a public road or other public place, may be detained and removed to a pound by the owner of such land, an official of the Council, a member of the South African Police Services or the pound manager. (2) Any person who has detained an animal for the purpose of impounding shall -

(a) remove such animals to a pound within 24 hours after seizure; and

(b) ensure that proper care is taken of the seized animal until the animal is received at the pound.

Receipt of animals

5 (1) Any person removing an animal to a pound shall provide the pound manager with -

(a) his or her name and permanent residential address;

(b) the time and place of detention of the animal; and

(c) the capacity in which he or she detained the animal.

(2) The pound manager shall, upon receipt of a detained animal -

(a) record the particulars furnished in terms of section 5(1) and enter the same in a book maintained for the purpose;

(b) furnish the person delivering the animal with a receipt reflecting -

(i) his or her name;

(ii) a description of the animal; and

(iii) the date and time of receipt of the animal at the pound; and

(c) keep a copy of each receipt issued in terms of section 5(2)(b).

(3) No person shall release or attempt to release, otherwise than in accordance with these bylaws, any animal which has been received at a pound.

Care of animals

6. (1) The pound manager shall take proper care of any animal impounded in terms of these bylaws.

(2) The pound manager shall not use or cause or permit to be used any animal impounded in terms of these bylaws.

(3) In the event of the injury or death of any impounded animal, the pound manager shall record the cause of such injury or death and shall retain any veterinary certificate issued.

(4) The pound manager shall keep records of any expense incurred in respect of an impounded animal including, but not limited to, the feeding and veterinary care of the animal.

Release of animals

7. The pound manager shall release an impounded animal to any person who has -

(a) satisfied the pound manager that he or she is the owner of the impounded animal;

(b) paid the conveyance and pound fees prescribed by resolution of the council of the Council from time to time; and

(c) paid any veterinary or other expenses incurred in the impounding of the animal.

Disposal of animals

8 (1) The pound manager may sell by public auction and for cash any impounded animal which has not been claimed within 30 days of being impounded, and in respect of which -

(a) the Council has taken all reasonable steps to locate and notify the owner;

(b) the owner has not been located or, despite having been given 10 day's notice, has failed to remove the impounded animal; and

(c) 10 day's prior notice of the proposed sale has been given in terms of section 8(2).

(2) The sale of an impounded animal shall be advertised by placing a notice on a public notice board at a place designated by the Council for that purpose -

(a) describing the animal, its sex, its approximate age and any particular brands or marks; and

(b) stating that the animal will be sold by public auction if not claimed within 10 days.

(3) The proceeds of any sale shall be applied in defraying the fees and expenses referred to in section 7 and the balance, if any, shall be forfeited to the Council if not claimed within three months by a person who establishes to the satisfaction of the pound manager that he or she is the owner of the impounded animal.

(4) If the pound manager is for any reason unable to sell any impounded animal or if, in the opinion of the pound manager the animal is so dangerous, vicious, diseased or severely ill or in such a physical condition that it ought to be destroyed, the pound manager may cause the animal to be destroyed subject to any applicable law relating to the protection of animals or otherwise dispose of the animal in a manner approved by the Council.

(5) Any shortfall between the proceeds of sale, if any, and the fees and expenses referred to in section 7, or the costs of destruction as contemplated in clause 8(4), may be claimed by the Council from the owner.

Indemnity

9. The Council, the pound manager and any officer, employee, agent or councillor of the Council shall not be liable for the death of or injury to any animal arising as a result of its detention, impounding or release, or arising during its impoundment.

Offences and penalties

10. Any person who contravenes or fails to comply with any provision of these by-laws shall be guilty of an offence and liable for a fine not exceeding R2 000 or imprisonment for a period not exceeding two months or for both such fine and imprisonment.

Repeal of existing By-laws

11. The Council's existing Pound by-laws are hereby repealed.

Short title and commencement

12. These by-laws shall be called the Pound By-laws, 200..., and shall come into operation on.....

PUBLIC AMENITIES BY LAWS

Be it enacted by the Council of the Utrecht Municipality, in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

INDEX CHAPTER 1: DEFINITIONS

1. Definitions

CHAPTER 2: ENTRANCE TO PUBLIC AMENITIES

2. Opening times
3. Entrance fees
4. Entrance and exit
5. Maximum number of visitors
6. Closing of public amenities

CHAPTER 3: PROHIBITED CONDUCT

7. Personal behaviour
8. Damage
9. Animals
10. Fishing
11. Vehicles
12. Games and play areas

CHAPTER 4: GENERAL PROVISIONS

13. Authorised officials
14. Directives
15. Penalties
16. Repeal of existing bylaws
17. Short title and commencement

CHAPTER 1**DEFINITIONS****Definitions**

1. In this bylaw, unless the context indicates otherwise -

"authorised official" means an official of the Council who is authorised to manage or assist in the management of a public amenity;

"Council" means the Council of the Utrecht Municipality and its committees or any other body or person acting by virtue of any power delegated by the Council in terms of legislation, as well as under these bylaws;

"motor vehicle" includes a motor cycle, motor quadracycle, motor tricycle and a trailer;

"notice" means an official notice of the Council displayed at entrances to or at conspicuous places in a public amenity;

"public amenity" means any outdoor or indoor amenity which is vested in or controlled by the Council and to which the public have access, and includes, without limiting the generality of this definition -

(a) a park, botanical or zoological garden, pleasure resort, nature reserve, hiking trail, sports ground or swimming pool; and

(b) any building situated within a public amenity; and

"the Municipality" means the Utrecht Municipality.

CHAPTER 2

ENTRANCE TO PUBLIC AMENITIES

Opening times

2. (1) A public amenity shall be open to the public during times determined by the Council and indicated by notice displayed conspicuously at the entrance thereto.

(2) Unless authorized by the Council in writing to do so, no person shall enter or be present in a public amenity other than during the opening times determined by the Council in terms of subsection(1).

