



KWAZULU-NATAL PROVINCE
KWAZULU-NATAL PROVINSIE
ISIFUNDAZWE SAKWAZULU-NATALI

Provincial Gazette • Provinsiale Koerant • Igazethi Yesifundazwe

GAZETTE EXTRAORDINARY—BUITENGEWONE KOERANT—IGAZETHI EYISIPESHELI

(Registered at the post office as a newspaper) • (As 'n nuusblad by die poskantoor geregistreer)
(Irejistiwee njengephephandaba eposihhovisi)

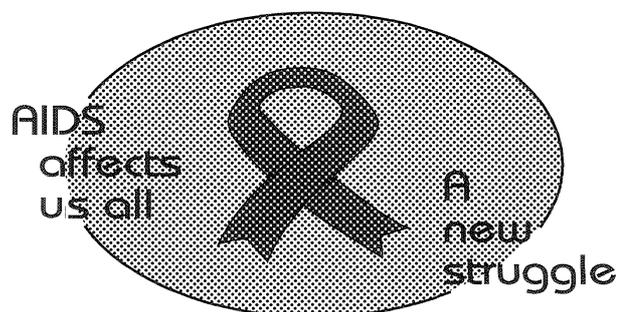
Vol. 6

PIETERMARITZBURG,

11 DECEMBER 2012
11 DESEMBER 2012
11 kuZIBANDLELA 2012

No. 870

We all have the power to prevent AIDS



**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes



IMPORTANT NOTICE

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

CONTENTS

<i>No.</i>	MUNICIPAL NOTICE	<i>Page</i>
111	Local Government: Municipal Systems Act (32/2000): Ulundi Local Municipality: By-laws	3
	Animal By-laws	3
	Community Facilities By-laws	13
	Environmental Health By-laws	17
	Fire Prevention By-laws	43
	Lease of Halls and Conference Facilities By-laws	56
	Nuisance By-laws	63
	Refuse Removal and Disposal By-laws	68
	Tariff By-laws for Indigent Persons	75
	Traffic By-laws	77

MUNICIPAL NOTICE

No. 111

11 December 2012

Animal By-Laws

The Council of Ulundi Municipality hereby, in terms of sections 11-13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Animal By-laws for the Ulundi Local Municipality, as set out hereunder.

1. Definition

In these by-laws unless inconsistent with the context –

"animal"	means any member of any species of animal other than man;
"Director: Protection Services"	means the Director: Protection Services of Ulundi Municipality Protection Service's Department or his deputy and includes any person appointed or authorised to act in either capacity;
"Town"	means the Ulundi; Babanango and Mahlabathini Towns;
"Council"	means the Council of the Ulundi Municipality or any other body delegated by it;
"flat"	means a portion of a building comprising self-contained accommodation for occupation by a single family or household;
"licensed"	in relation to a dog means licensed in terms of the Licensing and Control of Dogs Ordinance, 1942 (Ordinance 10 of 1942);
"owner"	in relation to an animal or bird, includes any person having the possession, charge, custody or control of that animal or bird and further includes the owner's authorised agent;
"owner"	in relation to any premises, includes the registered owner and the lessee and any occupier of such premises and the authorised agent of any such person;
"policeman"	means a member of any police force established under any law;
"pound"	means any premises on which a pound has been established by the Municipality for the impounding and detention of animals under these bylaws, or which have been designated by the Municipality as a pound;
"poundmaster"	means the person appointed by the Municipality to be in charge of a pound and includes such person's deputy and any other person appointed by such person to act in his stead during his absence from the pound;
"premises"	means any building together with the land on which the same is situated and adjoining land used in connection therewith, and any land without buildings;
"Municipal Manager"	means the person appointed as such by the Council and any of his deputies and includes any person appointed or authorised to act in either capacity; and
"wild animals"	means any non-domesticated animal.

1(A) Non discrimination

- (1) Subject to the provision of subsection (2) hereof, no provision of these By-laws shall be applied so as to discriminate between persons on the grounds of race, religion or gender nor shall it be so construed as to have the effect of authorizing such discrimination.
- (2) Notwithstanding the provisions of subsection (1) hereof, discrimination on the grounds of gender may expressly be authorised in terms of any provision of these By-laws which prescribes the wearing of appropriate apparel in a public place or imposes a restriction upon the entry of persons into public ablution, toilet and change room facilities or prescribes different standards or such facilities.

2. Frightening of animals prohibited.

No person, being in a street or public place, shall by any means willfully frighten, tease or enrage any animal.

3. Limitation on number of dogs

- (1) After the expiry of a period of twelve months from the date of commencement of these by-laws, no person shall keep on premises within the Municipality comprising a dwelling house : -

- (a) more than two dogs, whether male or female, where the total area of the land does not exceed 650m $\frac{1}{2}$;
 - (b) more than three dogs, whether male or female, where the total area of land exceeds 650m $\frac{1}{2}$;
 - (c) more than one unsprayed bitch; without the consent in writing of the officer appointed by the Municipality in terms of section 11(1) of the Licensing and Control of Dogs Ordinance, 1942 (Ordinance 10 of 1942) and in accordance with such conditions as such officer may impose, and such consent may be withdrawn by such officer at any time; provided that a bitch in respect of which the licence fee appropriate to a spayed female dog is payable in terms of the said Ordinance shall be deemed to have been spayed for the purposes of this section.
- (2) For a period of eight weeks from the date of such birth, subsection (1) shall not apply to a person where the number of dogs being kept by him exceeds the number specified in that subsection solely by reason of the birth of a litter.
- (3) After the expiry of a period of twelve months from the date of commencement of these by-laws, no person shall keep a dog (whether male or female) in a flat within the Town without the written consent of the registered owner of the premises or his duly authorised agent or, in the case of premises in respect of which a sectional title register has been opened in terms of the Sectional Titles Act, 1971 (Act 66 of 1971) of the trustees of the body corporate, which consent may at any time be withdrawn and upon such withdrawal the owner of the dog shall within 30 days remove the dog from the premises; provided that notwithstanding the grant of such consent no person shall keep more than one dog in a flat without the consent in writing of the officer referred to in subsection (1) and in accordance with such conditions as such officer may impose, such consent may be withdrawn at any time.
- (4) Notwithstanding the provisions of subsections (1) and (3) above and subject to the submission to the officer referred to in subsection (1) during the period of twelve months from the date of commencement of these bylaws of an application in writing by the owner of licensed dogs the number of which exceeds the limits laid down in either of the said subsections, supported by such information as such officer may require, such owner shall be permitted to retain such excess number of dogs after the expiry of such period, but only during the remainder of the lifetime of the particular dogs concerned and on condition that the other provisions of these bylaws are complied with by such owner in respect of such dogs at all times.
- (5) Any person who is aggrieved by a decision of the officer referred to in subsection (1) under this section may appeal to the Municipality and the decision of the Municipality shall be final and binding.

