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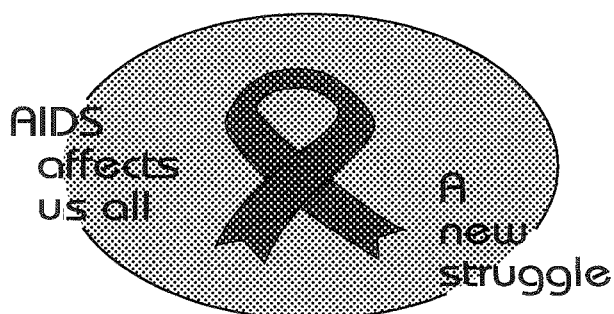
Vol. 5

PIETERMARITZBURG,

22 AUGUST 2011
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No. 623

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DEPARTMENT OF HEALTH

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MUNICIPAL NOTICES

No. 90

22 August 2011

“ The City of Heritage ”



STANDING RULES AND ORDERS

**STANDING RULES AND ORDERS OF MUNICIPAL COUNCIL
AND COMMITTEES OF THE COUNCIL**

PREAMBLE

WHEREAS every municipal Councillor must recognise that the prime function of local government is at all times to serve the best interests of all of the community, must be dedicated to the concepts of effective and democratic local government, must promote the dignity and worth of the services rendered by local government and maintain a constructive, creative and practical attitude toward local government and a deep sense of social responsibility as an elected representative, must be dedicated to the highest ideals of honour and integrity in all public and personal relationships in order that the community, municipal officials and employees may merit the respect and confidence of the elected representatives, must set and achieve community goals and uphold municipal policies, must refrain from interference in the administration of the Municipality and from all other partisan political activities which would impair performance as an elected representative, must make it a duty to continually improve his professional ability and develop competencies required to perform the duties of an elected representative, must keep the community informed on municipal affairs, must encourage communication and foster friendly and courteous service to the community and seek to improve the quality and image of municipal Councillors, must handle each challenge without discrimination and with principles of justice and fairness, must seek no favour and acknowledge that personal gain or profit secured by a Councillor's position is dishonest, must adhere to the Code of Conduct for Councillors, comply with the standing rules and orders and by-laws of a municipal Council and at all times respect the rule of law.

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CHAPTER 1

DEFINITIONS

Definitions

1. In these rules, any word or expression shall have the meaning assigned thereto in the relevant legislation, unless the context indicates otherwise—

“By-law” means legislation passed by the Council of the Municipality;

“Calendar day” means a twenty-four hour day as denoted on the calendar;

“Chairperson” means a Councillor elected in a permanent or acting capacity to control and conduct any meeting of a Committee of Council;

“Code of Conduct” means the Code of Conduct for Councillors contained in Schedule 1 to the Systems Act;

“Committee” means any committee of the Council established in terms of Section 80 or 79 of the Structures Act.

“Contact details” means a physical address, postal address, electronic mail address, telephone number, facsimile number and cellular-phone number;

“Council” means the Council of Ulundi Municipality;

“Councillor” means a member of a municipal Council;

“Day” means any ordinary day other than a Saturday, Sunday or Public Holiday, except where otherwise stated;

“Deputation” means a person or group of persons who wish to appear personally before the Council or a Committee of the Council in order to address the Council or Committee of the Council;

“Executive Committee” means the Council’s executive Committee established in terms of section 43 of the Structures Act;

“Explanation” means the clarification of some material part of a Councillor's former speech which

may have been misunderstood;

“In-Committee” means any Council or Committee meeting at which the public and or officials of the Municipality are excluded;

“Integrated development plan” means a single, inclusive and strategic plan for the development of the Municipality and applicable in terms of Chapter 5 of the Systems Act;

“Mayor” means a Councillor elected as the mayor of the Municipality in terms of section 48 of the Structures Act;

“Meeting” means a meeting of the Council or any one of its Committees;

“Municipal asset” means any movable, immovable, corporeal, incorporeal, tangible and intangible property to which the Municipality holds title;

“Municipal manager” means the person appointed as municipal manager in terms of section 54A of the Municipal Systems Amendment Act No. 7/11 and includes any person acting in that 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 23;

“Peace Officer” means any person declared as a Peace Officer in terms of the Criminal Procedure Act No. 51 of 1977;

“Point of order” means the pointing out of any deviation from or anything contrary to, the conduct and or any other irregularity in the proceedings of a meeting;

“Precincts” means the Council chamber and all places of meeting, the areas to which the public are allowed access and all other venues where the meetings of the Council or a Committee of the Council are conducted;

“Public” includes the media and means any person residing within the Republic of South Africa;

“service delivery agreement” means an agreement between a Municipality and an institution or person mentioned in section 76(b) of the Systems Act in terms of which a municipal service is provided by that institution or person, either for its own account or on behalf of the Municipality;

"Speaker" means the Chairperson of the Council elected in terms of section 36 of the Structures Act and includes any acting speaker when he or she is elected to perform the functions of the speaker;

"Structures Act" means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998); as amended.

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

"Table" means to submit a report or any official document to the Council or a Committee of Council for consideration at a meeting of the Council or a Committee of Council of which notice has been given in terms of these rules and orders;

Gender and Number - In every rule, unless the contrary intention appears, words importing the masculine gender include females and words in the singular number include the plural, and words in the plural number include the singular.

CHAPTER 2

APPLICATION AND INTERPRETATION OF RULES AND ORDERS

2. Application of these rules and orders

- (1) These rules and orders govern the proceedings of the Council and its Committees which bind and must be complied with by:-
- (a) all Councillors;
 - (b) any member of the public while present in the precincts;
 - (c) any deputation addressing the Council or its Committee; and
 - (d) any official of the Municipality.

3. Interpretation of these rules and orders

- (1) Any interpretation of these rules and orders must be made having due regard to the supremacy of the Constitution, national, provincial and municipal legislation, the rule of law and the rules of natural justice.

- (2) The ruling of the Speaker or Chairperson with regard to the interpretation of these rules and orders at a meeting of the Council or Committee of the Council shall, subject to rules 3(5) and 3(6), be final and binding.
- (3) The interpretation and the ruling of the Speaker or Chairperson of any of these rules and orders must be recorded in the minutes of the Council or Committee meeting.
- (4) The municipal manager must keep a register of the rulings and legal opinions.
- (5) Any Councillor may request the municipal manager, in writing within five days from a ruling made in terms of rule 3(2), to obtain clarity on the interpretation and ruling and to report to the Council or Committee of the Council.
- (6) The Council or Committee of the Council may after consideration of the report in terms of rule 3(5) confirm, amend or substitute the ruling of the Speaker or Chairperson, subject to any rights which any third party may have accrued as a result of the ruling and all decisions affecting the rights of others must be in writing and reasons must be recorded of such decisions.

CHAPTER 3

FREQUENCY, ADMISSION OF PUBLIC AND NOTICE OF MEETINGS

4. Council meetings

- (1) The Council must hold an ordinary meeting of the Council not less than once in every three months.
- (2) The Speaker must convene all meetings of the Council in accordance with rule 4(1) and subject to rule 6.

5. Admission of public

- (1) All meetings of the Council and those of its Committees must be open to the public. The Council or its Committee may not exclude the public from a meeting, other than when the Council or Committee, due to the nature of the business being transacted or when the disclosure of any matter may be prejudicial to the interests of the Municipality, deems it reasonable and justifiable to do so having due regard to the principles of an open and democratic society.
- (2) The Council or its Committee, may not for any reason whatsoever, exclude the public when considering, voting or noting any of the following matters :-

- (a) a draft by-law tabled in the Council;

- (b) a budget tabled in the Council;
- (c) the Municipality's integrated development plan, or any amendment of the plan tabled in Council;
- (d) the Municipality's performance management system, or any amendment of the system tabled in Council;
- (e) the decision to enter into a service delivery agreement;
- (f) any reports on an award in terms of supply chain management policy;
- (g) the disposal or acquisition of municipal capital asset;
- (h) any other matter prescribed by legislation.

- (3) The municipal manager must give notice to the public, in a manner determined by the Council, of the time, date and venue of every ordinary meeting of the Council or its Committee and any special or urgent meeting of the Council or its Committee, except when time constraints make this impossible.

6. Notice to attend an ordinary Council meeting

- (1) The Speaker must convene meetings of the Council, at least quarterly, 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 rule 6(1) shall be given at least—
- (a) two calendar days prior to an ordinary meeting; and
 - (b) one calendar day prior to a special meeting.

7. Special meetings

- (1) The Speaker
- (i) for the purpose of pertinent or urgent Council business
 - (ii) or at the request of a majority of the Councillors of the Municipality, must call a special meeting of the Council.
- (2) A special meeting must be held in compliance with rule 6(2)(b) and in terms of rule 7(1)(ii) no later than four days from the date of receipt of a request.
- (3) A request for the calling of a special meeting, as contemplated in rule 7(1)(ii), 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 written statement by the Councillor signing the notice of motion giving reasons as to why the intended business of the special meeting is urgent and cannot wait for an ordinary meeting of the Council.

- (c) Full compliance with rule 7(3)(a) and 7(3)(b) prescribes that the Speaker may not exercise a discretion but must call a meeting.