Entrance fees

3. (1) Council may determine entrance fees to a public amenity.

(2) No person shall enter a public amenity unless he or she has paid the entrance fee determined by the Council in terms of subsection (1).

(3) The Council may suspend the payment of entrance fees in respect of any public amenity on any specific day or days as it deems fit.

Entrance and exit

4. No person shall enter or leave a public amenity except through the entrance provided for that purpose.

Maximum number of visitors

5. The Council may determine, and display by notice, the maximum number of visitors who may be admitted to or be present in any public amenity during specific times or on specific days.

Closing of public amenities

6. The Council may -

- (a) for any special purpose, by written notice displayed conspicuously at the main entrance to the amenity concerned, close a public amenity or part thereof for such time as it may from time to time consider necessary or expedient; and
- (b) for any purpose related to the operation and maintenance of the public amenity, by notice close any part of public amenity to the public for such periods as it may deem necessary .

CHAPTER 3**PROHIBITED CONDUCT****Personal behavior**

7. No person in a public amenity shall -

- (a) do anything which endangers or is likely to endanger another person;
- (b) do anything which constitutes a nuisance or interferes with another person in the proper enjoyment of the public amenity;
- (c) use profane, indecent or improper language;
- (d) consume alcohol or any other intoxicating substance, or be intoxicated;
- (e) use, intrude upon or attempt to intrude upon any toilet, urinal or other place of convenience provided for the opposite sex;
- (f) enter any part of a public amenity determined by council and indicated by notice to be closed to the public;
- (g) pollute, through the washing of clothes or otherwise, any stream, river, lake, dam, pond, fountain or ornamental water feature;
- (h) swim in any stream, river, lake, dam, pond, fountain or ornamental water feature unless a notice specifically permits swimming in that place; or
- (i) launch a boat, canoe, raft or any other floating object on any stream, river, lake, dam, pond, fountain or ornamental water feature except with the written consent of the Council.

Damage

8. No person in a public amenity shall -

- (a) place or leave any placards or notices;
- (b) damage or remove any vegetation, including any grassed area;
- (c) light any fire, except at designated braai facilities;

- (d) litter;
- (e) erect any structure or tent of any kind without the consent of Council in writing; and
- (f) damage any building or other structure erected by or with the consent of the Council.

Animals

9. (1) No person in a public amenity shall -

- (a) take a dog or any other animal into a public amenity in contravention of a notice;
- (b) bathe or wash a dog or any other animal, or allow a dog or any other animal to swim, in any stream, river, lake, dam, pond, fountain or ornamental water feature; and
- (c) interfere with or harm any bird or wild animal.

(2) In any public amenity where dogs are allowed, the owner or person having custody of a dog shall ensure that -

- (a) the dog is kept on a leash;
- (b) the dog does not attack, terrify or interfere with any person, animal or bird; and
- (c) any faeces left by the dog are removed.

(3) The Council may impound any dog or other animal which is found in a public amenity and which appears not to be in the custody of a person.

Fishing

10. No person shall -

- (a) fish without a permit issued by the Council; or
- (b) fish in contravention of any notice or conditions of permit.

Vehicles

11. No person in a public amenity shall -

- (a) drive or park a motor vehicle in contravention of a notice;
- (b) clean, maintain or carry out repairs on any motor vehicle; or
- (c) ride a bicycle, skateboard, roller skates or other similar device in contravention of a notice.

Games and play areas

12. No person in a public amenity shall -

- (a) play soccer, cricket or rugby or any other similar game, except in the allocated places and at times determined by the Council; and
- (b) enter play areas, or use play apparatus, designated by notice as being for the use of children under a particular age.

CHAPTER 4**GENERAL PROVISIONS****Authorised officials**

13. An authorised official may -

- (a) require any person to produce proof of payment of any applicable entrance fee; and
- (b) instruct any person to comply with the provisions of these by-laws or a notice.

Directives

14. The Council may -

- (a) set aside areas within a public amenity for specified activities and prohibit other specified activities within those areas;
- (b) issue directives regarding any aspect of the use of a public amenity.

Penalties

15. Any person who -

- (a) contravenes or fails to comply with any provision of these by-laws
- (b) fails to comply with any notice issued in terms of these by-laws; or
- (c) fails to comply with any lawful instruction given in terms of these by-laws; or
- (d) who obstructs or hinders any authorised official or employee of the Council in the execution of his or her duties under these by-laws,

shall be guilty of an offence and liable on conviction to a fine not exceeding R1000, 00 or in default of payment to imprisonment for a period not exceeding 3 months.

Repeal of existing By-laws

16. The Council's existing Public Amenities by-laws are hereby repealed.

Short title and commencement

17. These by-laws shall be called the Public Amenities By-laws, 200..., and shall come into operation on.....

PUBLIC ROADS BY-LAWS

Be it enacted by the Council of the Utrecht Municipality, in terms of Section 156 of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

INDEX**Chapter 1: Definitions**

Section 1: Definitions

Chapter 2: Obstructions

Section 2: Obstruction of public roads

Section 3: Removal of obstructions

Chapter 3: Encroachments

Section 4: Excavations

Section 5: Hoardings

Chapter 4: Dangerous Fencing

Section 6: Barbed wire, dangerous and electrical fencing

Chapter 5: Protection and Cleanliness of Public Roads

Section 7: Protection of public road

Section 8: Cleanliness of public roads

Section 9: Defacing, marking or painting public roads

Chapter 6: Races, Sports Events and Games

Section 10: Races and sports events

Section 11: Games on public roads

Chapter 7: General

Section 12: Offences

Section 13: Repeal of By-laws

Section 14: Short title and commencement

CHAPTER 1: Definitions

1. In these by-laws, unless the context otherwise indicates -

"authorised official" means a person authorised by the Council to perform the functions of an authorised official in terms of these by-laws;

"Council" means the Council of the Utrecht Municipality and its committees or any other body acting by virtue of any power or delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws.