4. General prohibitions

- (1) No person, being the owner of the animal referred to, shall : -
- (a) permit or allow any wild animal or any ferocious, dangerous, vicious or diseased animal or any bitch in season to be on any street or public place except while such animal is being transported in or on a vehicle or except with the prior written consent of the Municipal Manager and in compliance with any conditions imposed by him and no person shall leave any such animal or allow it to be in a place from where it may stray onto any street or public place;
 - (b) permit or allow any equine or bovine animal or any sheep, goat, pig or ostrich or a cross-breed of any such animal to be on any street or public place except while such animal is being transported in or on a vehicle or except with the prior written consent of the Municipal Manager and in compliance with any conditions imposed by him
 - (c) herd or drive any animal or animals referred to in paragraph (b) above or cause or permit the same to be herded or driven in any street or public place except with the written consent of the Municipal Manager and along the routes and in compliance with the conditions prescribed by him or her;
 - (d) keep within the Town any animal which has to his knowledge without provocation and without incitement by a person lawfully acting in the performance of a duty whether as a guard dog handler or in other similar circumstances, attacked and bitten a person or animal otherwise than in defence of itself or its owner;

- (e) convey, lead, drive or ride in or through any street or public place any wild, dangerous or ferocious animal or animals which is or are likely to constitute a danger to or to frighten any person or other animal, except with the prior written consent of the Municipal Manager and along the routes and in compliance with the conditions prescribed by him;
 - (f) permit, allow or by any means incite any animal to pursue, attack or rush at any other animal or any person or vehicle or in any other way to interfere with the safety, peace or comfort of any person in any street or public place, except in the exercise of a lawful duty;
 - (g) permit or allow any animal to trespass on the premises of another.
- (2) The owner of any dog which is found in any street or public place otherwise than on a leash held by a person or under some other form of bodily restraint shall be guilty of an offence.
 - (3) The owner of any animal which in the presence of such owner defecates in any street or public place otherwise than upon the metalled surface of a roadway or in a road drainage channel, shall forthwith remove or cause to be removed the excrement from the street or public place
 - (4) Any animal referred to in subsection (1)(a), (b), (d) or (f) or subsection (2) and any ownerless animal may be seized by any policeman or by any officer of the Ulundi Municipality and Society for the Prevention of Cruelty to Animals who is authorised under provisions of section 8 of the Animals Protection Act, 1962 (Act 71 of 1962), to exercise the powers described or referred to therein, and the provisions of section 8 of these by-laws shall *mutatis mutandis* apply; provided that no animal referred to in subsection (1)(d) shall be released in terms of section 8(2) prior to the conclusion of any criminal proceedings instituted in respect of an alleged contravention of that subsection.
 - (5) Subject to the provisions of section 5 and 8(1)(d) of the Animals Protection Act, 1962 (Act 71 of 1962), where applicable, any animal referred to in subsection (1)(a) and any ownerless animal which is found at large in a street or public place may be destroyed by or on the order of any policeman or by any officer referred to in subsection (4) if in the opinion of such person it is necessary or desirable to do so either in the public interest or for humane reasons.
 - (6) Upon convicting a person of an offence under sub-section (13(d) the court may, in addition to imposing any other sentence, deprive such person of ownership of the animal to which the charge relates and order that it be handed over to an animal welfare organisation to deal with as that organisation deems fit.
 - (7) A member of the public who finds an ownerless dog at large in a street or public place may seize it and he shall thereupon take it to a pound.
 - (8) For the purpose of this section, any dog which is not wearing a badge or in respect of which there are no other means of readily identifying its owner and is not under the immediate control of any person shall be presumed to be ownerless.

5. Nuisance

- (1) The owner of any animal or bird which by barking, yelping, crowing or making other noises disturbs the public peace or which in any way causes a nuisance commits a breach of these bylaws if the nuisance or disturbance continues after the expiration of the period specified in a notice issued by the Municipal Manager upon receipt of a written complaint and served on such person requiring him to abate such nuisance or disturbance.
- (2) Upon a second conviction under subsection (1) in respect of the same animal or bird, the court upon finding the person guilty may, in addition to imposing any other sentence, deprive such person of ownership of the animal or bird and order that it be handed over to an animal welfare organisation to deal with as that organisation deems fit.

6. Seizure for the purposes of forfeiture

Upon conviction of its owner for a breach of section 4(1)(d) or section 5(1) the animal or bird to which such conviction relates may be seized by any policeman or by any officer referred to in section 4(4) for the purpose of giving effect to any order of court made in terms of section 4(6) or section 5(2), as the case may be.