8. Service of notices and agenda

- (1) Notice to attend a meeting or any other official communication from the Council, shall be delivered to—
- (a) a physical address within the area of jurisdiction of the Municipality; or
 - (b) an e-mail address; or
 - (c) by a short message service (SMS);
- provided that contact details shall be supplied by each Councillor to the municipal manager in writing within two days of a Councillor's election and, thereafter, whenever the Councillor wishes to change either address and at which address the Councillor shall accept service and or receipt of any notice to attend a meeting and any other official communication from the Council.
- (4) All documentation relevant to any Council or Committee meeting must be given to all Councillors at least two calendar days prior to an ordinary Council or Committee meeting and one calendar day prior to a special Council or special Committee meeting.
- (5) All Councillors must inform the speaker of any change of contact details within three days of such change.
- (4) Subject to rule 5(3), notice to attend a meeting must be displayed on the public notice boards of the Municipality.

9. Non-receipt of notice

- (1) A Councillor may request an investigation regarding the non-receipt of a notice to attend a meeting.
- (2) Non-receipt of a notice to attend a meeting shall not affect the validity of any meeting or proceedings of Council or any of its Committees.

CHAPTER 4

QUORUM

10. Quorum

- (1) A majority of the number of Councillors determined in accordance with the Municipality's establishment notice must be present at a meeting of the Council before a vote may be taken on any matter provided that:
- (a) Vacancies in the office of Councillor shall not invalidate the proceedings of the Council meeting;

- (b) Subject to a quorum, the failure of any Councillor to vote shall not invalidate the proceedings of the Council meeting.
- (2) A majority of the number of Councillors appointed to a Committee of Council must be present at a meeting of the Committee before a vote may be taken on any matter provided that:
 - a) Vacancies in the office of Councillor shall not invalidate the proceedings of the Committee meeting;
 - b) Subject to a quorum, the failure of any Councillor to vote shall not invalidate the proceedings of the Committee meeting.

11. Cancellation and adjournment in absence of quorum

- (1) No meeting shall take place, if no quorum is present fifteen minutes after the time at which a meeting was due to commence, unless it is unanimously agreed by the Councillors present to allow further time not exceeding fifteen minutes for a quorum, if no quorum is present, the meeting must be cancelled.
- (2) If during discussion on an item at any meeting of Council or any of its Committees the attention of the Speaker or Chairperson is called upon to the number of Councillors present, he or she shall—
 - (a) count the Councillors present;
 - (b) if it is found that there is no quorum, the Speaker or Chairperson must adjourn the meeting and allow an interval of fifteen minutes for a quorum to become present;
 - (c) if a quorum becomes present after the adjournment then the meeting must continue;
 - (d) if no quorum becomes present after the adjournment then the Chairperson or Speaker must forthwith adjourn the meeting.
- (3) When a meeting is adjourned as a result of no quorum, the meeting shall be re-convened within seven days as a continuation meeting.

CHAPTER 5 ATTENDANCE

12. Attendance

- (1) All Councillors must punctually attend and remain in attendance at each meeting of the Council and a Committee of which that Councillor is a member except when:-
 - a) leave of absence is granted in terms of rule 13; or
 - b) that Councillor is required to withdraw in terms of rule 46(2);
 - c) with the permission of the Speaker or Chairperson.
- (2) Each Councillor attending any meeting of the Council or its Committee shall sign an

attendance register provided for that purpose.

- (3) The attendance register shall be filed in the office of the municipal manager.
- (4) Any Councillor who is entitled to leave of absence in terms of rule 13 and no longer requires such leave may attend the meeting from which leave of absence was granted and sign the attendance register.

13. Leave of absence

- (1) Leave of absence shall not be granted in such a manner that more than the number required for a quorum will at any one time be absent.
- (2) 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; or
 - (c) will arrive after the stipulated commencement time of a meeting,he or she shall, as soon as is reasonably possible and prior to that meeting, lodge with the municipal manager a written application for leave of absence from the whole or any part of the meeting concerned, which application must provide reasonable and bona fide reasons for the application and show good cause for the granting of the application.
- (3) The municipal manager must as soon as possible inform the Speaker or Chairperson of the meeting concerned of any application for leave of absence received.
- (4) The Speaker or 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 and immediately inform the municipal manager of his decision.
- (5) The municipal manager must as soon as is reasonably possible, inform a Councillor who has applied for leave of absence of the Speaker or Chairperson's decision.
- (6) 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.
- (7) Where a Councillor fails to remain in attendance at a meeting —
 - (a) without being granted permission to do so; or
 - (b) without obtaining permission from the Speaker or Chairperson to leave prior to the close of the meeting, the time of leaving must be recorded in the minutes of the meeting and that Councillor shall be deemed to have been absent without leave at that meeting;
- (8) Where a Councillor arrives late at a meeting, without obtaining permission to do so, the time of arrival and the reasons for the late attendance must be recorded in the minutes of the meeting and the Councillor may attend the meeting and sign the attendance register in terms of rule 12(2).

- (9) Leave of absence for two or more consecutive Council or Committee meetings must be sanctioned by the Council.

14. Non-attendance

- (1) Subject to compliance with the procedure set out in rule 13, a Councillor who is absent without good cause from a meeting, of which notice has been given, shall be liable to pay a fine equivalent to one week's remuneration, which fine may be deducted from remuneration due to the Councillor concerned.
- (2) Where a Councillor has been absent without obtaining leave from a meeting—
- (a) the Rules Committee as contemplated in rule 43 or the Speaker or Chairperson as the case may be, shall invite the Councillor to provide a formal explanation setting out the reasons for the Councillor's absence from the meeting;
 - (b) the Speaker or 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 against the speaker's or Chairperson's decision within seven days of receipt of such decision.
 - (d) the Council or Committee, as the case may be, shall—
 - (i) allow the Councillor an opportunity to make representations, oral or written; and
 - (ii) consider the Councillor's appeal, together with any comments from the Speaker or Chairperson of the meeting concerned;
 - (iii) make a finding as to whether the Councillor was absent with or without good cause.
- (3) The municipal manager shall keep a record of all incidents in respect of which Councillors have been found to be absent or deemed to be absent without leave and without good cause and shall submit a written report to the Speaker whenever a Councillor is absent from three or more consecutive meetings which that Councillor was required to attend.
- (4) Where the Speaker receives a report in terms of rule 14(3), the Speaker must submit the report to Council and direct that the matter be investigated in accordance with Item 14 of the Code of Conduct.

CHAPTER 6
ADJOURNMENT

15. Adjourned meetings

Subject to rule 11(3), a Council or Committee meeting may, by majority vote, be adjourned to another day or hour but no later than 14 days after the original meeting.

16. Continuation meeting

- (1) When a meeting is adjourned, notice of the continuation meeting shall be served in terms of rule 8.
- (2) No business shall be transacted at a continuation meeting except such as is specified in the notice of the meeting, which was adjourned.

CHAPTER 7 PROCEEDINGS

17. Speaker and Chairpersons of meetings

- (1) At every meeting of the Council, the Speaker, or if he or she is absent, an Acting Speaker, shall be the Chairperson and shall perform the duties stipulated in terms of section 37 of the Structures Act and must ensure that each Councillor when taking office is given a copy of these rules and orders and the Code of Conduct.
- (2) The Speaker and Chairperson of Committee meetings:-
 - (a) must maintain order during meetings;
 - (b) must ensure compliance in the Council or Committee with the Code of Conduct for Councillors;
 - (c) must ensure that meetings are conducted in accordance with these Standing Rules and Orders.
- (3) If the Speaker or Chairperson of the Committee is absent or not available to perform the functions of Speaker or Chairperson, or during a vacancy, the Council or Committee under the direction of the municipal manager or his/her nominee must elect another Councillor to act as Speaker or Chairperson as the case may be.
- (4) No meeting of the Council or its Committee may commence or continue unless a Speaker or Chairperson presides at such meeting.

18. Minutes

- (1) The proceedings of every Council meeting must be electronically recorded and retained in accordance with the Archives and Record Service of South Africa, Act 43 of 1996.
- (2) Written minutes of the proceedings of each Council and Committee meeting must be accurately recorded and retained in accordance with the Archives and Record Service of South Africa, Act 43 of 1996.
- (3) The approved minutes of every meeting of Council or Committee other than in-Committee meetings must be available to the public.
- (4) Where the municipal manager is of the opinion that any resolution or proceedings of a Council or Committee meeting may be in contravention of any law or by-law, he or she must

advise the Council or Committee accordingly and full details of such opinion must be recorded in the minutes.

19. Order of business

- (1) The order of business at every meeting of the Council or its Committee is as follows:
 - (a) notice of meeting;
 - (b) applications for leave of absence;
 - (c) confirmation of minutes of previous meeting;
 - (d) announcements by the Chairperson;
 - (e) declarations of pecuniary or other interests;
 - (f) deputations;
 - (g) reports;
 - (h) notices of motion;
 - (i) questions of which notice has been given; and
 - (j) general matters of an urgent nature.
- (2) The Speaker or Chairperson may, in his discretion, at any stage bring forward any business that is on the agenda paper.

20. Confirmation of minutes of previous meeting

- (1) The minutes of every meeting shall be confirmed at the next ordinary meeting of that Council or Committee and shall be signed by the Speaker or 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.