"prescribed" means determined by resolution of the Council from time to time;

"prescribed fee" means a fee determined by the Council by resolution; and

"public road" shall mean a public road as described under Section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996).

CHAPTER 2: OBSTRUCTIONS**Obstruction of public roads**

2. No person may cause any obstruction of any public road within the Council's area of jurisdiction.

Removal of obstructions

3. (1) If any person causes an obstruction on any public road, an authorised officer may order such person to refrain from causing or to remove the obstruction forthwith.

(2) Where the person causing an obstruction cannot be found, or fails to remove or to cease causing such obstruction, an authorised officer may take such steps as may be necessary to remove the obstruction from the public road and the Council may recover the cost of the removal of the obstruction from that person.

CHAPTER 3: ENCROACHMENTS**Excavations**

4. (1) No person may make or cause to be made any hole, trench, pit, tunnel or other excavation on or under any public road or remove any soil, tar, stone or other materials from any public road without the prior written approval of the Council.

(2) Any person who requires the approval referred to in subsection (1) must -

- (a) comply with any requirements prescribed by the Council; and
- (b) pay the prescribed fee.

Hoardings

5. (1) Any person who erects, removes, alters, repairs or paints any building or structure or carries out any excavation within 2 m of a public road must, before commencing any such work, enclose or cause to be enclosed a space in front of such part of the building or structure.

(2) If the enclosure referred to in subsection (1) will project onto any portion of a public road, the person must -

- (a) obtain prior approval from the Council; and
 - (b) pay the prescribed fee.
- (3) If the person making the application is not the owner of the building or land on which the work is done or is to be done, the owner must countersign the application.
- (4) The Council may grant a permit in writing specifying -
- (a) the area and position at which the enclosure is permitted; and
 - (b) the period for which the enclosure is permitted.

CHAPTER 4: DANGEROUS FENCING

Barbed wire, dangerous and electrical fencing

6. No owner or occupier of land -

(a) other than an owner or occupier of agricultural land, may along any public road erect or cause or permit to be erected, any barbed-wire fence or any railing, paling, wall or other barrier which, by reason of spikes or other sharp or pointed protrusions or otherwise by reason of the nature of its construction or design, is or may become a danger to any member of the public using such public road; and

(b) including an owner or occupier of an agricultural holding or farm land, may along any public road erect or cause or permit to be erected along such public road any electrified fence, railing or other electrified barrier unless -

- (i) the fence, railing or other barrier is erected on top of a wall built of brick, cement, concrete or similar material, which wall may not be less than two meters high; or
- (ii) the fence, railing, or other barrier is separated from the public road by another, non-electrified fence.

CHAPTER 5: PROTECTION AND CLEANLINESS OF PUBLIC ROADS

Protection of public road

7. No person may place upon or off-load on a public road any materials or goods which are likely to cause damage to the road.

Cleanliness of public roads

8. (1) No person may spill, drop or place or permit to be spilled, dropped or placed, on any public road any matter or substance that may interfere with the cleanliness of the public road, or cause or is likely to cause annoyance, danger or accident to persons, animals, vehicles or other traffic using such public road, without removing it or causing it to be removed from such public road immediately.

(2) If the person mentioned in subsection (1) fails to remove the matter or substance, the Council may remove such matter or substance and recover the cost of removal from the person.

Defacing, marking or painting public roads

9. No person may in any way deface, mark or paint any public road or part of the public road without the prior written consent of the Council.

CHAPTER 6: RACES, SPORTS EVENTS AND GAMES

Races and sports events

10. (1) An application for consent to hold a race or sports event on any public road must be submitted in writing to the Council on the prescribed form at least 60 days prior to the event.

(2) The applicant must pay the prescribed fee and deposit to the Council at the time of making application for consent.

Games on public roads

11. No person may -

(1) play cricket, football or any other game; or

(2) by any means discharge any missile; upon, over or across any public road.

CHAPTER 7: GENERAL

Offences

12. Any person who contravenes any provision of these by-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R5 000 or imprisonment for a period not exceeding 3 months or both.

Repeal of existing By-laws

13 The Council's existing Public Roads by-laws are hereby repealed.

Short title and commencement

14 These by-laws shall be called the Public Roads By-laws, 200.., and shall come into operation on.....

STANDING RULES BY-LAWS

Be it enacted by the Council of the Utrecht Municipality, in terms of section 156 of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996), read with section 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as follows:

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CHAPTER 2: FREQUENCY AND NOTICE OF MEETING

2. Council meetings
3. Special meetings
4. Notice to attend a council meeting
5. Service of notices
6. Non-receipt of notice

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7. Quorum
8. Adjournment in absence of quorum

CHAPTER 4: ATTENDANCE

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10. Leave of absence
11. Sanctions for non-attendance

CHAPTER 4: ADJOURNMENT

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41. Declaration of pecuniary interest

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44. Short title and Commencement

CHAPTER 1

DEFINITIONS

Definitions

1. In this bylaw, any word or expression shall have the meaning assigned thereto in the relevant legislation, unless the context indicates otherwise -

"Chairperson" means the Mayor or Acting Mayor in relation to any meeting of the Council, and the elected chairperson in relation to any meeting of any other committee of the Council;

"Code of Conduct" means the Code of Conduct for Councillors contained in Schedule 1 to the Systems Act;

"Council" means the Council of the Utrecht Municipality and any of its committees established in terms of section 79 of the Structures Act;

"Councillor" means a councillor of the Council;

"explanation" means the clarification of some material part of a councillor's former speech which may have been misunderstood;

"Majority" means half plus one number of councillors present at any meeting of the Council or any of its committees;

"Mayor" means the councillor elected by the Council as the Mayor;

"meeting" means a meeting of the Council or any one of its Committees;