7. Keeping of wild animals and birds

- (1) No person shall keep any wild animal or bird within the Town except with the prior written consent of the Municipal Manager and in compliance with any conditions prescribed by him.
- (2) Application for such consent shall be made in writing to the Municipal Manager and shall be accompanied by a valid Permit issued in terms of the Nature Conservation Ordinance, 1974 (Ordinance 15 of 1974) when such permit is required in terms of such Ordinance for the keeping of such animal or bird, or by proof of possession of such permit.
- (3) The Municipal Manager shall not refuse an application made under subsection (2) unless he has grounds for believing :
 - (a) that the keeping of the animal or bird to which the application relates is likely to be contrary to the public interest or to constitute a danger to health or the safety of persons or other animals or birds or a nuisance either by reason of its nature or habits or because of the nature of the neighbourhood where, or the circumstances under which, it will be kept; or
 - (b) that the animal or bird is one which is likely to frighten or cause disturbance, annoyance or discomfort to the inhabitants of the neighbourhood or that it is dangerous; or
 - (c) that the premises on which it is proposed to keep the animal or bird are not fit and proper for the purpose.
- (4) In granting consent in terms of subsection (1), the Municipal Manager may impose such conditions as he considers desirable, which conditions he may by written notice to the grantee amend or add to from time to time. Any such consent shall be valid only for the period stated therein, provided that the Municipal Manager may in his discretion grant on extension from time to time.
- (5) The Municipal Manager may at any time cancel any consent granted in terms of this section where the owner fails to observe the conditions upon which it was granted or where the Municipal Manager is satisfied that the circumstances referred to in subsection (3) hereof have arisen or are likely to arise.
- (6) Any person who is aggrieved by a decision of the Municipal Manager under this section may appeal to the Council or any committee of the Council to which this function has been lawfully delegated, and the decision of the Council or such committee shall be final and binding.
- (7) An appeal in terms of subsection (6) shall be lodged by giving notice thereof in writing to the Municipal Manager within seven days after the date upon which the decision was communicated to the person concerned and such notice shall set forth the grounds of appeal.
- (8) The provisions of this section shall not apply to mice, rabbits, guinea pigs or other non-carnivorous small animals or birds.
- (9) Any animal or bird referred to in subsection (1) for the keeping of which no consent has been given or for which consent has been refused, may be seized and impounded by any person referred to in section 4(4) and the provisions of section 8 shall *mutatis mutandis* apply, provided that no such animal or bird for which no consent has been obtained under this section shall be released in terms of section 8(2) except for the purpose of its removal from the Town in accordance with a written undertaking furnished by its owner.
- (10) Any person to whom an animal or bird has been released in terms of subsection (9) read with section 8(2) who fails to remove such animal or bird from the Town forthwith or who, having removed such animal or bird, returns it or causes it to be returned to the Town except under authority of consent granted under this section shall be guilty of an offence.

8. Impounding, release and sale of animals

- (1) Any person who seizes an animal or bird in the exercise of powers conferred by sections 4, 6, 7 and 11 shall, subject to the provisions of section 4(5), take such animal or bird to a pound where it shall be impounded.

- (2) Any person who claims to be the owner of an animal or bird referred to in subsection (1) shall, subject to the provisions of the proviso in section 4(4) and sections 7(9), 12 and 28, be allowed to remove such animal or bird from the pound on satisfying the pound master that he is the owner of such animal or bird and that any consent required under section 7 has been obtained and, further, if the animal is a dog, that it has been duly licensed in terms of the Licensing and Control of dogs Ordinance, 1942 (Ordinance 10 of 1942), provided that before removing such animal or bird, such person shall pay the fees and charges prescribed by resolution of the Council from time to time and any medical or veterinary expenses recoverable in terms of section 6 of the Animals Protection Act, 1962 (Act 71 of 1962), or shall make provision for or secure such payment to the satisfaction of the poundmaster.
- (3) Any animal or bird impounded in terms of subsection (1) which is not claimed within seven days may be sold by the poundmaster in such manner as he deems fit. The proceeds of such sale shall be applied in defraying the fees and charges referred to in subsection (2) and the expenses incurred in connection with the sale of the animal or bird and the balance, if any, shall be forfeited to the Municipality if such balance is not claimed by the person who establishes to the satisfaction of the poundmaster that he is entitled thereto within three months of the date of the sale. Any shortfall shall be recoverable from the owner of the animal or bird.
- (4) If the poundmaster is for any reason unable to sell any animal or bird referred to in subsection (3), he may dispose of it in such manner as he deems fit, or may cause it to be destroyed.

9. Bitches in season.

- (1) Any person referred to in section 4(4) may seize and impound any bitch in season:
 - (a) found at large in any street or public place within the Town;
 - (b) in respect of which an offence is being committed under section 10(1); or
 - (c) found straying on property other than that on which it is habitually kept, and take the same to a pound, where it shall, subject to the provisions of section 28 be detained until such time as its period of oestrus has in the opinion of the pound master ended.
- (2) The owner of a bitch impounded and detained in terms of subsection (1) shall be liable to pay to the Municipality the cost of conveying it to a pound and for keeping it there for the period that it remains there whether in detention or otherwise, such costs to be calculated in accordance with tariffs prescribed by the Municipality by resolution.
- (3) Upon termination of the period of detention referred to in subsection (1) the owner may, subject to the provisions of section 12 and 28, remove the bitch from the pound upon payment of all sums due by him in terms of subsection (2) or after securing such payment to the satisfaction of the Poundmaster, provided that if, within seven days after the end of the period of detention prescribed by subsection (1) a bitch has not been claimed by its lawful owner or the charges payable under subsection (2) have not been paid, such bitch may be spayed by or at the instance of the poundmaster and may be sold in such manner as he deems fit, provided that at any time prior to the sale of the bitch or its destruction or disposal in terms of subsection (6), as the case may be, the owner may claim it upon payment of all amounts owed by him.
- (4) The proceeds of any sale under subsection (3) shall be applied in defraying any medical or veterinary expenses recoverable in terms of section 6 of the Animal Protection Act, 1962 (Act 71 of 1962), in respect of the bitch, the costs payable under subsection (2) up to the date of sale, the costs of spaying as assessed by the poundmaster and all costs of sale, including advertising costs, and the balance, if any, shall be forfeited to the Municipality if such balance is not claimed by the person who establishes to the satisfaction of the poundmaster that he is entitled thereto, within three months of the date of the sale.
- (5) Any shortfall in the amount owing to the Municipality in terms of subsection (4) after the sale of the bitch shall be recoverable from its owner.
- (6) As an alternative to its sale in terms of subsection (3), or if the bitch cannot be sold, any bitch not claimed within the period referred to in such subsection may be destroyed or otherwise disposed of at the instance of the poundmaster, provided that such destruction

or disposal shall not affect the liability of the owner of the bitch for costs and charges payable under this section.

