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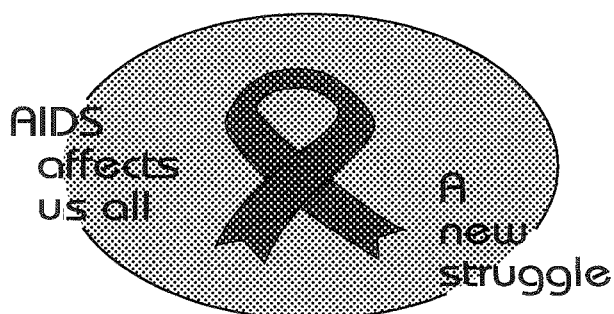
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**PIETERMARITZBURG,**

17 FEBRUARY 2011  
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**No. 553**

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## MUNICIPAL NOTICES

No. 27

**17 February 2011**

**MTHONJANENI LOCAL MUNICIPALITY**

## ELECTRICITY SUPPLY BY-LAWS

**Be it enacted by the Council of the Mthonjaneni 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 Mthonjaneni Municipality;

"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  
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"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.

#### **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 mm<sup>2</sup> 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 (1) 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 submetering 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.
- (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 till 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 subsection (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.(1) 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, with or without notice, disconnect the electricity supply but such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed.
- (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 other wise 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. The following limitations are given as a guide in order to comply with section 50:

- (1) 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 <sup>2</sup> , equivalent mm <sup>2</sup>	Maximum permissible starting current A	Suggested maximum motor rating in kW
---	--	--------------------------------------

Direct on line (6x full-load current) kW	Star/Delta (2,5 x full-load current) kW	Other means (1,5 x full-load 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.(1) 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 (1), it is necessary to install power factor corrective devices, such corrective devices shall be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.

**Protection**

41. Electrical protective devices for motors shall be of such a design as effectively to prevent sustained overcurrent 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(1) 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 sub-section (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 therefore, 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 part of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such part 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) 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 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 of the Council or render any false information to any such official 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 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 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 promulgation hereof.

## No. 28

17 February 2011

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

**MTHONJANENI LOCAL MUNICIPALITY****BY-LAWS RELATING TO DOGS****INDEX****Section**

1. Definitions
2. Liability for tax
3. Person liable for tax
4. Exemption from payment of tax
5. Application to pay tax
6. Duplicate tax receipt
7. Transfer of tax receipt
8. Tax receipt to be produced for inspection
9. Impounding of dogs
10. Unclaimed dogs may be sold or destroyed
11. Collar of dog not to be illegally used or removed
12. Certain dogs not allowed in public places
13. Dogs not to be incited
14. Dogs causing nuisance
15. Destruction of dogs
16. Number of dogs on premises
17. Control of dogs in public places
18. Entering of premises
19. Dog kennels
20. Establishment and leasing of dog pound
21. Duties of poundmaster
22. Penalties
23. Repeal
24. Application

**1. DEFINITIONS**

- (1) In these By-laws, unless the context otherwise indicates –

“**Council**” means the Mthonjaneni Local Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee 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 Executive Committee has delegated any powers and duties with regard to these By-laws;

“**dog**” means both a male and a female dog;

“**driving fees**” means the fees payable when a dog has been seized and transported to the pound by an authorised officer of the Council in terms of these By-laws;

“owner” in relation to a dog includes any person who keeps or has in his possession or charge a dog, excluding:

- (a) a person contemplated in paragraphs (2)(c) and (d) of item 18 of Schedule 1 to the Licences Ordinance, 1974;
- (b) a veterinary surgeon in respect of a dog left in his care for treatment;
- (c) a society for the prevention of cruelty to and the advancement of the welfare of animals registered as a welfare organisation in terms of the National Welfare Act, 1965;

“poundmaster” means a person in charge of a pound;

“tax” means the tax as determined by the Council in the appropriate resolution from time to time;

“tax receipt” means a receipt issued by the Council as proof that tax has been paid;

“year” means a period of twelve (12) months ending 24h00 on 31 December.