"Municipal Manager" the person appointed as administrative head of the Municipality or a person acting in such a capacity;

"notice of motion" means the instrument by which councillors may bring items on to the agenda of a Council meeting in terms of rule 20 of these by-laws;

"point of order" means the pointing out any deviation from, or anything contrary to, in the conducting of proceedings or any other irregularity in the proceedings; and

"Portfolio committee" means a committee established by the Council in terms of section 79 of the Structures Act;

"Task committee" means a committee established by the Council in terms of section 79 of the Structures Act;

"the Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998); and

"the Systems Act" means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

CHAPTER 2

FREQUENCY AND NOTICE OF MEETINGS

Council meetings

2. The Council shall hold an ordinary meeting of the Council not less than once in every three months.

Special meetings

3. (1) The Mayor may at any time and shall, at the request of a majority of the councillors of the Municipality, call a special meeting of the Council.

(2) A request for the calling of a special meeting, as contemplated in sub-rule (1), shall -

(a) be signed by no less than 50% (*fifty per centum*) plus one of all councillors of the municipality; and

(b) be accompanied by -

(i) a duly signed notice of motion; and

(ii) a statement giving reasons as to why the intended business of the special meeting is urgent and cannot wait for an ordinary meeting of the Council.

Notice to attend a Council meeting

4. (1) The Mayor convenes the meetings of the Council through a duly signed "Notice of Council Meeting", stating the date, place and time of the meeting and accompanied by or containing the agenda of the proposed meeting.

(2) Notice to attend a meeting in terms of sub-rule (1) shall be given at least -

(a) four days prior to an ordinary meeting; and

(b) twenty four hours prior to a special meeting.

Service of notices

5. (1) Notice to attend a meeting, and any other official communication from the Council, shall be delivered -

(a) to a physical address within the area of jurisdiction of the municipality;

(b) to an e-mail address, supplied by each councillor to the municipal manager in writing within two days of their election and, thereafter, whenever the councillor wishes to change either address; or

(c) by facsimile to a number, if any, furnished by each councilor for that purpose.

(2) In addition, notice to attend a meeting shall be displayed on the public notice board at the municipality's head office.

Non-receipt of notice

6. Non-receipt of a notice by a particular member of Council to attend a meeting shall not affect the validity of any meeting or proceedings of Council or any of its committees.

CHAPTER 3

QUORUM

Quorum

7. A majority of the councillors must be present at a meeting of the Council before a vote may be taken on any matter.

Adjournment in absence of quorum

8. (1) No meeting shall take place, if no quorum has assembled at the expiry of twenty minutes after the time at which a meeting is due to commence, unless it is unanimously agreed by the councillors present to allow further time not exceeding ten minutes for a quorum to assemble.

(2) If during any meeting of Council or any of its committees the attention of the chairperson is called to the number of councillors present, he or she shall -

(a) count the councillors present; and

(6) if it is found that there is not a quorum present, the Chairperson shall allow an interval of five minutes and if there is still no quorum, the Chairperson shall forthwith adjourn the meeting.

(3) When a meeting is adjourned as a result of no quorum, the meeting shall be convened as a continuation meeting in terms of rule 5 of these by-laws.

CHAPTER 4

ATTENDANCE

Attendance register

9. Each councillor attending any meeting of the Council or a committee of the Council shall sign an attendance register provided for that purpose, irrespective of whether the meeting has been postponed, adjourned or terminated upon no further business to be discussed.

Leave of absence

10. (1) If a councillor -

(a) is unable to attend a meeting of which notice had been given; or

(b) is unable to remain in attendance at a meeting until the meeting is duly terminated after the last item on the agenda has been discussed; or

(c) will arrive after the stipulated time for the commencement of a meeting,

he or she shall, at least forty-eight hours before the commencement of the meeting, lodge with the municipal manager a written application for leave of absence from the whole or any part of the meeting concerned.

(2) The municipal manager must as soon as possible inform the chairperson of the meeting concerned of any application for leave of absence received in terms of sub-rule (1).

(3) The chairperson of the meeting concerned must as soon as possible consider an application for leave of absence and either grant or reject the application with reasons.

(4) The municipal manager must as soon as possible inform a councillor who has applied for leave of absence of the chairperson's decision.

(5) A councillor shall be deemed absent without leave from the meeting concerned where an application for leave of absence has not been granted and he or she -

(a) failed to attend a meeting; or

(b) failed to remain in attendance at a meeting until the meeting is duly terminated after the

last item on the agenda has been discussed.

Sanctions for non-attendance

11. (1) Subject to compliance with the procedure set out in sub-rule (2), any councilor who, without good cause, fails to attend a meeting or part of a meeting of which notice has been given shall be guilty of misconduct and be liable to pay a fine of R50.00 per meeting, which fine may be deducted from remuneration due to the councilor concerned.

(2) Where a councillor has been absent without leave from a meeting -

(a) the chairperson of the meeting concerned shall invite the councillor to provide a written explanation of his or her absence;

(b) the chairperson shall consider the explanation and decide whether or not the councillor was absent with good cause, providing appropriate reasons for the decision;

(c) the councillor may appeal in writing within seven days of receipt of the chairperson's decision to -

(i) the Council, in respect of his or her absence from a Council meeting; or

(ii) the committee concerned, in respect of his or her absence from a meeting of such committee; and

(d) the Council or the committee concerned, as the case may be, shall -

(i) consider the councillor's appeal, together with any comments from the chairperson of the meeting concerned;

(ii) allow the councillor an opportunity to make representations; and

(iii) make a finding as to whether the councillor was absent with good cause, which decision shall be final.

(3) The Municipal Manager shall keep a record of all incidents in respect of which councillors have been found to be absent without leave and without good cause and shall submit a written report thereon to the Mayor at least once during every three month period.