- (7) No person shall keep within the Town a bitch in season except at a pets' boarding establishment licensed in terms of the Licences and Business Hours Ordinance, 1973 or for the purpose of service at premises approved for such purpose specially or generally in writing by a duly authorised officer of the Municipality, or in properly constructed kennels solely for breeding purposes where authority contemplated by regulation 5 of the regulations published under the Licensing and Control of Dogs Ordinance, 1942 (Ordinance 10 of 1942), under Provincial Notice 475 of 1969, as amended, has been granted in respect of bitches so kept and the appropriate licence fees for such bitches have been paid.
- (8) No person being the owner of a bitch in season shall permit it to be at large in the Town or to be elsewhere other than on the premises referred to in subsection (1) except for the purpose of transporting it by vehicle.

10. Animals and poultry straying on property.

Any person referred to in section 4(4) may seize any animal other than an animal referred to in section 13 or any poultry which is straying on any property other than that on which it is habitually kept, provided that the owner of the property upon which it has strayed has consented in writing to such seizure and such owner may detain any such animal or poultry for such period, not exceeding twelve hours, as is necessary to enable it to be impounded or may himself within such period remove it or cause it to be removed to a pound where it shall be impounded.

11. Production of statutory documents.

No animal impounded in terms of these bylaws shall be released from the pound until there has been produced to the poundmaster a valid and current certificate of vaccination, removal permit or other document required in terms of any law in respect of that animal.

12. Impounding of trespassing bovine and other large animals.

The owner of any premises upon which any equine or bovine animal or any donkey, sheep, goat, pig or the crossbreed of any such animal is found trespassing may detain such animal and, subject to section 19, may remove it or cause it to be removed to the pound, and he shall either so remove it or cause it to be removed or release it within twenty-four hours after it has been found trespassing, failing which such person shall be guilty of an offence.

13. Trespass fees.

The owner of any premises referred to in section 13 shall, without being required to prove that he has suffered damage as a result of such trespass or the amount of such damage, be entitled to claim from the owner of such animal a trespass fee as prescribed by resolution of the Council provided that the owner of the premises may, if he has suffered damage as a result of the trespass in excess of the trespass fee payable, claim from the owner, in lieu of such fee, the amount of the damage suffered by him by action at law if he has when removing the animal to the pound, notified the poundmaster in writing of his intention to do so and has waived the fee.

14. Furnishing of particulars.

Any person who detains an animal in terms of section 13 shall, when removing it to the pound, furnish the poundmaster with: -

- (a) his name and permanent residential address;
- (b) the time and place of detention;
- (c) a statement, in writing, of his intention, if any, to claim damages from the owner of the animal in terms of section 14 and a waiver of the trespass fee.

15. Rescue forbidden

No person shall rescue, or attempt to rescue, or interfere with, any animal or animals which have been seized or detained or which are being taken to the pound in terms of these bylaws, and no person shall interfere with, molest or obstruct the person seizing, detaining or removing such animal or animals.

16. Pound opening times.

All animals seized or detained in terms of these bylaws may be taken to the pound at any time during the day or night but the poundmaster shall be entitled to refuse to release impounded animals between the hours of 19h00 and 08h00.

17. Records and receipts.

- (1) The poundmaster shall, upon receipt of an animal impounded under section 13 : -
- (a) record the particulars furnished in terms of section 15, and enter the same in a book maintained for the purpose;
 - (b) furnish the person delivering the animal with a receipt reflecting : -
 - (i) his name;
 - (ii) a description of the animal; and
 - (iii) the date and time of delivery.
- (2) The poundmaster shall keep a copy of each receipt issued in terms of subsection (1)(b).

18. Release of large animals detained

Notwithstanding anything in these by-laws contained, whenever the owner of an animal which has been detained in terms of section 13 tenders to the person who has detained it before the removal of the animal to the pound, the amount of the trespass fee payable or, if such person claims damages in terms of section 14, the amount of such damages, such animal shall, upon payment of such amount, immediately be released to the owner and failure or refusal on the part of the person who detained the animal to accept payment or to release the animal shall constitute a contravention of these by-laws.

19. Proof of Ownership of impounded animal

The owner of an animal which has been impounded in terms of section 13 shall, subject to the provisions of section 12 and 28 be entitled to the release thereof upon furnishing the poundmaster with his permanent residential address and evidence of his identification to the satisfaction of the poundmaster and upon payment to the poundmaster of the trespass fee referred to in section 14, unless such fee has been waived in terms of section 15(c), as well as the pound and conveyance fees prescribed by resolution of the Council and any medical or veterinary expenses recoverable in terms of section 6 of the Animals Protection Act, 1962 (Act 71 of 1962).

20. Advertising of animals for sale.

If an animal has not been released in terms of section 20 within fourteen (14) days after the date upon which it was received in the pound, the poundmaster shall advertise it for public sale in one issue each of an English and IsiZulu newspaper circulating within the jurisdiction of the Municipality together with a description of the animal and details of any brands or identifying marks and the name of the person who impounded the animal.

21. Date of sale

An advertisement in terms of section 21 shall specify that the date, time and place fixed for the sale, which date shall be not less than fourteen days after the date of the last advertisement of such sale.

22. Proceeds of sale

The poundmaster shall after deducting the expenses of the sale and all fees and expenses referred to in section 20, pay the balance of the proceeds, if any, to the Municipality, to be held by it on behalf of any future claimant, and the poundmaster shall also make an entry of all such sales in a book to be kept for that purpose, provided that unless such balance is claimed by a person who establishes his right thereto to the satisfaction of the Chief Financial Officer within three months of the date of the sale, such balance of proceeds shall be forfeited to the Municipality. Any shortfall shall be recoverable from the owner of the animal.