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

## **2. LIABILITY FOR TAX**

- (1) The owner shall pay the tax as determined by Council resolution in respect of each dog which is six (6) months old or older.
- (2) No owner may keep a dog which is six (6) months old or older within the Municipality unless such dog has been registered at the municipal offices and a tax receipt for such dog has been obtained.
- (3) In any legal proceedings instituted in terms of these By-laws against any person for not paying the tax prescribed in terms of subsection (1), such dog shall be deemed to be six (6) months old or older unless the contrary is proved.
- (4) Before a tax certificate may be issued, a valid rabies certificate must be produced.

## **3. PERSON LIABLE FOR TAX**

For the purposes of these By-laws any person who keeps a dog or within whose premises any dog is found or seen, shall be deemed to be the owner of such dog until the contrary shall have been proved.

## **4. EXEMPTION FROM PAYMENT OF TAX**

- (1) The following owners shall be exempted from the payment of tax as contemplated in section 2 –
  - (a) any person residing outside the Municipality –
    - (i) who brings a dog into the Municipality for a period not exceeding thirty (30) days;
    - (ii) who brings a dog into the Municipality for treatment or boarding at a veterinary surgeon or a kennel: Provided that such dog shall be removed from the Municipality immediately after such treatment or boarding: Provided further that the owner of such dog shall be in possession of a license issued by the authority within whose jurisdiction such dog is normally kept;
  - (b) a blind person using a dog as a guide or lead dog.

## **5. APPLICATION TO PAY TAX**

- (1) Every person applying for a dog tax receipt shall furnish his full name and address, as well as particulars with regard to the breed and sex of the dog.

- (2) The tax payable in terms of section 2 is levied annually and is payable –
- (a) on or before 31 January of each year in respect of each dog which has attained the age as determined in section 2(1); or
  - (b) within thirty (30) days after attaining such age in respect of each dog attaining such age after 31 January: Provided that in any case where a dog attains the age of six (6) months after 30 June of the year concerned, only half the tax as prescribed shall be payable.

**6. DUPLICATE TAX RECEIPT**

Any person may obtain a duplicate of a tax receipt issued in terms of section 2 upon payment of the relevant charges as prescribed by Council resolution.



**7. TRANSFER OF TAX RECEIPT**

Where the ownership in a dog is transferred to someone else, the transferee shall, after payment to the Council of the prescribed charges cause such transfer, together with his name and address, to be endorsed on the tax receipt or on the duplicate thereof.

**8. TAX RECEIPT TO BE PRODUCED FOR INSPECTION**

The owner shall produce the tax receipt for inspection to any authorised officer when reasonably requested to do so.

**9. IMPOUNDING OF DOGS**

- (1) Any authorised officer may seize and impound any dog -
  - (a) which he reasonably believes to be ownerless; or
  - (b) in respect of which he reasonably believes that the tax due in terms of these By-laws has not been paid;
- (2) Any person may seize and impound any dog found trespassing on property of which he is the owner or occupier and -
  - (a) which he reasonably believes to be ownerless; or
  - (b) in respect of which he reasonably believes that the tax due in terms of these By-laws has not been paid.
- (3) Notwithstanding the provisions of subsections (1) and (2) no person shall seize or impound –
  - (a) any dog if he reasonably believes that such dog is exempted from tax in terms of section 4;
  - (b) any bitch rearing unweaned young, unless such bitch and unweaned young are impounded together; or
  - (c) any diseased dog in respect of which the provisions of section 10 of the Animal Diseases and Parasites Act, 1956, apply.
- (4) Any person who has seized a dog in terms of this section shall ensure that such dog is not ill-treated in any manner.
- (5) Any person who has seized a dog in terms of this section shall forthwith cause such dog to be impounded.
- (6) No person shall set free any dog that has been seized, is being kept in custody or has been impounded in terms of this section.
- (7) Subject to any provisions to the contrary in these By-laws contained, any dog impounded shall be kept in the pound until the person claiming such dog produces to the poundmaster a tax receipt in respect thereof, and shall have paid to the poundmaster the prescribed charges.
- (8) Where the name and address of a person appears on the collar of any dog impounded, the poundmaster shall forthwith give notice to such person that such dog has been impounded. A written notice addressed to the address appearing on the collar shall be deemed to be sufficient notice.