(4) Whenever a report submitted to the speaker in terms of sub-rule (3) identifies a councillor as having been absent from three or more consecutive meetings which the councillor was required to attend, the Mayor must -

(a) submit the report to Council;

(b) allow the councillor an opportunity to make any representations; and

(c) make a recommendation to Council as to whether the Member of the Executive Council responsible for Local Government should be requested to remove the councillor concerned from the Council.

(5) The councillor ceases to be a councillor on the date that the councillor concerned is advised in writing about the decision taken by the Member of the Executive Council to remove him or her from office.

CHAPTER 5

ADJOURNMENT

Adjourned meetings

12. A Council meeting or a meeting of any committee of Council may be adjourned to any day or hour.

Continuation meeting

13. (1) When a meeting is adjourned, notice of the continuation meeting shall be served in terms of rule 2 of these by-laws.

(2) Subject to the provisions of rule 21, no business shall be transacted at a continuation meeting except such as is specified in the notice of the meeting which was adjourned.

CHAPTER 6

PROCEEDINGS

Chairperson of meetings

14. (1) At every meeting of the Council, the Mayor or, if he or she be not present, an Acting Mayor, shall be Chairperson.

(2) Meetings of any other committee of the Council shall be chaired by the Chairperson of the Committee concerned or, if he or she is not present, by the member of the Committee concerned elected by the other members thereof from amongst themselves.

Minutes

15. Minutes of the proceedings of every meeting shall be recorded and be kept for that purpose by the Municipal Manager.

Order of business

16. The order of business at every ordinary meeting of the Council or its Executive Committee is as follows:

(a) Notice of meeting to be read by the Municipal Manager;

(b) Opening

(c) applications for leave of absence;

- (d) official notices;
- (e) announcements by chairperson;
- (f) requests for special council meetings;
- (g) deputations;
- (h) confirmation of minutes of previous meeting;
- (i) notices of motion;
- (j) questions;
- (k) urgent matters;
- (l) reports;

Confirmation of minutes of previous meeting

17. (1) The minutes of every meeting shall be confirmed at the next ordinary meeting and shall be signed by the Chairperson.

(2) No motion or discussion shall be allowed upon the minutes of a previous meeting, other than relating to the accuracy of those minutes.

Deputations

18. (1) A deputation wishing to address the Council or a committee of Council shall submit a memorandum to the Municipal Manager in which is set out the representations it wishes to make.

(2) The Municipal Manager shall submit the memorandum contemplated in sub-rule (1) to the committee designated by the Council for that purpose, which may receive the deputation, if it is authorised by the Council to do so or, alternatively, make a recommendation to Council as to whether the Council should receive the deputation.

(3) Any matter requiring consideration arising from a deputation shall not be further considered by the Committee or the Council, as the case may be, until the deputation has withdrawn.

Reports

19. (1) A report of a committee shall, with the exception of a report accepted by the Chairperson as a matter of urgency, be served in the manner provided in rule 20 of these by-laws.

(2) The chairperson of a committee shall move the recommendations contained in the report, expressing, if appropriate, his or her views with regard thereto.

Motions

20. (1) No subject shall be brought before Council or a committee of Council by a councillor except by way of notice of motion.

(2) Every notice of motion must be -

(a) in writing; and

(b) signed by the councillor submitting it and by another councillor acting as seconder.

(3) A notice of motion shall be lodged with the Municipal Manager before 12:00 seven days prior to the next meeting, failing which the notice will be considered at the next ensuing meeting.

(4) The Municipal Manager shall -

(a) date and number each notice of motion;

(b) enter each notice of motion lodged in a register, which shall be open to inspection by any councillor and the public; and

(c) enter each notice of motion on the agenda in the order received.

(5) The chairperson shall -

(a) read out the number of every motion and the name of the mover and seconder;

(b) ascertain which motions are unopposed and these shall be passed without debate; and

(c) call the movers of the opposed motions in the order they appear on the agenda.

(6) A councillor submitting a motion shall move such motion and shall have the right of reply.

(7) A motion shall lapse if the councillor and seconder who submitted it are not present at the meeting when such motion is being debated.

(8) A councillor shall be allowed not more than three notices of motion on the same agenda.

(9) The Chairperson shall reject a motion which, in his or her opinion -

(a) relates to a matter over which Council has no jurisdiction;

(b) has no bearing on the administration of or conditions in the municipality; and

(c) will lead to discussion of a matter already dealt with in the agenda.

Questions

20. A councillor may, at a meeting, put a question -

(a) on a matter arising out of or connected with any item of any report serving before the

Council or a committee of Council, as the case may be, when such item has been called or during discussion thereon;

(b) concerning any matter not arising out of or connected with any item of the report of a committee: Provided that -

(i) such question shall only be put if at least seven days' written notice has first been lodged with the Municipal Manager; and

(ii) the Municipal Manager shall forthwith furnish a copy thereof to the Mayor and the chairperson of the committee concerned ; and

(c) concerning any matter which, in the opinion of the chairperson, is urgent and cannot wait for the lodging of a question in terms of sub-rule (a) or (b) of this rule.

General matters of an urgent nature

21. General items of an urgent nature may be placed on the agenda by the Municipal Manager with the prior consent of the chairperson.

Order of business

22. The chairperson may, in his or her discretion, at any stage change the order of items appearing on agenda for the meeting.

Interpretation

23. An interpreter will be used in meetings of the Council and those of its committees, unless the majority of councillors present decide otherwise.

Council-in-Committee

24. (1) Subject to provisions of the law, the Council may, at any time, resolve to proceed as Council-in-Committee.

(2) All officials and the public, except the Municipal Manager and an official exempted from this rule by the chairperson, shall be excluded from the meeting of the Council-in-Committee.

(3) All proceedings of the Council-in-Committee or its committees shall be confidential.