21. Deputations

- (1) A deputation wishing to address the Council or its Committee shall submit a memorandum to the municipal manager in which is set out the representations it wishes to make.
- (2) A request by a deputation to address the Council or its Committee must be approved by the Speaker or relevant Chairperson.
- (3) The municipal manager shall submit the memorandum to the Council or the Committee, which may receive the deputation.
- (4) Any matter requiring consideration arising from a deputation, shall not be further considered by the Council or Committee until the deputation has withdrawn provided that questions of clarity may be permitted.
- (5) A member of the public, other than a deputation, who wishes to speak at a Council or Committee meeting, shall obtain the permission of the Speaker or Chairperson to do so, prior to the commencement of the meeting.
- (6) When speaking at a Council or Committee meeting, a member of the public and a deputation must comply with any directions or orders given by the Speaker or Chairperson.

- (7) If a member of the public or a deputation conducts himself/herself in a disorderly and unruly manner at any time, the Speaker or Chairperson must direct that that member remove himself or be removed by a Peace Officer from the precincts.
- (8) Any member of the public or deputation who fails or refuses to comply with the Speaker's or Chairperson's directions in terms of rule 21(6) and rule 21(7) shall be guilty of an offence and liable on conviction to a fine or imprisonment for a period not exceeding one month or both such fine and such imprisonment.

22. Reports

- (1) Any report submitted to the Council or its Committee must, with the exception of a report accepted by the Speaker or Chairperson as a matter of urgency, be provided to Councillors in terms of rule 8.
- (2) The Speaker or Chairperson must allow debate in accordance with chapter 10 on any report submitted to the Council or its Committee, at the meeting at which that report is submitted and if the debate is incomplete or does not take place for any reason whatsoever, then the debate in respect of that report shall be held, at the next meeting.

23. Motions

- (1) No subject shall be brought before Council or its Committee by a Councillor except by way of notice of motion.
- (2) A notice of motion must –
 - (a) be in writing; and
 - (b) be signed by the Councillor submitting it and by another Councillor acting as seconder; and
 - (c) refer to one matter only.
- (3) A notice of motion shall be lodged with the municipal manager before 12h00 seven calendar days prior to the next meeting, failing which the notice will be considered at the next ensuing meeting.
- (4) The municipal manager must–
 - (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 must
 - (c) enter each notice of motion on the agenda in the order received.
- (5) The Speaker or 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 Speaker or Chairperson must not reject a motion received by him or her in terms of these rules.

24. Questions

- (1) A Councillor may put a question requiring a written reply from any political or municipal office bearer of the Municipality concerning any matter related to the effective performance of the Municipality's functions and the exercise of its powers, provided that written notice of the question has been lodged with the speaker or Chairperson and the municipal manager at least seven days prior to the Council or Committee meeting and the municipal manager must ensure that the Councillor receives a written reply from that political or municipal office bearer, at the Council or Committee meeting.
- (2) If, after a question has been replied to, a Councillor is of the opinion that the reply is not clear and is ambiguous, he or she may, with the consent of the Speaker or Chairperson, request a follow-up question.

25. Supply of information to a Councillor

- (1) No Councillor shall approach or communicate with any officer of the municipal administration concerning the business of the Municipality other than when exercising his rights or liberties as an ordinary member of the public.
- (2) A Councillor may approach and communicate with the municipal manager or any head of department or any officer of the municipal administration specifically designated by the municipal manager or by the head of department concerned for this purpose, in order to obtain such information as he or her may reasonably require for the proper performance of his duties as a Councillor.

26. General matters of an urgent nature

- (1) General items of an urgent nature may be placed on an agenda by the municipal manager and any member of the Council with the prior consent of the Speaker or Chairperson, which consent shall not be unreasonably withheld.
- (2) Prior to adoption, Councillors must be afforded reasonable time to peruse and consider any report or official documents submitted to the Council or Committee.

27. Interpretation

- (1) If a majority of Councillors present so resolve, an interpreter may be used in meetings of the Council and its Committees.

28. In-Committee

- (1) Subject to rule 5, the Council or Committee may, at any time, resolve to proceed in-Committee.
- (2) The public shall be excluded from any in-Committee meetings.
- (3) The municipal manager or any official exempted from this rule by the Speaker or Chairperson shall not be excluded from any in-Committee meeting.
- (4) All proceedings in-Committee must be recorded in terms of rule 18(1) and 18(2) and shall be confidential.
- (5) Unauthorised disclosure of any confidential matter must be dealt with in terms of the Code of Conduct.(Item: 10 Code of Conduct for Councillors)

CHAPTER 8**VOTING****29. Decisions by voting**

- (1) A quorum must be present in order for a vote to be taken.
- (2) All questions concerning the following matters must be determined by a decision taken by the Council with a supporting vote of a majority of the number of Councillors determined in accordance with the Municipality's establishment notice:-
 - a) the passing of by-laws;
 - b) the approval of budgets;
 - c) the imposition of rates and other taxes, levies and duties;
 - d) the raising of loans;
 - e) the rescission of a Council resolution within 6 months of the taking thereof;and
f) any other matter prescribed by legislation.
- (3) All other questions before the Council shall be decided by a majority of the votes cast by the Councillors present.
- (4) If on any matter there is an equality of votes, the Speaker or Chairperson may exercise a casting vote in addition to a deliberative vote as a Councillor, provided that a Speaker or Chairperson shall not exercise a casting vote during the election of any office bearer of Council.

30. Method of voting

- (1) Voting shall be by a show of hands unless the law prescribes otherwise, or the Council or Committee by resolution of a majority of the Councillors present resolves to proceed with a secret written ballot.

- (2) During the taking of a vote, no Councillor may leave the Council chamber or Committee room.
- (3) The municipal manager or his nominee, shall count the votes cast and shall record the result of voting, but the Speaker or Chairperson shall announce the results.

31. Dissenting votes

A Councillor may request that his dissenting vote be recorded as evidence of how he or she voted on the motion.

CHAPTER 9

REVOCATION OF COUNCIL AND COMMITTEE RESOLUTIONS

32. Revocation of Council Resolutions

- (1) Approval to revoke or alter a resolution of Council may not be delegated to any person or Committee.
- (2) Prior notice of an intention to move a motion for the revocation or alteration of a Council resolution must be given.
- (3) Any revocation or alteration of a Council resolution must be made in terms of rule 29(2) (e).

33. Revocation of Committee Resolutions

- (1) Approval to revoke or alter a resolution of a Committee of the Council may not be delegated to any person.
- (2) Prior notice of an intention to move a motion for the revocation or alteration of a resolution of a Committee of the Council must be given.
- (3) Any revocation or alteration of a resolution of a Committee of the Council must be approved by a majority of the number of the members of that Committee.

CHAPTER 10

DEBATE

34. Opportunity to speak

- (1) A Councillor may only speak when so directed by the Speaker or Chairperson.
- (2) A Councillor may indicate a desire to speak by raising his hand and awaiting the direction of the Speaker or Chairperson, which direction must not be withheld
- (3) Councillors and officials shall stand when speaking and shall direct their address to the Speaker or Chairperson.

35. Relevance

Every Speaker must restrict him or herself strictly to the matter under consideration.

36. Length of speeches

Other than the delivery of the mayoral report or the presentation of the estimates of income and expenditure, no speech shall exceed five minutes in length without the consent of the Speaker or Chairperson.

37. Councillors to speak only once

A Councillor may not speak more than once on any motion or proposal unless permission to do so is granted by the Speaker or Chairperson provided that the mover of the motion shall have the right of reply and the reply shall be confined to answering previous Speakers and shall not introduce any new matter into the debate.

38. Precedence of the Speaker or Chairperson

Whenever the Speaker or Chairperson rises during a debate, any Councillor then speaking or offering to speak must seat himself and the Councillor must be silent, so that the Speaker or Chairperson may be heard without interruption.

39. Points of order

- (1) Any Councillor may raise a point of order at any time by standing to draw the attention of the Speaker or Chairperson.
- (2) The point of order takes precedence over everything else in the meeting and the Speaker or Chairperson must grant immediate hearing to the Councillor raising the point of order and rule accordingly.
- (3) The ruling of the Speaker or Chairperson on a point of order shall be final and shall not be open to discussion.

40. Explanation

Any Councillor may speak in explanation, provided that such explanation is confined to some material part of the discussion, which may have been misunderstood.

CHAPTER 11

CONDUCT

41. General conduct

- (1) Councillors and officials must during any Council or Committee meeting—
 - (a) conduct the business in the highest decorum and integrity that the occasion deserves;
 - (b) must, at all times adhere to the principles contained in the Code of Conduct and these rules and orders;
 - (c) must, at all times adhere to the rule of law and the by-laws of the Municipality;
 - (d) must be dressed appropriately for the dignity of the meeting;
 - (e) must not use offensive or objectionable language; and
 - (f) must not use a cellular phone or, bring a firearm or any dangerous weapon into, a meeting of Council or any of its Committees.