**10. UNCLAIMED DOGS MAY BE SOLD OR DESTROYED**

- (1) Where an impounded dog is not claimed by any person entitled thereto within five (5) days after it was impounded, an authorised officer may cause the dog to be sold or destroyed.
- (2) If the poundmaster is of the opinion that an impounded dog is so ill, or seriously injured or in such a physical condition that it would be inhuman to keep it alive, he may have it destroyed.

**11. DOG'S COLLAR NOT TO BE UNLAWFULLY USED OR REMOVED**

- (1) The owner of every dog aged six (6) months or older, shall provide it with a collar bearing a clear impression of the name and address of such owner.
- (2) No person shall unlawfully use or destroy the collar of a dog or remove it from the neck of the dog.

**12. CERTAIN DOGS NOT ALLOWED IN PUBLIC PLACES**

- (1) Subject to provisions to the contrary in these By-laws or any other law, no person shall bring or allow in a public place any dog that -
  - (a) is wild, dangerous or ferocious; or
  - (b) is in the habit of charging or chasing people, vehicles, animals, fowls or birds outside the premises where such dog is kept; or
  - (c) causes damage to any person or property; or
  - (d) is a bitch on heat.
- (2) Any authorised officer may impound a dog such as that described in subsection (1).

**13. DOGS NOT TO BE INCITED**

- (1) No person shall, without reasonable cause –
  - (a) set any dog on any person, animal or bird; or
  - (b) permit any dog under his supervision or in his custody to attack or terrify any person, animal or bird.

**14. DOGS CAUSING DISTURBANCE**

- (1) No person shall keep a dog that –
  - (a) creates a disturbance or a nuisance; or
  - (b) suffers from a contagious disease, excluding a veterinary surgeon who keeps such dog in a clinic for treatment.

**15. DESTRUCTION OF DOGS**

- (1) The Council may, subject to the provisions of section 10, order the destruction of a dog–
  - (a) where it appears that such dog is of the type described in section 12(1)(a), (b) and (c) and that the person claiming such dog is not entitled to its return in terms of section 9(7); or
  - (b) where such dog is found at large in any public place and appears to be ownerless; or
  - (c) where such dog is found at large in a public place and the owner refuses or fails to pay the tax due in terms of these By-laws in respect of such dog; or
  - (d) where such dog is in such a state of injury that it would, in the opinion of the Council, be humane to do so.

**16. NUMBER OF DOGS ON PREMISES**

- (1) The number of dogs, older than six (6) months, which may be kept within the Municipality shall be as follows –
  - (a) Two (2) dogs per household of which not more than one (1) may be an unspayed bitch: Provided that a person owning a larger number of dogs than the prescribed number at the date of promulgation of these By-laws, may continue to keep such larger number of dogs but shall not replace any dog in excess of the prescribed number should one or more of the dogs die or be disposed of, unless prior written consent of the Council has been obtained for the replacement or

for exceeding the prescribed number.

- (2) The Council may at the written request of an owner of an erf, grant permission for the keeping of a larger number of dogs than the prescribed number on such erf, should it be justified in the opinion of the Council.

#### **17. CONTROL OF DOGS IN PUBLIC PLACES**

- (1) No person shall allow any dog in a public place unless the owner or another person keeps such dog on a leash.
- (2) An authorised officer may impound any dog found wandering at large and uncontrolled in a public place.
- (3) Except in the event of a blind person being lead by a guide dog, any person in charge of a dog in a public place, shall remove any faeces left by such dog.