CHAPTER 7

VOTING

Decisions by voting

25. All matters shall be decided by a vote which -

(a) in relation to matters mentioned in section 160(2) of the Constitution, shall require a supporting vote of a majority of councillors; and

(b) in relation to any other matter, shall require a majority of the votes cast.

Method of voting

26. (1) Voting shall be by a show of hands, unless a councillor requests a secret, written ballot.

(2) The Municipal Manager, or his or her nominee, shall count the votes cast and shall record the result of voting, but the Chairperson shall announce the result.

Casting vote

27. The Chairperson shall have a second or casting vote in cases of an equality of votes.

Dissenting votes

28. A councillor may request that his or her dissenting vote be minuted as evidence of how he or she voted on the motion.

CHAPTER 8

DEBATE

Opportunity to speak

29. (1) A councillor can only speak when so directed by the chairperson.

(2) A councillor may indicate a desire to speak by raising his or her hand and awaiting the direction of the chairperson.

(3) Members of Council or its committees shall stand when speaking and shall direct their address to the chairperson.

Relevance

30. Every person who speaks must restrict him or herself strictly to the matter under consideration.

Length of speeches

31. Other than the delivery of the mayoral report or the presentation of the estimates of income and expenditure, no speech shall exceed five (5) minutes in length without the consent of the meeting.

Councillors to speak only once

32. A councillor may not speak more than once on any motion or proposal unless permission to do so is granted by the chairperson.

Precedence of the Chairperson

33. Whenever the chairperson rises during a debate, a member of Council or its committee then speaking or offering to speak shall seat himself or herself and shall be silent, so that the chairperson may be heard without interruption.

Points of order

34. (1) Any councillor may raise a point of order at any time by standing to draw the attention of the chairperson.

(2) The point of order takes precedence over everything else in the meeting and the chairperson must grant immediate hearing to the councillor raising the point of order and rule accordingly.

(3) The ruling of the chairperson on a point of order shall be final and shall not be open to discussion.

Explanation

35. Any councillor may speak in explanation, provided that such explanation is confined to some material which forms part of the discussion that may have been misunderstood.

CHAPTER 9

CONDUCT

General conduct

36. Councillors and officials -

(a) must conduct the business of the Council in the highest decorum and integrity that the occasion deserves;

(b) must be dressed appropriately for the dignity of the meeting of the Council;

(c) must not use an offensive or objectionable language, use a cellphone during, or bring a firearm into, a meeting of Council or any of its committees; and

(d) must remain silent unless allowed to speak by the chairperson of the meeting.

Misconduct

37. (1) If a councillor commits misconduct during a meeting of Council or any of its committees, the chairperson shall direct the councillor to conduct himself properly and, if speaking, to stop speaking and resume his or her seat.

(2) In the event of persistent disregard of the directions of the chairperson, the chairperson shall direct such councillor to retire from the meeting until the item under discussion has been finalised and, if necessary, shall cause him or her to be ejected therefrom.

(3) Any misconduct by a councillor may be dealt with in terms of the Code of Conduct for Councillors attached as Schedule 1 to the Systems Act.

CHAPTER 10

COMMITTEES

Own rules

38. Any committee of the Council, including the Executive Committee, may by resolution taken with a supporting vote of the majority of its members determine its own procedures subject to any directions from Council and these standing orders.

The Chairperson

39. (1) The chairperson of a committee shall -

(a) preside at every meeting of the committee at which he or she is present; and

(b) be entitled to vote in the first instance and in the case of an equality of votes, shall give a second or casting vote.

(2) In his or her absence, the acting or deputy chairperson shall have the same powers and rights of voting as those possessed by the chairperson.

CHAPTER 11

PECUNIARY INTEREST

Declaration of pecuniary interest

40. A councillor wishing to declare a pecuniary interest in respect of any item before Council or any committee of Council, shall do so forthwith after the item or motion in respect of which such interest exists, has been called.

Debate of pecuniary interest

41. No councillor shall speak for more than five minutes on the question of whether his or her financial interest, whether direct or indirect, personal or business, as contemplated in the Code of Conduct for Councillors, is so small or remote as to render a clash of interests unlikely, unless the chairperson allows the councillor to continue his or her speech for a further five minutes.

CHAPTER 12

GENERAL PROVISIONS

Repeal of existing by-laws

2. The Council's existing Standing Rules and Orders are hereby repealed.

Short title and commencement

43. These by-laws shall be called the Standing Rules and Orders, 200.... and shall come into operation on.....

STORMWATER MANAGEMENT BY-LAWS

Be it enacted by the Council of the Utrecht Municipality, in terms of section 156 of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996), read with section 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as follows:

INDEX**CHAPTER 1: DEFINITIONS****Definitions**

1. In this bylaw, unless the context indicates otherwise -

"Council" means the Council of the Utrecht Municipality and its committees or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;

"non-stormwater discharge" means any discharge into the stormwater system which is not composed entirely of stormwater;

"occupier", in relation to any premises, means any person -

(a) occupying the premises;

(b) leasing the premises; or

(c) who is not occupying the premises but is entitled to do so;

"owner", in relation to any premises, means -

(a) the person in whose name the title to the premises is registered; or

(b) if the person referred to in (a) is dead, insolvent, mentally ill, a minor or under any legal disability, the executor, guardian or other person who is legally responsible for administering that person's estate;

"premises" means any privately-owned land or land on which buildings or other structures are situated;

"stormwater" means any storm water runoff, surface water runoff, sub-soil or spring water;

"stormwater drain" means any closed or open drain used or intended to be used for carrying

stormwater within any premises to the stormwater system; and

"stormwater system" means the system of conduits, the ownership of which is vested in the Council, and which is used or intended to be used for collecting and carrying stormwater, including without limiting the generality of the foregoing, any road with a drainage system and any gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, drainage channel, reservoir or other drainage structure.