42. Misconduct

- (1) The Speaker may order a Councillor to withdraw and apologise for any word, statement, opinion or gesture made by that Councillor.
- (2) If a Councillor or Councillors behave improperly during a meeting of Council or any of its Committees, the Speaker shall direct the Councillor or Councillors to conduct himself/herself or themselves properly and, if speaking, to stop speaking and resume his seat or seats.
- (3) In the event of persistent disregard of the directions of the Speaker, the Speaker shall direct such Councillor or Councillors to retire from the meeting and remove himself or themselves from the place of meeting until the item under discussion has been finalized.
- (4) In the event that any misconduct by a Councillor or Councillors prejudices the proceedings of the Council or Committee the Speaker or Chairperson may adjourn the meeting and any such misconduct by a Councillor or Councillors must be dealt with in terms of these standing rules and orders and the Code of Conduct.
- (5) Any Councillor who refuses to leave a meeting of the Council or Committee when directed to do so by the Speaker or Chairperson in terms of any rule in these rules and orders, may be forcibly removed and shall be guilty of an offence and liable on conviction to a fine or to imprisonment for a period not exceeding one month or to both such fine and such imprisonment.

CHAPTER 12**COMMITTEES****43. Rules Committee**

- (1) The municipal Council may by resolution of a majority of Councillors establish a special Committee to be known as the Rules Committee to investigate and make findings on any alleged breaches of the Code of Conduct, including sanctions for non-attendance at meetings and to make recommendations regarding any other matter concerning the Rules and Orders.
- (2) The Rules Committee shall consist of the Speaker, the Mayor and one representative of each political party represented in the Council, such representative to be nominated from time to time by each political party.

44. Own rules

- (1) Every Committee of the Council shall determine its own procedures subject to any directions from Council and these standing rules and orders.
- (2) Chapter 10 of these rules and orders may be relaxed by a Chairperson of a Committee to accommodate interactive and effective participation, provided that the Chairperson may, at his/her discretion, apply the provisions of any rule contained in chapter 10.

45. The Chairperson

- (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 in addition to his deliberative vote, shall give a second or casting vote.
- (2) In his absence, the acting or deputy Chairperson shall have the same powers and rights of voting as those possessed by the Chairperson.

CHAPTER 13**PECUNIARY INTEREST****46. Declaration of pecuniary interest**

- (1) A Councillor must disclose to the municipal Council, or to any Committee of which that Councillor is a member, any direct or indirect personal or private business interest that that Councillor, or any spouse, partner or business associate of that Councillor may have in any matter before the Council or Committee.
- (2) The Councillor making a declaration must withdraw from the proceedings of the Council or Committee unless the Council or Committee decides that the Councillor's direct or indirect

interest in that matter is trivial or irrelevant.

- (3) A Councillor who, or whose spouse, partner, business associate or close family member, acquired or stands to acquire any direct benefit from a contract concluded with the Municipality, must disclose full particulars of the benefit of which the Councillor is aware at the first meeting of the Council at which it is possible for the Councillor to make disclosure.
- (4) The disclosure of interests in terms of rule 46(1) and benefit in terms of rule 46(3) does not apply to an interest or benefit which a Councillor, or a spouse, partner, business associate or close family member, has or acquires in common with other residents of the Municipality.

CHAPTER 14

BREACH AND SANCTIONS

47. Breach

Any Councillor who fails or refuses to obey any of these rules and orders, or any resolution of Council, may be guilty of a breach of the Code of Conduct.

48. Sanction

Where it is alleged that a Councillor has breached these rules, the Council must, in terms of Item 14 of the Code of Conduct, investigate the alleged breach and may impose a sanction.

CHAPTER 15

GENERAL PROVISIONS

49. Suspension of a Rule or Order

- (1) In instances of urgency or where a Council considers that adherence to a rule would be unreasonable and would prejudice the operation of a meeting of the Council, then the Council may with the approval of the majority of the number of Councillors of the Municipality and for the duration of that meeting, temporarily relax the provisions of a rule, provided that:
 - (a) Such relaxation must not be in contravention of any national or provincial legislation or any by-law of the Municipality;
 - (b) The suspension or relaxation of the rule relates to an item on the agenda for the meeting of the Council or Committee of the Council; and
 - (c) Rule 22 must not be suspended;
 - (d) The reasons for the suspension of the rule are recorded in the minutes of the meeting.

50. Adoption as by-laws

These rules and orders have been adopted as a by-law of the Municipality.

51. Repeal of existing by-laws

The Council's existing by-laws in respect of rules and orders are hereby repealed.

52. Short title and commencement

These standing rules and orders shall be called Ulundi Municipal Standing Rules and Orders, 2011.

No. 91**22 August 2011****ELECTRICITY SUPPLY BY-LAW****CONTENTS**

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Ulundi Local Municipality
ELECTRICITY SUPPLY BY-LAW

CHAPTER 1
GENERAL

1. Definitions - In this by-law, unless inconsistent with the context-

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

"applicable standard specification" means the standard specifications as listed in Schedule 2 attached to this by-law;

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

"consumer" in relation to premises means:

- (i) any occupier thereof or any other person with whom the Municipality has contracted to supply or is actually supplying electricity there at; or
- (ii) if such premises are not occupied, any person who has a valid existing agreement with the Municipality for the supply of electricity to such premises; or
- (iii) if there is no such person or occupier, the owner of the premises;

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

"electrical contractor" means an electrical contractor as defined in the Regulations;

"electrical installation" means an electrical installation as defined in the Regulations;

"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 < Un 220 kV. [SANS 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). [SANS 1019]

"the law" means any applicable law, proclamation, ordinance, act of parliament or enactment having force of law;

"medium voltage" means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of 1 kV < Un 1019] S

"meter" means a device which records the demand and/or the electrical energy consumed and includes conventional and prepayment meters;

"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;

"Municipality" means Ulundi Local Municipality, a municipality established in terms of the Structures Act No. 117/1998 of the law or any legal entity duly authorized by the Ulundi Local Municipality to provide an electricity service within the jurisdiction of the Ulundi Local Municipality;

"occupier" in relation to any premises means-

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

"owner" in relation to premises means the person in whom is vested the legal title thereto; provided that-

- (a) in the case of immovable property-
 - (i) leased for a period of not less than 50 years, whether the lease is registered or not, the lessee thereof, or
 - (ii) beneficially occupied under a servitude or right analogous thereto, the occupier thereof;
- (b) if the owner as hereinbefore defined-
 - (i) is deceased or insolvent, has assigned his estate for the benefit of his creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be, or
 - (ii) is absent from the Republic of South Africa, or if his address is unknown to the Municipality, any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property, and
 - (iii) if the Municipality is unable to determine who such person is, the person who is entitled to the beneficial use of such property,

shall be deemed to be the owner thereof to the exclusion of the person in whom is vested the legal title thereto;

"point of consumption" means a point of consumption as defined in the Regulations;

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

"point of supply" means the point determined by the Municipality or any duly authorised official of the Municipality at which electricity is supplied to any premises by the Municipality;

"premises" means any land or any building or structure above or below ground level and includes any vehicle, aircraft or vessel;

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

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

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

"service connection" means 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 Municipality'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 Municipality's electricity network;

"tariff" means the Municipality's tariff of charges for the supply of electricity, and

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

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

2. **Other terms** - All other terms used in this by-law shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Act,

1987 (Act 41 of 1987), as amended, or the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended.

3. **Headings and titles** - The headings and titles in this by-law shall not affect the construction thereof.

CHAPTER 2 GENERAL CONDITIONS OF SUPPLY

4. **Provision of Electricity Services** – Only the Municipality shall supply or contract for the supply of electricity within the jurisdiction of the Ulundi Municipality.
5. **Supply by agreement** - No person shall use or be entitled to use an electricity supply from the Municipality unless or until such person shall have entered into an agreement in writing with the Municipality for such supply, and such agreement together with the provisions of this by-law shall in all respects govern such supply. If a person uses an electricity supply without entering into an agreement he/she shall be liable for the cost of electricity used as stated in section 44 of this bylaw.
6. **Service of notice** -
- (1) Any notice or other document that is served on any person in terms of this by-law is regarded as having been served-
 - (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.
 - (2) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.
 - (3) Any legal process is effectively and sufficiently served on the Municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

7. **Compliance with notices** - Any person on whom a notice duly issued or given under this by-law is served shall, within the time specified in such notice, comply with its terms.
8. **Application for supply** -
- (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 Municipality, and the estimated load, in kVA, of the installation, shall be stated therein. Such application shall be made as early as possible before the supply of electricity is required in order to facilitate the work of the Municipality.
 - (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 of electricity and shall be considered at the discretion of the Municipality or any duly authorised official of the Municipality, which may specify any special conditions to be satisfied in such case.
9. **Processing of requests for supply** - Applications for the supply of electricity will be processed and the supply made available within the periods stipulated in NRS 047.
10. **Wayleaves** -
- (1) The Municipality may refuse to lay or erect a service connection above or below ground on any thoroughfare or land not vested in the Municipality or on any private property, unless and until the prospective consumer shall have obtained and deposited with the Municipality written permission granted by the owner of the said private property or by the person in whom is vested the legal title to the land or thoroughfare as aforesaid exists, as the case may be, authorising the laying or erection of a service connection thereon.
 - (2) If such permission is withdrawn at any time or if the aforesaid private property or thoroughfare changes ownership and the new owner refuses to grant or continue such permission, the cost of any alteration required to be made to a service connection in order that the supply of electricity may be continued, and of any removal thereof which may become necessary in the circumstances, shall be borne by the consumer to whose premises the supply of electricity is required to be continued.
11. **Statutory Servitude** -
- (1) Subject to the provisions of subsection (3) the Municipality may within its municipal area:
 - (a) provide, establish and maintain electricity services;
 - (b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and destroy electricity supply mains;
 - (c) construct, erect or lay any electricity supply main on, across, through, over or under any street or immovable property and the ownership of any such main shall vest in the Municipality;
 - (d) do any other thing necessary or desirable for or incidental,

supplementary or ancillary to any matter contemplated by paragraphs (a) to (c).