23. Other manner of disposal.

If an animal is not sold at the public sale referred to in section 21, the poundmaster may sell or dispose of it in such manner as he thinks fit and any proceeds derived from such sale or disposal shall be dealt with in terms of section 23; provided that if it is not possible to sell or otherwise dispose of the animal it may be destroyed on the order of the poundmaster.

24. Care of animals.

The Poundmaster shall take proper care of any animal impounded in terms of section 13 and shall not use any such animal or cause or permit it to be used and he shall be liable to the owner of the animal for any injury to, or loss or death of an animal wilfully or negligently caused by him or any of his servants. In the event of the death or loss of or injury to any animal in the pound, the pound master shall forthwith enter the details of the animal and any injury suffered by it and, in the event of death or loss, the cause of death or loss in his pound book and shall retain in his records any veterinary certificate issued as to the cause of death.

25. Keeping of bees

No person shall keep or allow or permit to be kept any hive or swarm of bees on any premises of which he is the owner or allow or permit any swarm of wild bees to settle and remain on any such premises in either case so as to be a source of nuisance or danger to persons residing in the neighbourhood or to members of the public.

26. Emergency measures to prevent spread of disease.

- (1) Whenever in the opinion of the Municipal Manager it is necessary in the interest of public health to prevent the spread of rabies or other disease communicable to man, he may by notice published in both official languages in one or more newspapers circulating in the Municipality prohibit dogs, cats and other animals from being allowed to be in any street or public place either within the area of jurisdiction of the Municipality or any portion thereof referred to in such notice unless they are at all times on a leash held by a person or under some other form of bodily restraint and such notice shall specify the period during which such prohibition shall remain in force.
- (2) Any person being the owner of a dog, cat or other animal which is found in a street or public place in circumstances which conflict with the terms of a notice published in terms of subsection (1) shall be guilty of an offence.
- (3) Any dog, cat or other animal which is found in any street or public place in circumstances which conflict with the terms of a notice published in terms of subsection (1) and any animal which is on reasonable grounds suspected of being infected with the disease referred to in the said notice may be seized by any person referred to in section 4(4) or any officer of the Municipality authorised by it and an animal so seized shall be taken to a place appointed by the Municipal Manager for that purpose.
- (4) An animal which has been so seized or which is otherwise delivered to the place so appointed may during the period that a prohibition is in force in terms of subsection (1) be impounded there for as long as the Municipal Manager deems it to be necessary in the interests of public health or for the purpose of preventing the spread of disease; provided that a dog, cat or other animal found in a street or public place which is suspected of having rabies or any other disease referred to in a notice published in terms of this section may be destroyed by a person referred to in section 4(4) and the owner of such animal shall not be entitled to compensation.
- (5) Any person or officer referred to in subsection (3) may enter upon any premises for the purpose of searching for, examining or seizing any animal for the purposes of that subsection.
- (6) The provisions of section 8(2) to (4) shall *mutatis mutandis* apply in respect of any dog, cat or other animal seized or impounded in terms of subsection (3) hereof which is not claimed by its lawful owner upon expiry of the period of detention fixed by the Municipal Manager and the period of seven days referred to therein shall be calculated either from the date of seizure or expiry of the period of detention, as the case may be. For the purpose of such provisions a place appointed in terms of subsection (3) shall be deemed to be a pound and the person in charge thereof to be the poundmaster.
- (7) During the period that a prohibition in respect of rabies is in force in terms of subsection (1) the owner of an animal that is required to be immunised under regulations made in terms of the Animal Diseases Act, 1984 (Act 35 of 1984) shall when called upon to do so by a person referred to in section 4(4) or any authorised officer referred to in subsection (3) either in person or by a notice in writing produce to such person or officer either forthwith or in the case of a notice within a time and at a place specified in the notice a valid certificate of immunisation issued in respect of that animal in terms of the said

regulations and failure or refusal so to produce such certificate shall be an offence. (P.N. 446/87)

27. Destruction of animals.

Whenever the poundmaster is of the opinion that an animal impounded or detained in terms of these bylaws is so dangerous, vicious, diseased or severely ill or is in such a physical condition that it ought to be destroyed, either in the public interest or for humane reasons, he may, subject to compliance with section 5(1) of the Animals Protection Act, 1962 (Act 71 of 1962), where applicable, cause such animal to be destroyed and the owner of such animal shall not be entitled to compensation.

28. Costs of destruction.

The costs of destruction of an animal in terms of sections 4(5) and 28 shall be recoverable by the Municipality from the owner of the animal as a civil debt.

28.1. Powers of entry.

A person referred to in section 4(4) shall have the right to enter any premises at any time for the purpose of exercising a power vested in him under these bylaws or whenever there are reasonable grounds for suspecting that an offence is being committed under these by-laws.

29. Indemnity.

Subject to section 25, neither the Municipality nor the Society for the Prevention of Cruelty to Animals nor any officer or employee of either of such bodies nor any policeman shall be liable for the death or loss of or any injury suffered by or damage caused to or disease contracted by any animal during or as a result of its seizure, detention impounding or release in terms of these bylaws.

30. No duty to trace owner

Neither the person who seizes and impounds or detains an animal in terms of these by-laws nor the poundmaster shall be under any duty to trace the owner of such animal or to notify such owner of the seizure, impounding or detention.

31. Presumptions

For the purposes of these by-laws: -

- (a) a person shall be held to have permitted, suffered or allowed an event to happen or a situation to arise if he fails to take reasonable steps to prevent it; and
- (b) the owner of an animal shall be presumed to have permitted or allowed the actions of such animal, and the owner of any premises who resides thereon shall be presumed to be the owner of, and to be keeping any animal which is found on such premises, until the contrary is proved.