#### **18. ENTERING UPON PREMISES**

- (1) An authorised officer may for any purpose connected with the application of these By-laws –
- (a) at any reasonable time and without notice, enter upon any premises, accompanied, if he deems it necessary, by an interpreter or other assistant with a view to –
- (i) carrying out any examination, inspection or enquiry as he may deem necessary; or
- (ii) exercising any other power in terms of these By-laws and he may for that purpose take any necessary appliance with him onto the premises;
- (b) call upon the owner of a dog to render such assistance or to furnish such information, including his full name and address, as such officer may reasonably require.

#### **19. KENNELS**

Subject to the provisions of any other law, no person may establish, manage or keep any kennels or a pets' boarding establishment in any residential area or in any area that has been classified in terms of an approved town planning scheme for residential usage, or within 500 metres thereof.

#### **20. ESTABLISHMENT AND LEASE OF DOG POUND**

- (1) The Council may for the purposes of these By-laws establish a dog pound and lease such pound to any person or body on the terms and conditions deemed fit by the Council.
- (2) If a pound is leased to any person or body –
- (a) the powers and duties set forth in sections 9, 10 and 15 shall be deemed to have been delegated to such person or body or to any authorised official in the employ of such person or body, as the case may be, and the provisions of the said sections shall *mutatis mutandis* apply;
- (b) such person or body shall accept in the pound any dog seized in terms of sections 9 or 17(2) for the purpose of impounding it and shall thereafter dispose thereof in accordance with these By-laws;
- (c) such person or body shall be entitled to any fees payable in terms of these By-laws for an impounded dog and to any amount derived from the sale of an impounded dog in terms of section 10(1).

#### **21. DUTIES OF POUNDMASTER**

- (1) The poundmaster –
- (a) keeps the pound open between 08h00 and 17h00 during every day of the week;
- (b) receives any dog brought to the pound in terms of these By-laws during the hours when the pound is open and shall, subject to the provisions of these By-laws, keep such dog in the pound:

Provided that the poundmaster may refuse to receive a dog, and may release any dog if he at any time has reason to believe that such dog was not lawfully seized or impounded;

- (c) keeps a register in which the following particulars in respect of every impounded dog are recorded:
  - (i) the name, residential address and telephone number of the person who impounded the dog;
  - (ii) the time at which and date on which, the dog was impounded;
  - (iii) the place where the dog was seized or found;
  - (iv) the date on which and the time at which the dog was seized or found;
  - (v) the reason for impounding the dog;
  - (vi) the age, breed, sex, colour markings and any injury found on it when the poundmaster received it;
  - (vii) the manner in which the dog was disposed of;
  - (viii) the amount of money obtained for the release or sale of the dog;
  - (ix) the cost of any veterinary services incurred in respect of such dog;
- (d) ensures that all utensils used in connection with impounded dogs are at all times kept in a clean condition and in a good state of repair;
- (e) ensures that the pound is at all times free from flies, insects, rodents and odious smells;
- (f) ensures that every dog in the pound is properly fed and cared for;
- (g) isolates bitches on heat;
- (h) takes all reasonable steps to prevent fighting among dogs in the pound; and
- (i) isolates any diseased dog, have such dog treated by a veterinary surgeon and take all possible steps to recover the costs incurred in this respect from the owner.

## **22. PENALTIES**

Any person contravening any of the provisions of these By-laws shall be guilty of an offence and liable, on conviction, to a fine not exceeding Five Hundred Rand (R500.00) or in default of payment, to imprisonment for a period not exceeding three (3) months, or to both such fine and imprisonment.

## **23. REPEAL**

The By-laws relating to Dogs for the Mthonjaneni Local Municipality, are hereby repealed and replaced by these By-laws, which are to become effective on promulgation hereof.

## **24. APPLICATION**

The Council may by notice determine that the provision of these By-laws do not apply in certain areas within its area of jurisdiction from a date specified in the notice.