- (2) If the Municipality constructs, erects or lays any electricity supply main on, across, through, over or under any street or immovable property not owned by the Municipality or under the control of or management of the Municipality it shall pay to the owner of such street or property compensation in an amount agreed upon by such owner and the Municipality or, in the absence of agreement, as determined either by arbitration or a court of law.
- (3) The Municipality shall, before commencing any work other than repairs or maintenance on or in connection with any electricity supply main on immovable property not owned by the Municipality or under the control or management of the Municipality, give the owner or occupier of such property reasonable notice of the proposed work and the date on which it proposes to commence such work.

12. Right of admittance to inspect, test and/or do maintenance work –

- (1) The Municipality shall, through its employees, contractors and their assistants and advisers, have access to or over any property for the purposes of-
 - (a) doing anything authorised or required to be done by the Municipality under this by-law or any other law;
 - (b) inspecting and examining any service mains and anything connected therewith;
 - (c) enquiring into and investigating any possible source of electricity supply or the suitability of immovable property for any work, scheme or undertaking of the Municipality and making any necessary survey in connection therewith;
 - (d) ascertaining whether there is or has been a contravention of the provisions of this by-law *or any other law*, and
 - (e) enforcing compliance with the provisions of this by-law *or any other law*,
- (2) The Municipality shall pay to any person suffering damage as a result of the exercise of the right of access contemplated by sub-section (1), except where the Municipality is authorised to execute on the property concerned any work at the cost of such person or some other person or to execute on such property any work and recover the cost thereof from such person or some other person, compensation in such amount as may be agreed upon by the Municipality and such person or, in the absence of agreement, as may be determined by arbitration or court of law.
- (3) An employee of the Municipality authorised thereto by such Municipality may, by notice in writing served on the owner or occupier of any property, require such owner or occupier to provide, on the day and at the hour specified in such notice, access to such property to a person and for a purpose referred to in sub-section (1).
- (4) The Municipality may gain access to or over any property without notice and may take whatever action as may, in its opinion, be

necessary or desirable in consequence of the existence of a state of war or the occurrence of any calamity, emergency or disaster.

13. **Refusal or failure to give information** - No person shall refuse or fail to give such information as may be reasonably required of him/her by any duly authorised official of the Municipality or render any false information to any such official regarding any electrical installation work completed or contemplated.
14. **Refusal of admittance** - No person shall wilfully hinder, obstruct, interfere with or refuse admittance to any duly authorised official of the Municipality in the performance of his duty under this by-law or of any duty connected therewith or relating thereto.
15. **Improper use** - If the consumer uses the electricity for any purpose or deals with the electricity in any manner which the Municipality has reasonable grounds for believing interferes in an improper or unsafe manner or is calculated to interfere in an improper or unsafe manner with the efficient supply of electricity to any other consumer, the Municipality 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. The fee as prescribed by the Municipality for the disconnection and reconnection shall be paid by the consumer before the electricity supply is restored, unless it can be shown that the consumer did not use or deal with the electricity in an improper or unsafe manner.
16. **Electricity tariffs and fees** - Copies of charges and fees may be obtained free of charge at the offices of the Municipality.
17. **Deposits** - The Municipality reserves the right to require the consumer to deposit a sum of money as security in payment of any charges which are due or may become due to the Municipality. The amount of the deposit in respect of each electricity installation shall be determined by the Municipality, and each such deposit may be increased if the Municipality deems the deposit held to be inadequate. Such deposit 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. On cessation of the supply of electricity, the amount of such deposit, free of any interest, less any payments due to the Municipality shall be refunded to the consumer.
18. **Payment of charges** -
 - (1) The consumer shall be liable for all charges listed in the prescribed tariff for the electricity service as approved by the Municipality. A copy of the prescribed tariff is obtainable free of charge from the Municipality.
 - (2) All accounts shall be deemed to be payable when issued by the Municipality and each account shall, on its face, reflect the due date and a warning indicating that the supply of electricity may be disconnected should the charges in respect of such supply remain unpaid after the due date.
 - (3) 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/herself that the account rendered is in accordance with the prescribed tariff of charges in respect of electricity supplied to the premises.

- (4) Where a duly authorised official of the Municipality has visited the premises for the purpose of disconnecting the supply of electricity in terms of subsection (2) and he/she is obstructed or prevented from effecting such disconnection, the prescribed fee shall become payable for each visit necessary for the purpose of such disconnection.
- (5) After disconnection for non-payment of an account, the prescribed fees and any amounts due for electricity consumed shall be paid before the electricity supply is re-connected.

19. Interest on overdue accounts - The Municipality may charge interest on accounts which are not paid by the due date appearing on the account, at an interest rate as approved by the Municipality from time to time.

20. Principles for the resale of electricity –

- (1) Unless otherwise authorised by the Municipality, no person shall sell or supply electricity, supplied to his/her premises under an agreement with the Municipality, to any other person or persons for use on any other premises, or permit or suffer such resale or supply to take place. If electricity is resold for use upon the same premises, the electricity resold shall be measured by a submeter of a type which has been approved by South African Bureau of Standards (SABS) and supplied, installed and programmed in accordance with the standards of the Municipality.
- (2) The tariff, rates and charges at which and the conditions of sale under which electricity is thus resold shall not be less favourable to the purchaser than those that would have been payable and applicable had the purchaser been supplied directly with electricity by the Municipality. Every reseller shall furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the Municipality to its electricity consumers.

21. Right to disconnect supply –

- (1) The Municipality shall have the right to disconnect the supply of electricity to any premises if the person liable to pay for such supply fails to pay any charge due to the Municipality in connection with any supply of electricity which he/she may at any time have received from the Municipality in respect of such premises, or, where any of the provisions of this by-law and/or the Regulations are being contravened, provided the Municipality has given the person 14 (fourteen) days notice to remedy his/her default and the person has failed to remedy such default after notice has been given, or, in the case of a grave risk to person or property, or as envisaged in terms of Section 26 of this by-law, without notice. After disconnection for non-

payment of accounts or the improper or unsafe use of electricity, the fee as prescribed by the Municipality shall be paid.

- (2) In the case where an installation has been illegally reconnected on a consumer's premises after having been previously legally disconnected by the Municipality, or in the case where the Municipality's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the electricity supply may be physically removed from those premises.

- 22. Non-liability of the Municipality-** The Municipality 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 any other abnormality of the supply of electricity, unless caused by negligence on the part of the Municipality.
- 23. Leakage of electricity -** Under no circumstances shall any rebate be allowed on the account for electricity supplied and metered in respect of electricity wasted owing to leakage or any other fault in the electrical installation.
- 24. Failure of supply -** The Municipality does not undertake to attend to a failure of supply of electricity due to a fault in the electrical installation of the consumer, except when such failure is due to the operation of the service protective device of the Municipality. When any failure of supply of electricity 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 Municipality shall have the right to charge the consumer the fee as prescribed by the Municipality for each restoration of the supply of electricity 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.
- 25. Seals of the Municipality -** The meter, service protective devices and all apparatus belonging to the Municipality shall be sealed or locked by a duly authorised official of the Municipality, and no person not being an official of the Municipality duly authorised thereto shall in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with such seals or locks.
- 26. Tampering with service connection or supply mains -**
- (1) No person shall in any manner or for any reason whatsoever tamper or interfere with any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the Municipality.
- (2) Where *prima facie* evidence exists of a consumer and/or any person having contravened sub-section(1), the Municipality shall have the right to disconnect the supply of electricity immediately and without prior notice to the consumer. The person shall be liable for all fees and charges levied by the Municipality for such disconnection.

- (3) Where a consumer and/or any person has contravened subsection(1) and such contravention has resulted in the meter recording less than the true consumption, the Municipality shall have the right to recover from the consumer the full cost of his estimated consumption.

27. Protection of Municipality's supply mains -

- (1) No person shall, except with the consent of the Municipality and subject to such conditions as may be imposed –
 - (a) construct, erect or lay, or permit the construction, erection or laying 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 supply mains
 - (b) excavate, open up or remove the ground above, next to, under or near any part of the supply mains
 - (c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains
 - (d) make any unauthorized connection to any part of the supply mains or divert or cause to be diverted any electricity there from.
 - (e) The owner or occupier 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 Municipality 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 Municipality 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.
- (2) The Municipality may subject to obtaining an order of court, demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention with this by-law.
- (3) The municipality may in the case of an emergency or disaster remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.

28. Prevention of tampering with service connection or supply mains - If the Municipality 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 service protective device or meter or metering equipment, the consumer shall either supply and install the necessary

protection or pay the costs involved where such protection is supplied by the Municipality.