32. Notice

The Notice required to be given in terms of any provision of these by-laws to the owner of premises, may, unless otherwise provided, either be served personally upon him or his known agent, or be served by being posted to a known address of such person or of his agent, or if there be no such known address, by being posted under cover to the occupier, or if there is no person in actual occupation by being affixed in a conspicuous part of such premises; provided that any reference herein to posting shall not imply any necessity for registration.

33. Offences and penalties.

- (1) Any person who -
 - (a) contravenes any provision of these bylaws; or
 - (b) contravenes any conditions imposed upon the granting of any application, consent, approval, concession, relaxation, permit or authority in terms of these bylaws; or
 - (c) fails to comply with the terms of any notice served upon him in terms of these bylaws; shall be guilty of an offence for which the penalties provided for by section 266(7)(a) of the Local Authorities Ordinance 1974 (Ordinance 25 of 1974) are hereby prescribed.
- (2) Failure to comply with the terms of any condition or notice referred to in subsection (1)(b) or (c) above shall constitute a continuing offence and a person failing to comply with the

terms of such condition or notice shall be guilty of a separate offence for each day during which he fails to comply with such terms.

34. Repeal of By-Laws

All previous by-laws relating to Animals are hereby repealed.

35. Short Title and Commencement

These are called Animal By-Laws, 2012 and shall come into operation on the date of publication in the Provincial Gazette.

COMMUNITY FACILITIES BY-LAWS

The Council of Ulundi Municipality hereby, in terms of sections 11-13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Community Facilities By-laws for the Ulundi Local Municipality, as set out hereunder.

1. Definitions

These by-laws apply to the utilization of the community facilities at Ulundi Municipality

“Authorized Official”	shall mean an official of the Municipality who is authorized to manage or assist in the management of a community facility.
“Facilities”	shall mean any outdoor or indoor facility which is vested in or controlled by the Municipality and to which the public have access, and includes without limiting the generality of this definition- a) A hall, a sports ground, a park, a botanic or zoological garden, pleasure resort, nature reserve, hiking trail, swimming pool or library. b) Any building situated within a public amenity.
“Council”	shall mean the Municipal Council of Ulundi Municipality.
“Function and Events”	shall mean any activity taking place at the hall as approved through the book process.
“Deposit”	Shall mean an amount that is refundable after an event should the hirer abide by the conditions stipulated in the booking form.

2. Prohibited Conduct

2.1 Personal Behaviour

- 1) No person shall drive/park in the facilities other than designated parking area/roads.
- 2) No person shall cut, uproot, debark, or collect any plant in the facilities.
- 3) No person shall work, scribble, deface or through the use of spray, paint/write on the building or wall in the facilities.
- 4) No person shall burn, damage, tear or remove any item from the facilities.
- 5) No person shall participate in or arrange any demonstration within boundaries of the facilities without written consent of the Municipality.
- 6) No person shall interfere with Municipal officials in the execution of their duties in the facilities.
- 7) No person shall interfere or tamper with any service or installation in the facilities.
- 8) No person shall place any advert without prior permission by the Municipality.
- 9) No adult shall use equipment meant for children
- 10) No person shall fire any projectile, firecrackers including the use of firearms within the facilities.
- 11) No person/organization is authorized to charge hawkers for trading within or outside the premises.

3. Other Prohibitions

- 1) Anything which endangers or is likely to endanger another person is prohibited.
- 2) Anything which constitutes a nuisance or interferes with another person in the proper enjoyment of the community facility is prohibited.
- 3) Usage of profane, indecent or improper language is prohibited.
- 4) Consuming of alcohol, intoxicating substance or to be intoxicated whilst in the community facility is prohibited.
- 5) Usage, intrusion upon, or attempt to intrude upon any toilet, urinary or other place of convenience provided for the opposite sex is prohibited.
- 6) Entering of any part of a community facility determined by the Municipality and indicated by notice to be closed to the public is prohibited.
- 7) No animal are permitted in the facilities without the written consent of the Municipality.
- 8) No hawkers/vendors shall be allowed inside or outside the premises without written consent from the Municipality.
- 9) Speed limit within facilities shall be 10km/h.
10. Illegal dumping of litter is prohibited.
11. No alcohol is allowed on the premises without written approval from the Municipality.

4. Entrance to Community Facilities

4.1 Opening and closing times for each facility

A community facility shall be opened to the public during times determined by the Municipality and indicated by notice.

- 1) No person shall enter or be present in a community facility other than during the opening times determined by the Municipality.
- 2) Library shall close at the following times :
 - a) Weekdays 07h30 to 18h00
 - b) Saturdays 08h00 to 12h00
- 3) All other facilities shall open and close at the following times:
 - a) Weekdays 07h30 to 23h00
 - b) Saturdays 08h00 to 24h00

5. Entrance Fees

- 1) The Municipality may determine entrance fees to a community facility.
- 2) No person shall enter a community facility unless he/she has paid the booking/ entrance fee determined by the Municipality.
- 3) The Municipality may suspend the payment of a booking / entrance fees on any specific day/s as it deems feet.
- 4) Payment of fees for the utilization of the facilities shall be made to the Municipality as stipulated in the schedule of tariffs and the receipt shall be issued after the booking of the facilities has been made.

6. Entrance and Exit

Access to the facility shall only be through the gates provided.

7. Bookings and Utilization of Community Facilities

- 1) Booking of the facilities shall be made at least three days before the event.
- 2) The Municipality or it designated officer may refuse permission to utilize the facilities, if insufficient time is available to make arrangements for the facilities to be available.
- 3) Authority to utilize the facility is not transferable and the fixed costs are not refundable.
- 4) The hirer shall abide by the condition stipulated in the booking form to be issued at the time of booking (Annexure A)
- 5) The Municipality reserves the right of admission and cancelling and/or approval of booking for the utilization of the facilities.
- 6) The Municipality shall not be liable for any damage, loss /theft or injuries to individual and/or their property.
- 7) The Municipal Manager or the delegated official has discretionary powers to either refuse or cancel any booking where in his or her opinion there is a possibility of unruly and uncivil conduct that are repugnant to good ethics, civil order, morality and unacceptable societal behavior in the use of community facilities.
- 8) The facilities cannot be booked on a permanent or long-term basis, to enable a wide utilization of the facility.
- 9) The hirer is responsible to ensure that noise and disturbance levels are limited with respect to the residential properties close to the hall.
- 10) The applicant is responsible to prevent any unauthorized access to the premises.
- 11) The user must make sure that all-electrical apparatus used comply with safety standard and that it does not present a safety hazard to anyone.