CHAPTER 2

PROHIBITED ACTIVITIES

Unauthorised discharge

2. (1) Subject to subsection (2), no person shall, directly or indirectly, lead or discharge any non-stormwater discharge into the stormwater system without the prior authority of the Council, which may be granted subject to such conditions as may be stipulated by the Council

(2) Nothing prevents the discharge into the stormwater system of flow from -

- (a) potable water sources;
- (b) natural springs or wetlands;
- (c) diverted streams;
- (d) rising groundwater;
- (e) fire fighting activities;
- (f) individual residential car washing;
- (g) swimming pools, provided that the water has been allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance; and
- (h) street sweeping.

Unauthorised connection

3. No person shall construct, use, allow, maintain or continue any unauthorized drain or conveyance which allows discharge into the stormwater sewer.

Obstruction of flow

4. No person shall obstruct or interfere with the normal flow of stormwater into, through or out of the stormwater sewer without the prior written approval of the Council.

CHAPTER 3

SUSPENSION OF ACCESS AND NOTIFICATION

Suspension of access

5. (1) The Council may issue a notice suspending access to the stormwater system when such suspension is necessary to stop an actual or threatened discharge of any pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment.

(2) In the event that any owner or occupier fails to comply with a suspension notice, the Council may, at the cost of the owner or occupier of the premises, as the case may be, take all reasonable steps required to prevent or minimize harm to the public health, safety or the environment.

Notification of spills

6. As soon as the owner or occupier of any premises becomes aware of any discharge of any pollutants into the stormwater system, the owner or occupier shall -

(a) take all immediate steps necessary to ensure containment and cleanup of the discharge; and

(b) notify the Council as soon as reasonably possible of the discharge.

CHAPTER 4

CONSTRUCTION AND MAINTENANCE

Construction and maintenance of stormwater drains and connections

7. The owner or occupier, as the case may be, of any premises shall be responsible for the construction and maintenance, at his or her expense, of any stormwater drains on the premises and any connection between such drains and the stormwater system.

CHAPTER 5

GENERAL PROVISIONS

Offences

8. Any person who -

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

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

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

(d) obstructs or hinders any authorised official in the execution of his or her duties under these by-laws -

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R5 000 or imprisonment for a period not exceeding 3 months or both.

Repeal of existing by-laws

9. The Council's existing Stormwater Management by-laws are hereby repealed.

Short title and commencement

10. These by-laws shall be called the Stormwater Management By-laws, 200..., and shall come into operation on.....

STREET TRADING BY-LAWS

Be it enacted by the Council of the Utrecht Municipality, in terms of section 156 of the Republic of South Africa Act No. 108 of 1996, and with the approval of the Member of the Executive Council responsible for Local Government in terms of section 6 (1) (a) of the Business Act No. 71 of 1991 in the Province of KwaZulu- Natal, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

INDEX**CHAPTER 1: DEFINITIONS**

1. Definitions

CHAPTER 2: PROHIBITIONS

2. Prohibitions

CHAPTER 3: RESTRICTIONS

3. Restrictions

CHAPTER 4: GENERAL DUTIES OF STREET TRADERS

4. Cleanliness and public health

5. Display of goods

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6. Removal and impoundment

7. Disposal of impounded goods

CHAPTER 6: GENERAL OFFENCES AND PENALTIES

8. General offences and penalties

CHAPTER 7: REPEAL OF BY-LAWS

9. Repeal of by-laws

CHAPTER 8: SHORT TITLE AND COMMENCEMENT

10. Short title and commencement

CHAPTER 1: DEFINITIONS**Definitions**

In this by-law, unless the context indicates otherwise-,

"approval" means approval by an authorized official and "approve" has a corresponding meaning;

"authorised official" means an official of the Council to whom it has delegated a duty, function or power under this bylaw, in relation to the exercise or performance of that duty, function or power and includes any employee acting under the control and direction of such official;

"Council" means the Council of the Utrecht Municipality and in relations to the exercise of a power, the performance of a duty or the carrying out of a function includes any committee or official of the Council to whom such power, duty or function has been delegated;

"demarcated stand" means stand demarcated by Council for the purposes of street trading in terms of section 6(A)(3)(b) of the Act; "goods" means any movable property used in connection with street trading and, without limiting the generality of the foregoing, includes products for sale, display tables, stands, receptacles, vehicles, structures or animals;

"public place" means a public place as defined in section 1 of the Local Authorities Ordinance No. 25 of 1974;

"public road" means a public road as defined in section 1 of the National Road Traffic Act No. 93 of 1996;

"roadway" means a roadway as defined in section 1 of the National Road Traffic Act No. 93 of 1996 but excludes a public place;

"sidewalk" means a sidewalk as defined in section 1 of the National Road Traffic Act No. 93 of 1996;

"street trader" means a person who sells, barter, exchanges, hires out, displays, exposes, offers or prepares for sale, barter, exchange or hire any

goods or who provides or offers any service for reward as a street vendor, hawker or pedlar in a public road or in a public place, but does not include any person who sells newspapers only;

"the Act" means the Businesses Act No. 71 of 1991 and includes the regulations made there under; and "verge" means a verge as defined in section 1 of the Road National Traffic Act No. 93 of 1996.