- 29. Unauthorised connections** - No person other than a person specifically authorised thereto by the Municipality in writing 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.

30. Unauthorised reconnections -

- (1) No person other than a person specifically authorised thereto by the Municipality in writing 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 Municipality.
- (2) Where the supply of electricity that has previously been disconnected is found to have been reconnected, the consumer using the supply of electricity shall be liable for all charges for electricity consumed between the date of disconnection and the date the electricity supply was found to be reconnected and any other charges raised in this regard. Furthermore, the Municipality reserves the right to remove part or all of the supply equipment until such time as payment has been received in full. In addition, the consumer will be responsible for all the costs associated with the reinstatement of such supply equipment.

31. Temporary disconnection and reconnection -

- (1) The Municipality shall, at the request of the consumer, temporarily disconnect and reconnect the supply of electricity to the consumer's electrical installation upon payment of the fee as prescribed by the Municipality for each such disconnection and subsequent reconnection.
- (2) In the event of the necessity arising for the Municipality to effect a temporary disconnection and reconnection of the supply of electricity to a consumer's electrical installation and the consumer is in no way responsible for bringing about this necessity, the Municipality shall waive payment of the fee hereinbefore referred to.
- (3) The Municipality may only under exceptional circumstances temporarily disconnect the supply of electricity to any premises without notice, for the purpose of effecting repairs or carrying out tests or for any other legitimate purpose. In all other instances adequate notice shall be given.

- 32. Temporary supplies** - It shall be a condition of the giving of any temporary supply of electricity, 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 Municipality shall have the right, with notice, or under exceptional circumstances without notice, to terminate such temporary supply at any time and, the Municipality shall not be liable for any loss or damage occasioned by the consumer by such termination.

- 33. Temporary work** - Electrical installations requiring a temporary supply of electricity shall not be connected directly or indirectly to the supply mains except with the special permission in writing of the Municipality. Full information as to the reasons for and nature of such temporary work shall accompany the application for the aforesaid permission, and the Municipality may refuse such permission or may grant the same upon such terms and conditions as it may appear desirable and necessary.
- 34. Load reduction** -
- (1) At times of peak load, or in an emergency, or when, in the opinion of the Municipality, it is necessary for any reason to reduce the load on the electricity supply system of the Municipality, the Municipality may without notice interrupt and, for such period as the Municipality 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. The Municipality shall not 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 Municipality may install upon the premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of subsection (1), and any duly authorised official of the Municipality 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 Municipality may decide to facilitate the later installation of the apparatus and equipment referred to in sub-section (2).
- 35. Medium and low voltage switchgear and equipment** -
- (1) In cases where a supply of electricity is given at either medium or low voltage, the supply and installation of the switchgear, cables and equipment forming part of the service connection shall, unless otherwise approved by the Municipality or any duly authorised official of the Municipality, be paid for by the consumer.
 - (2) In the case of a medium voltage supply of electricity, all such equipment shall be approved by any duly authorised official of the Municipality and installed by or under the supervision of any duly authorised official of the Municipality.
 - (3) All such equipment installed on the consumer's premises shall be compatible with the Municipality's electrical performance standards
 - (4) No person shall operate medium voltage switchgear without the

written authority of the Municipality.

- (5) All earthing and testing of medium voltage equipment linked to the Municipality's network shall be conducted by or under the supervision of an employee of the Municipality.
- (6) In the case of a low voltage supply of electricity, the consumer shall provide and install a low voltage main switch and/or any other equipment required by the Municipality or any duly authorised official of the Municipality.

- 36. Substation accommodation** - The Municipality may, on such conditions as may be deemed fit by the Municipality or any duly authorised official of the Municipality, require the owner to provide and maintain 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 medium voltage cables and switchgear, transformers, low voltage cables and switchgear and other equipment necessary for the supply of electricity requested by the applicant. The accommodation shall be situated at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.

The Municipality reserves the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the Municipality, such additional accommodation shall be provided by the applicant at the cost of the Municipality.

- 37. Wiring diagram and specification** -

- (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 Municipality 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 Municipality 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 Municipality for approval before any material in connection therewith is ordered.

- 38. Standby supply** - No person shall be entitled to a standby supply of electricity from the Municipality for any premises having a separate source of electricity supply except with the written consent of the Municipality and subject to such terms and conditions as may be laid down by the Municipality.

39. Consumer's emergency standby supply equipment –

- (1) No emergency standby equipment provided by a consumer in terms of any Regulations or for his own operational requirements shall be connected to any installation without the prior written approval of the Municipality. Application for such approval shall be made in writing and shall include a full specification of the equipment and a wiring diagram. The standby equipment shall be so designed and installed that it is impossible for the Municipality's supply mains to be energized by means of a back-feed from such equipment. The consumer shall be responsible for providing and installing all such protective equipment.
- (2) Where by special agreement with the Municipality, the consumer's standby generating equipment is permitted to be electrically coupled to, and run in parallel with the Municipality's supply mains, the consumer shall be responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment required for such safe parallel operation, to the satisfaction of the Municipality.

- 40. Circular letters** - The Municipality may from time to time issue Circulars detailing the requirements of the Municipality regarding matters not specifically covered in the Regulations or this by-law but which are necessary for the safe, efficient operation and management of the supply of electricity.

CHAPTER 3 RESPONSIBILITIES OF CONSUMERS

- 41. Consumer to erect and maintain electrical installation** - Any electrical installation connected or to be connected to the supply mains, and any additions or alterations 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 his own expense and in accordance with this by-law and the Regulations.
- 42. Fault in electrical installation -**
- (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 Municipality and shall immediately take steps to remedy the fault.
 - (2) The Municipality may require the consumer to reimburse it for any expense to which it may incur in connection with a fault in the electrical installation.
- 43. Discontinuance of use of supply** - In the event of a consumer desiring to discontinue using the electricity supply, he/she shall give at least two full working days' notice in writing of such intended discontinuance to the Municipality, failing which he/she 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.

44. Change of occupier -

- (1) A consumer vacating any premises shall give the Municipality not less than two full working days' notice in writing of his intention to discontinue using the electricity supply, failing which he/she shall remain liable for such supply.
- (2) If the person taking over occupation of the premises desires to continue using the electricity supply, he/she shall make an application in accordance with the provisions of section 5 of this by-law, and if he/she fails to make such application for an electricity supply within ten working days of taking occupation of the premises, the supply of electricity shall be disconnected, and he/she shall be liable to the Municipality for the electricity supply from the date of occupation until such time as the supply is so disconnected.
- (3) Where premises are fitted with pre-payment meters, any person occupying the premises at that time shall be deemed to be the consumer. Until such time as an application is made by this person for a supply of electricity, in terms of section 5 of this by-law, he/she shall be liable for all charges and fees owed to the Municipality for that metering point as well as any outstanding charges and fees whether accrued by that person or not.

45. Service apparatus -

- (1) The consumer shall be liable for all costs to the Municipality 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 Municipality 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 Municipality 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 such equipment.
- (3) Where there is a common metering position, the liability detailed in subsection (1) shall devolve on the owner of the premises.
- (4) The amount due in terms of subsection (1) shall be shown by a certificate from the Municipality which shall be final and binding.

CHAPTER 4 SPECIFIC CONDITIONS OF SUPPLY

46. Service connection -

- (1) The consumer shall bear the cost of the service connection, as approved by the Municipality.
- (2) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection, laid or erected by the Municipality, shall vest in the Municipality. The Municipality shall be responsible for the maintenance of such service connection up to the point of supply. The consumer shall not be entitled to any compensation from the Municipality in respect of such service connection.
- (3) The work to be carried out by the Municipality at the cost of the consumer for a service connection to the consumer's premises shall be determined by the Municipality or any duly authorised official of the Municipality.
- (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 Municipality.
- (5) The consumer shall provide, fix and/or maintain on his premises such ducts, wireways, trenches, fastenings and clearance to overhead supply mains as may be required by the Municipality for the installation of the service connection.
- (6) The conductor used for the service connection shall have a cross-sectional area according to the size of the electrical supply but shall not be less than 10 mm² (copper or copper equivalent), and all conductors shall have the same cross-sectional area, unless otherwise approved by any duly authorised official of the Municipality.
- (7) Unless otherwise approved, the Municipality shall only provide one service connection to each registered erf. In respect of two or more premises belonging to one owner and situated on adjacent erven, a single bulk supply of electricity may be made available provided the erven are consolidated or notarially tied.
- (8) Within the meterbox, the service conductor or cable, as the case may be, shall terminate in an unobscured position and the conductors shall be visible throughout their length when cover plates, if present, are removed.
- (9) 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 trunking is used, the conductors of the individual circuits shall be clearly identified (tied together every 1,5m) throughout their length.