8. Penalties

Any person who:

- 1) contravenes or fails to comply with any provisions of these by-laws, or
- 2) fails to comply with any notice issued in terms of these by-laws, or
- 3) fails to comply with any lawful instruction given in terms of these by-laws, or
- 4) who obstructs or hinders any authorized official or employee of the Municipality in the execution of his or her duties under these by-laws, is guilty of an offence and liable on conviction to a fine not exceeding **R2000.00** or in default of payment to imprisonment for a period not exceeding three (3) months.

9. Schedule of Tariffs

The following rates will be payable to the Municipality. (All rates are VAT included).

Functions or Events	Day	Deposit (Refundable)
1) Functions /events where no entry fees are paid	R67.84	R337.08
2) Functions/events where entrance fees are paid.	R112.36	R449.44
3) Sport development project-Council	<ul style="list-style-type: none"> ▪ R 19.22 per game during the day ▪ R56.00 per game at night ▪ R224.72 per tournaments 	R224.08
4) Continuous training & sport and Recreation development sessions by Local Sport and Recreation Association of which the duration is one month or longer. Examinations	R5.3 per hour at maximum of 3 days per week at 1 hour per day R 318. per day	R337.08 (monitored on monthly basis) Not Applicable
5) Memorial and Funeral Services	R112.36	R224.72
<ul style="list-style-type: none"> ▪ Adult Grave ▪ Child Grave 	R153.70 R115.29	N/A N/A

NB: Tariffs are subject to change annually as determined by Council from time to time and shall be placed at convenient and accessible public places.

ANNEXURE A

Reference Number : 1/3/3/1/1
Enquiries : Senior Admin Officer- Customer Care
Telephone Number : 035-874 5107

APPLICATION TO UTILISE A MUNICIPAL COMMUNITY FACILITY

The Municipal Manager
 Ulundi Municipality
 Private Bag x17
ULUNDI
 3838

Name of Applicant:.....

Identity number.....

Tel. No.....**Cell**

Organizations / Residential Address.....

Postal Address.....

Time: From.....**To**.....

Purpose.....

SELECTION OF THE FACILITY NEEDED (tick)

- Multi Purpose Hall
- B -South Hall
- Unit A-Hall
- Nhlamvuziyashisa Hall
- Mpungamhlophe Hall
- Ulundi Regional Stadium

UNDERTAKING BY APPLICANT

I undertake to:

1. Leave the facility in a clean, tidy and sanitary condition.
2. Remove any equipment brought therein by me or on my behalf during the course of the hire.
3. Replace and re-arrange any equipment or fitting part of the normal equipment of the facility and remove there from or displayed by me during the course of the hire.
4. Make good any damage to the facility or the fixture/s, equipment or fence/s there in affected during the hire to the satisfaction of the Council
5. Complete all removals, replacements and re-arrangements of equipment and cleaning of the facility before 08h00 on the morning following the termination of the hire.
6. Hold myself responsible for the good conduct and orderliness of all person allowed on the premises during the course of the hire and shall take all reasonable steps to ensure that such persons conduct is good and orderly during such period.
7. Abide by the-law.

SIGNATURE OF APPLICANT **DATE**.....

FOR OFFICE USE ONLY

RECEIPT NO.....

CHARGE:..... **DEPOSIT:**.....

DATE:.....

APPLICATION APPROVED / NOT APPROVED

DATE:.....

ENVIRONMENTAL HEALTH BY-LAWS

The Council of Ulundi Municipality hereby, in terms of sections 11-13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Environmental Health By-Laws for the Ulundi Local Municipality, as set out hereunder.

ARRANGEMENT OF SECTIONS

NO	CONTENT	PAGE
	CHAPTER 1: INTERPRETATION AND FUNDAMENTAL PRINCIPLES	3
1.	Definitions and interpretation	3-4
2.	Purposes	4
	CHAPTER 2: PUBLIC HEALTH	5
	Public health hazards and public health nuisances	
3.	Principles	5
	Public health hazards and public health nuisances	5
4.	Prohibition on causing public health hazards	5
5.	Duty to report public health hazards	5
	Public health nuisances	5
6.	General public health nuisances	5-6
7.	Pest control	6
8.	Air pollution	6
9.	Prohibition on causing public health nuisances	6
	CHAPTER 3: POTENTIALLY HAZARDOUS USES OF PREMISES	6
	Potentially hazardous uses	
10.	Duty to list potentially hazardous uses	6
11.	Scheduled trades	7
12.	Exemption certificates	7
13.	Public health permits	7
14.	Application procedure	7-8
15.	General terms applicable to permits and certificates	8
16.	Suspension, cancellation and amendment of permits and exemption certificates	8
	CHAPTER 4: ENFORCEMENT, REMEDIAL WORK AND COSTS	9
17.	Appointment and identification of environmental health practitioners	9
18.	General powers of an environmental health practitioner	9
19.	Compliance notice	9-10
20.	Prohibition notice	10
21.	Withdrawal of prohibition notice	10
22.	Demolition orders	10
23.	Municipal remedial work	10
24.	Cost orders	11
25.	Appeals	11
	CHAPTER 5: DWELLINGS	11
26.	Caravan, tents or vehicles	11
27.	Occupation	11-12
28.	Flat complexes or blocks	12
	CHAPTER 6: SANITARY SERVICES	12
29.	Requirements in respect of toilet facilities	12
30.	Toilets for workers	12
31.	Condition of toilets, urinals, backyards and refuse areas	12
32.	Shows or public events	12
	CHAPTER 7: PRIVATE SEWAGE WORKS	12
33.	Permit for provision of service for the removal of human excrement or urine	12
34.	Disposal of sewage, sewage effluent and waste water without causing a Public health nuisance or public health hazard	12
35.	Compulsory use of Council's sewage removal service	12
	CHAPTER 8: WATER	12
36.	Definitions	12
37.	Pollution of sources of water supply	13
38.	Dangerous wells, boreholes and excavations	13