CHAPTER 2: PROHIBITIONS

2. Prohibition

No street trader shall carry on or undertake street trading -

(a) on a verge contiguous to -

(i) a building belonging to or occupied solely by the state or the Council;

(ii) a church or other place of worship, or

(iii) a building declared to be a national monument in terms of the National Monuments Act No. 28 of 1969;

(b) on any verge contiguous to a building in which business is being carried on by any person who sells goods of the same nature as, or of similar nature to, goods being sold by the street trader or who offers services of the same nature as, or of a similar nature to, a service offered by the street trader concerned without the consent of such person;

(c) on that half of a public road contiguous to a building used for residential purposes, if the owner or person in control or any occupier of the building objects thereto and the grounds of such objection are deemed by the authorized official to be reasonable;

(d) at any place where the carrying on of such business causes an obstruction to -

(i) the entrance to or exit from a building, or

(ii) a fire hydrant;

(e) in any declared area identified as such in terms of section 6A (2) of the Act in respect of which the carrying on of the business of street trader has been -

(i) prohibited by the Council, or

(ii) restricted by the Council, unless such business is carried on in accordance with such restrictions;

(f) at any place which has been set apart and demarcated as stands or areas by the Council in terms of section 6A(3)(b) of the Act for the purposes of the carrying on of the business of street trader, unless such business is carried on in accordance with -

(i) an agreement with the Council, or

(ii) the allocation by the Council to the street trader of any area or stand; and

(g) in any public garden or park except with prior written consent of the Council.

CHAPTER 3: RESTRICTIONS

3. Restrictions

No person engaging in street trading shall -

- (a) sleep overnight at the business site;
- (b) erect any permanent structure in a public place or public road for the purpose of providing shelter, or
- (c) place or store any goods in such a manner or position as to constitute a danger to any person;
- (d) carry on such business in such a manner as to -
 - (i) create a nuisance;
 - (ii) damage or deface any public road or public place or any public or private property; or
 - (iii) create a traffic hazard;
- (e) obstruct access to a service or to service works of the Council or of the State or any statutory body;
- (f) interfere with the ability of persons using a sidewalk to view the goods displayed behind a shop display window or obscure such goods from view;
- (g) obstruct access to a pedestrian arcade or mall;
- (h) carry on such business in a place or area in contravention of any restriction imposed by Council resolution in terms of section 6A(2)(a) of the Act;
- (i) place or store his or her goods on or in a building, without the consent of the owner, lawful occupier, or person in control of such building or property;
- (j) attach any of his or her goods by any means to the building structure, pavement, tree, parking meter, lamp, pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or a public road or public place;
- (k) make an open fire on a public road or public place;
- (l) interfere with the ability of a person using a sidewalk to view the goods displayed behind a shop displayed window, or obscure such goods from view;
- (m) obstruct access to a pedestrian crossing, a parking or loading bay or other facility for vehicular or pedestrian traffic; and
- (n) obstruct or inhibit the use of street furniture and any other facility designed for the use of the general public.

CHAPTER 4: GENERAL DUTIES OF STREET TRADERS

4. Cleanliness

Every street trader shall -

- (a) keep the area used by him or her for the purposes of street trading, as well as any goods used by him or her, in a clean and sanitary condition;
- (b) at the request of any authorised official of the Council, move or remove his or her goods so as to permit the cleansing of the area where he or she is trading, or for the purpose of effecting Council services;
- (c) if his or her activities involve the cooking or other preparation of food, take steps to ensure that no fat, oil or other substance drops or overflows onto the surface of a sidewalk or splashes against a building or other structure; and
- (d) not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter.

5. Display of goods

A street trader shall ensure that any structure, container, surface or other object used by him or her for the preparation, display, storage or transportation of goods -

- (a) is maintained in a good state of repair and in a clean and sanitary condition; and
- (b) is not so placed or stored so as to constitute a danger to any person.

CHAPTER 5: REMOVAL AND IMPOUNDMENT

6. Removal and impoundment

(1) An inspector may remove and impound any goods which -

(a) he or she reasonably suspects are being used or intended to be used or have been used in or connection with the carrying on of the business of a street trader, and

(b) he or she finds at a place where the carrying on of such business is prohibited or restricted in terms of these bylaws, whether or not such goods are in the possessions or under the control of any person at the time of such removal and impoundment.

(2) An inspector removing and impounding any goods shall -

(a) except in the case of goods which appear to have been abandoned or in respect of which the owner or person having control thereof cannot be found, issue to the owner or person having control of such goods a receipt for the removal and impoundment thereof and stating

(i) the place where the goods shall be kept;

(ii) the amount payable in respect of expenses incurred by the Council in impounding and removing the goods; and

(iii) the date on or after which the goods will be sold or destroyed unless claimed; and

(b) forthwith place such goods in safe custody.

(3) Neither the Council nor any inspector, officer or employee of the Council shall be liable for any loss or theft of or damage to any goods removed and impounded in terms of these bylaws.

7. Disposal of impounded goods

(1) Any goods impounded in terms of these by-laws shall be dealt with as follows -

(a) if the goods are claimed, the street trader shall pay the expenses incurred by the Council for impoundment; and

(b) if the goods are not claimed within the period specified on the receipt issued in terms of these by-laws, the goods shall be sold to defray expenses incurred by Council in impounding and removing the goods.

(2) In the event that the goods -

(a) are not capable of being sold, they shall be destroyed at the expiry of the period specified on the receipt issued in terms of these by-laws;

(b) are perishable, they may be sold or destroyed as soon as may be necessary.

(3) If the proceeds contemplated by this section are insufficient to pay expenses incurred by Council, the owner shall be liable for any excess.

CHAPTER 6: GENERAL OFFENCES AND PENALTIES

8. General offences and penalties

(1) Any person who -

(a) contravenes any provision of these by-laws;

(b) ignores, disregards or disobeys any notice, sign or marking displayed or erected for the purposes of these by-laws;

(c) for the purposes of these by-laws, makes a false statement knowing it to be false or deliberately furnishes false or misleading information to an authorised official; or

(d) threatens, resists, interferes with or obstructs an authorised official, officer or employee of the Council in the performance of his or her powers, duties or functions under these by-laws, shall be liable on conviction to a fine not exceeding R 1000-00 or imprisonment for a period not exceeding three months.

CHAPTER 5**GENERAL PROVISIONS****Repeal of existing By-laws**

9. The Council's existing Street Trading by-laws are hereby repealed.

Short title and commencement

10. These by-laws shall be called the Street Trading By-laws, 200..., and shall come into operation on.....

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