47. Metering accommodation

- (1) The consumer shall, if required by the Municipality or any duly authorised official of the Municipality, provide accommodation in an approved position, the meter board and adequate conductors for the Municipality's metering equipment, service apparatus and protective devices. Such accommodation and protection shall be provided and maintained, to the satisfaction of the Municipality, at the cost of the consumer or the owner, as the circumstances may demand, and shall be situated, in the case of credit meters, at a point to which free and unrestricted access shall 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. Access at all reasonable hours shall be afforded for the inspection of prepayment meters.
- (2) Where submetering equipment is installed, accommodation separate from the Municipality's metering equipment shall be provided.
- (3) 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.
- (4) Where in the opinion of the Municipality, the position of the meter service connection, protective devices or main distribution board is no longer readily accessible or becomes a cause 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.
- (5) The accommodation for the Municipality'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 of electricity and use of electricity shall be installed or stored in such accommodation unless approved.

**CHAPTER 5
SYSTEMS OF SUPPLY**

48. Load requirements - Alternating current supplies shall be given as prescribed by the Electricity Act, 1987 (Act 41 of 1987), and in the absence of a quality of supply agreement, as set out in applicable standard specification.

49. Load limitations -

- (1) Where the estimated load, calculated in terms of the safety standard, does not exceed 15 kVA, the electrical installation shall be arranged for a two-wire single-phase supply of electricity, unless otherwise approved by the Municipality or any duly authorised official of the Municipality.

- (2) Where a three-phase four-wire supply of electricity is provided, the load shall be approximately balanced over the three phases but the maximum out-of-balance load shall not exceed 15kVA, unless otherwise approved by the Municipality or any duly authorised official of the Municipality.
- (3) No current-consuming appliance, inherently single phase in character, with a rating which exceeds 15kVA shall be connected to the electrical installation without the prior approval of the Municipality.

50. Interference with other persons' electrical equipment –

- (1) No person 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 applicable standard specification.
- (2) The assessment of interference with other persons' electrical equipment shall be carried out by means of measurements taken at the point of common coupling.
- (3) Should it be established that undue interference is in fact occurring, the consumer shall, at his/her own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.

51. Supplies to motors –

Unless otherwise approved by the Municipality or any duly authorised official of the Municipality, the rating of motors shall be limited as follows:

- (1) Limited size for low voltage motors –

The rating of a low voltage single-phase motor shall be limited to 2kW and/or the starting current shall not exceed 70A. 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 , copper equivalent mm ²	Maximum permissible starting current A	Maximum motor rating in kW		
		Direct on line (6x	Star/Delta (2,5 x	Other means (1,5

		full-load current	full-load current)	x full-load current)
		kW	kW	kW
16	72	6	13,5	23
25	95	7,5	18	30
35	115	9	22	36,5
50	135	10	25	45
70	165	13	31	55
95	200	16	38	67
120	230	18	46	77
150	260	20	52	87

(3) Consumers supplied at medium voltage –

In an installation supplied at medium voltage the starting current of a low voltage motor shall be limited to 1, 5 times the rated full-load current of the transformer supplying such a motor. The starting arrangement for medium voltage motors shall be subject to the approval of the Municipality.

52. Power factor -

- (1) If required by the Municipality, the power factor of any load shall be maintained within the limits 0,85 lagging and 0,9 leading.
- (2) Where, for the purpose of complying with sub-section (1), it is necessary to install power factor corrective devices, such corrective devices shall be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.
- (3) The consumer shall, at his/her own cost, install such corrective devices.

53. Protection - Electrical protective devices for motors shall be of such a design as effectively to prevent sustained overcurrent and single phasing, where applicable.

CHAPTER 6 MEASUREMENT OF ELECTRICITY

54. Metering –

- (1) The Municipality 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 Municipality and read at the end of such period except where the metering equipment is found to be defective, or the Municipality invokes the provisions of section 58(2) of this by-law, 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 Municipality reserves the right to meter the supply to blocks of shops and flats, tenement-houses and similar buildings for the buildings as a whole, or for individual units, or for groups of units.
- (5) No alterations, repairs or additions or electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the Municipality or any duly authorised official of the Municipality.

55. Accuracy of metering -

- (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 provided for in the applicable standard specifications.
- (2) The Municipality shall have the right to test its metering equipment. If it is established by test or otherwise that such metering equipment is defective, the Municipality shall -
 - (i) in the case of a credit 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 sub-section (6).
- (3) The consumer shall be entitled to have the metering equipment tested by the Municipality on payment of the prescribed fee. If the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of sub-sections (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 approved independent testing authority, and the result of such test shall be final and binding on both parties.
- (5) Meters shall be tested in the manner as provided for in the applicable standard specifications.
- (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 Municipality from consumption data in its possession. Where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect the consumption of electricity.

- (7) When an adjustment is made as contemplated in sub-section (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 8(1) to the extent that the Municipality 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 Municipality making any upward adjustment to an account in terms of sub-section (6), the Municipality 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 it with reasons in writing, if any, within 21 days or such longer period as the Municipality may permit why his/her account should not be adjusted as notified.
- (b) Should the consumer fail to make any representations during the period referred to in sub-section 9(a)(iii) the Municipality shall be entitled to adjust the account as notified in sub-section 9(a)(i).
- (c) The Municipality shall consider any reasons provided by the consumer in terms of sub-section (9) (a) and shall, if satisfied that a case has been made out there for, adjust the account appropriately.
- (d) If a duly authorized official of the Municipality decides after having considered the representation made by the consumer that such representations do not establish a case warranting an amendment to the monetary value established in terms of sub-section (6), the Municipality shall be entitled to adjust the account as notified in terms of sub-section 9(a)(i), subject to the consumer's right to appeal the decision of the official in terms of section 62 of the Municipal Systems Act, 32/2000.

56. Reading of credit meters -

- (1) Unless otherwise prescribed, credit 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 Municipality shall not be obliged to effect any adjustments to such charges.

- (2) If for any reason the credit meter cannot be read, the Municipality may render an estimated account. The electrical energy consumed shall be adjusted in a subsequent account in accordance with the electrical energy actually consumed.
- (3) When a consumer vacates a property and a final reading of the meter 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 calculation, 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 6 months proceeding the date on which the error in the accounts was discovered, and shall be based on the actual tariffs applicable during the period. The application of this section does not prevent a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.

57. Prepayment metering -

- (1) No refund of the amount tendered for the purchase of electricity credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced.
- (2) Copies of 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 by the Municipality.
- (4) The Municipality shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, prepayment meters and/or tokens.
- (5) Where a consumer is indebted to the Municipality for electricity consumed or to the Municipality for any other service supplied by the Municipality (including rates) or for any charges previously raised against him/her in connection with any service rendered, the Municipality may deduct a percentage from the amount tendered to offset the amount owing to the Municipality, as set out in the section 5 agreement for the supply of electricity.
- (6) The Municipality may, at its own discretion, appoint vendors for the sale of credit for prepayment meters and shall not guarantee the continued operation of any vendor.

CHAPTER 7 ELECTRICAL CONTRACTORS

- 58.** In addition to the requirements of the Regulations the following requirements shall apply:
- (1) Where an application for a new or increased supply of electricity has been made to the Municipality, any duly authorised official of the Municipality may at his/her 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 any duly authorised official of the Municipality, 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 Municipality or any duly authorised official of the Municipality 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 Municipality shall not be held responsible for any defect or fault in such electrical installation.
- 59.** The Municipality shall not 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.

CHAPTER 8 COST OF WORK

- 60.** The Municipality may repair and make good any damage done in contravention of this by-law or resulting from a contravention of this by-law. The cost of any such work carried out by the Municipality 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.

CHAPTER 9 PENALTIES

- 61.** (1) Any person who contravenes any of the provisions of sections 5, 7, 13, 14, 20, 25, 26, 27, 29 and 30 of this by-law shall be guilty of an offence.
- (2) Any person who continues to commit an offence after notice has been served on him/her to cease committing such offence or after

he/she has been convicted of such offence shall be guilty of a continuing offence.

- (3) Any person convicted of an offence under this by-law for which no penalty is expressly provided shall be liable to a fine not exceeding ten thousand rands or imprisonment for a period not exceed six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and, in the case of a continuing offence, to an additional fine not exceeding two hundred rands or additional imprisonment for a period not exceeding ten days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued.
- (4) Every person committing a breach of the provisions of this by-law shall be liable to re-imburse the Municipality for any loss or damage suffered or sustained by it in consequence of such breach.

CHAPTER 10 REPEAL OF BY-LAWS

62. The By-laws specified in the first column of Schedule 1 are hereby repealed to the extent set out in the second column of Schedule 1

SCHEDULE 1

BY-LAWS REPEALED

TITLE OF BY-LAW	EXTENT OF REPEAL
Ulundi Transitional Local Council – Electricity Supply By-laws: 22 May 1997	The whole

SCHEDULE 2

“applicable standard specification” means

SANS 1019 Standard voltages, currents and insulation levels for electricity supply
 SANS 1607 Electromechanical watt-hour meters,
 SANS 1524 Parts 0,1 & 2 - Electricity dispensing systems,
 SANS IEC 60211 Maximum demand indicators, Class1.0,
 SANS IEC 60521 Alternating current electromechanical watt-hour meter (Classes 0.5, 1 & 2),
 SANS 0142 Code of practice for the wiring of premises;
 NRS 047 National Rationalised Specification for the Electricity Supply
 - Quality of Service
 NRS 048 National Rationalised Specification for the Electricity Supply
 - Quality of Supply, and
 NRS 057 Electricity Metering: Minimum Requirements

No. 92

22 August 2011

OUTDOOR ADVERTISING BY-LAWS**INDEX**

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CHAPTER 1

DEFINITIONS

Definitions

1. In this By-law, 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 municipality who has been authorised by the municipality 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 municipality in terms of section 5 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);

“Council” means the council of the Ulundi Municipality and or any other body acting by virtue of any power delegated to it in terms of legislation.

“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

2. Application of regulations

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

2.1. The following categories of advertisements shall be exempted from the provisions of this By-law:

- 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;
 - vi. 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;
 - (iii) 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.

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 or referendum; or
 - b. displayed on any sign-board intended or adapted to be carried or conveyed,
 - c. 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.
- 3.2. Any advertisement displayed in terms of subsection (1)) shall –
 - (a) not exceed 0,8 m² in area; and
 - (b) not be displayed for longer than 14 days before or after the event.
- 3.3. Every application for permission in terms of sub-section (1) shall be accompanied by a fee and a deposit prescribed by the municipality, the deposit being refundable when all advertisements concerned have been removed to the satisfaction of the authorised

official.

- 3.4. 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 relevant time, 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 municipality; provided further that when any advertisement is so removed in terms of these regulations the municipality 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.
- 3.5. 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. No person shall display or cause to be displayed any permanent advertisement, in the area of jurisdiction of the municipality 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 municipality is required, shall apply for such permission to the municipality on the prescribed application form attached to this By-law 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.
- 5.2. 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 municipality;
- (c) in the case of ground signs, information in regard to all calculations upon which such size is based;
- (d) the prescribed application fee R30.00.

5.3. The municipality may refuse or grant such application subject to such conditions as it may think proper.

Consideration of application of display of permanent advertisements

6.1. The municipality may grant, on such conditions as it may determine, or refuse an application referred to in section 5, but the municipality 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.

Sign-boards affixed to buildings

7.1. The following sign-boards and no others may, subject to the provisions of this By-law, be affixed to buildings:

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

7.2. 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.

8.2. 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.

8.3. 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 -

- 9.1. 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;
- 9.2. not exceed 2 m x 0,3 m (300 mm);
- 9.3. not extend or project beyond the road line; and
- 9.4. not exceed 6,5m in height.

Flashing advertisements

10. The municipality 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.

11.2. 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 15 m (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 Municipality, 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 Municipality.

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

- 13.2. (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.

- 13.3. 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.
- 13.4. (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).
- 13.5. 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.
- 13.6. 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 Municipality in writing for its approval.

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

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

Removal of permanent advertisements

16.1. Where 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 By-law,
the municipality 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.

16.2. 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 municipality may, at any time after the expiration of that period, through the agency of any person authorised thereto by the municipality, enter upon the land upon which the advertisement to which the notice relates and remove the advertisement or effect the alterations prescribed in the notice.

16.3. The municipality may recover the expenses which it incurred by any action taken under subsection (2) from any person to whom the notice in question was given.

Delegation of Council's powers

17.1. The municipality may by resolution delegate to the building control officer any power conferred upon it by this Bylaw on such conditions as the municipality may determine.

17.2. 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 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.

Short title and commencement

20 These by-laws shall be called the Outdoor Advertising By-laws, 2011.

No. 93

22 August 2011

PROPERTY ENCROACHMENT BY-LAWS

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1. Definitions

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 Ulundi Municipality;

“encroachment” means any physical object which intrudes on Municipal property;

“Municipal property” means any property, including but not limited to public roads –

- (a) which is owned by the Municipality;
- (b) over which the Municipality has control over; or
- (c) in respect of which a servitude or other property right has been registered in favour of the Municipality;

“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.

2. Municipal permission required

- 2.1. No person may, without prior written permission, make or construct any encroachment into, over or under any Municipality property.
- 2.2. The Municipality may -
 - a) refuse the permission required in terms of subsection (1); or
 - b) grant such permission either unconditionally or upon the conditions and subject to the payment of the prescribed fee annually or the performance of the works or services determined by the Municipality in each case.
- 2.3. 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 Municipality, and the owner is liable for the payment of prescribed fees in terms of these by-laws for each encroachment.
- 2.4. The owner of any existing encroachment must within three months after the date of commencement of these by-laws make application to the Municipality on the prescribed form for permission for the existence of the encroachment in terms of these by-laws.

3. Rules for the construction of encroachments

- 3.1. The design, arrangement and construction of verandas, balconies, bay windows and other encroachments over Municipality property, as well as the paving, kerb and gutter thereof, must be to the satisfaction of and to the levels approved by the municipality.
- 3.2. If corrugated iron is used for covering a veranda, its exposed surfaces must be painted.
- 3.3. A veranda over a public road must correspond in line, height and detail with existing adjoining verandas.

4. Columns

- 4.1. The municipality may determine areas within the municipal boundary where no person is permitted to place veranda columns over any public road or pavement.
- 4.2. 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.
- 4.3. No person may place a twin or double veranda column over any public road or pavement.
- 4.4. Where verandas are supported on columns-
 - a) the columns may not have square arras;
 - 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.
- 4.5. Where the form of a column is classic in character, the shaft must have suitable entasis and cap and base in due proportions.
- 4.6. 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.
- 4.7. The minimum height from the footway or sidewalk to the underside of each cantilever or fascia girder is 3 m.

4.8. 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.

4.9. 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.

5. 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.

5.2. 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.

5.3. Any balcony superimposed upon any veranda must be set back at least 1, 2m from the line of such veranda.

5.4. 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.

- 5.5. Any dividing wall across a balcony over a public road may not exceed 1 m in height or 225 mm in thickness.
- 5.6. A balcony over any public road may not be the sole means of access to any room or apartment.
- 5.7. 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.
- 5.8. 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.

6. 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.
- 6.2. 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.

7. Verandas around corners

Where verandas are built around corners of public roads they must be properly splayed or rounded to follow the curves of the kerb.

8. 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.

8.2. 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.

8.3. 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.

8.4. The front wall or wall parallel to the kerb in every opening must be built with a suitable batter to the satisfaction of the municipality.

8.5. No pavement opening may be covered with metal bar gratings or with metal plates or with wood.

9. Encroachment erected in front of building

Where any encroachment has been erected or constructed in front of any building, the owner must at his, her or its own expense –

9.1. 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

9.2. lay the road kerbing and guttering and paving in front of the building for the full width of the footway or pavement.

10. Maintenance, removal and tenancy of projections

- 10.1. The owner of any encroachment must maintain the encroachment in good order and repair.
- 10.2. Pavement openings, pavement lights, walls thereof and basement walls must be made and kept water-tight by the owner.
- 10.3. 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 municipality to remove any or all of them and restore the public road or pavement to its former conditions, and must do so within a reasonable time.

11. Encroachments

- 11.1. 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 municipality, must apply to the Building Control Officer on a form provided by the municipality for that purpose.
 - a) 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 municipality.
- 11.2. 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 Municipality;
 - b) must allow the Municipality to erect on, or attach to the encroachment or fixture or anything required in connection with electrical or other activities.

12. Offences and penalties

A person who contravenes any of these by-laws is guilty of an offence and shall 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.

13. Short title and commencement

These by-laws shall be called the Ulundi Municipality Property Encroachment By-laws, 2011.

No. 94

22 August 2011

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CHAPTER 1

Definitions

1. In these by-laws, unless the context otherwise indicates –

"authorised official" means a person authorised by the municipality to perform the functions of an authorised official in terms of these by-laws;

"Council" means the Council of the Ulundi Municipality;

"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.

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.

3.2. 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 and the municipality 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 consent of the Municipality.
- 4.2. Any person who requires the consent referred to in subsection (1) must -
- (a) comply with any requirements prescribed by the municipality; 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.
- 5.2. 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 municipality;
 - (b) pay the prescribed fee; and
 - (c) 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.
- 5.3. The municipality 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 -

6.1. 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

6.2. 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 –

- (a) 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
- (b) 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.

- 8.2. If the person mentioned in subsection (1) fails to remove the matter or substance, the Municipality may remove such matter or substance and recover the cost of removal from that 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 municipality.

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 Municipality on the prescribed form at least 60 days prior to the event.
- 10.2. The applicant must pay the prescribed fee and deposit to the Municipality 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;
 - (3) 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 by-laws are hereby repealed.

Short title and commencement

14 These by-laws shall be called the Public Roads By-laws, 2011.

No. 95

22 August 2011

STORMWATER MANAGEMENT BY-LAWS

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CHAPTER 1

DEFINITIONS

Definitions

1. In this bylaw, unless the context indicates otherwise—

"Council" means the Council of Ulundi Municipality;

"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 Municipality, 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, without the prior written consent of the municipality, which consent may be conditional or unconditional, directly or indirectly lead or discharge any non-stormwater discharge into the stormwater system without the prior authority of the municipality.
- 2.2. 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 municipality.

CHAPTER 3

SUSPENSION OF ACCESS AND NOTIFICATION

Suspension of access

- 5.1. The municipality 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.
- 5.2. In the event that any owner or occupier fails to comply with a suspension notice, the municipality 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 -
 - 6.1. take all immediate steps necessary to ensure containment and cleanup of the discharge;
 - 6.2. notify the municipality 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, 2011.