39.	Provision of adequate water supply	13
40.	Notice of sinking or digging of boreholes or wells	13
41.	Storm water runoff from premises which may impact on public health	13
42.	Containment of waste water	13
	CHAPTER 9: SCHEDULED TRADES	14
43.	Definitions	14
44.	Permit requirement	14
45.	Requirements for premises	14
46.	Duties of scheduled traders	14-15
47.	Liquid refuse from bone and tripe boiling	15
48.	Liquids, tanks and tubs in leather making	15
49.	Storage of rags, bones and waste	15
	CHAPTER 10: HAIRDRESSING, BEAUTY AND COSMETOLOGY SERVICES	15
50.	Definitions	15
51.	Requirements for salon premises	16
52.	Duties of salon operators	16
53.	Requirements for operation of a salon	16
54.	Prohibition against use of salon premises for other purposes	17
	CHAPTER 11: ACCOMMODATION ESTABLISHMENTS	17
55.	Definitions	17
56.	Requirements for accommodation establishments	17
57.	Duties of owner of accommodation establishment	17-18
	CHAPTER 12: DRY CLEANING AND LAUNDRY ESTABLISHMENTS	18
58.	Definitions	18
59.	Premises for dry-cleaning or laundry businesses	18
60.	Premises for dry-cleaning or laundry receiving depots	19
61.	Premises for coin – operated laundries	19
62.	General requirements for dry cleaning and laundry businesses	19
	CHAPTER 13: SWIMMING POOLS AND SPA BATHS	19
63.	Definitions	19
64.	Requirements for premises	19-20
65.	Duties of spa-bath keepers	20
66.	Duties of swimming pool keepers	20
67.	Water supply	20
68.	Safety of water	20
69.	Order and behaviour	20-21
	CHAPTER 14: HEALTH CARE WASTE	21
70.	Definitions	21-22
71.	Compliance	22
72.	Duties and responsibilities of generator, transporter, processor, and disposer of health care waste	22-23
73.	Storage specifications for health care waste 73.1. Storage containers 73.2 Storage areas 73.3 Perishable health care waste	23
74.	Transportation	23-24
75.	Disposal sites	24
76.	Prohibition on dumping and mismanagement of health care waste	24
77.	Spillage and dumping of health care waste	24
78.	Staff safety	25
	CHAPTER 15: GENERAL	25
79.	Offences and penalties	25
80.	Serving of notices	25
81.	Short title and commencement	25
	ANNEXURE A	25
	Notice to be published by applicant for the permission of Council to use premises for the carrying on of a scheduled trade.	25
	ANNEXURE B	26
	List of scheduled trades	26

CHAPTER 1: INTERPRETATION AND FUNDAMENTAL PRINCIPLES

1. Definitions and interpretation

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

“adequate”	when used to describe a standard or manner in which anything required by these By-laws must be done, means the standard or manner that, in the opinion of an environmental health practitioner, is sufficient to safeguard public health, and to achieve the purpose and the principles of these By-laws and
“adequately”	has a corresponding meaning;
“approved”	when used to describe a particular object, measure or material, means an object, measure or material which is adequate in specified circumstances to prevent, or reduce to a level acceptable to the municipality, the risk of any public health hazard or public health nuisance occurring, continuing or recurring;
“authorised official”	means an official authorised by the municipality for the purpose of these by-laws to perform and exercise any or all of the functions in terms of these By-laws or the provisions of any other law;
“clean”	means free of any dirt, impurity or objectionable matter or contamination;
“communicable diseases”	means any disease which can be communicated directly or indirectly from an animal or through any agent to a person or from a person suffering from a disease or who is a carrier of a disease to any other person;
“compliance notice”	means a notice issued in terms of section 19 to comply with these by-laws or with a permit issued in terms of these By-laws;
“Council”	means the Council of Ulundi Municipality and any other body acting by virtue of any power delegated to it in terms of legislation,
“dwelling”	means any house, room, shed, hut, tent, cave, container, shelter, vehicle, boat or any other structure or place whatsoever, any part of which is used or appears intended for use by any human being for sleeping or in which any human being dwells or sleeps and “room” has a corresponding meaning;
“environmental health practitioner”	means an official appointed by the Ulundi Municipality or Zululand District Municipality, and who is duly registered as an environmental health practitioner or environmental health officer with the Health Professions Council of South Africa in terms of section 33(1) of the Medical, Dental and Supplementary Health Service Professions Act, 1974 (Act No. 56 of 1974);
“exemption certificate”	means a certificate issued in terms of section 12;
“hot water”	means water which has a minimum temperature of 55oC at the point of discharge;
“municipal area”	means the area under the jurisdiction of the municipality;
“municipal manager”	means the person appointed by the municipality as Head of Administration in terms of section 54A of the Municipal Systems Act, and includes any person: (a) acting in such position and (b) to whom the Municipal Manager has delegated a power, function or duty in respect of such a delegated power, function or duty.
“National Building Regulations and Building Standards Act”	means the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);
“occupier”	in relation to any premises, means any person – (a) occupying the premises; (b) leasing the premises; (c) who is not occupying the premises but is entitled to do so; or (d) who manages the premises or a business on the premises on behalf of a person referred to in paragraph (a), (b) or (c);
“overcrowding”,	in relation to any dwelling, means - (a) a residential occupancy in excess of 12 occupants per sanitary convenience; and (b) an occupancy of habitable rooms (being all those rooms in a dwelling excluding kitchens, pantries, bathrooms, sanitary conveniences, laundries, hallways, storerooms, stairways, landings or passages) for sleeping purposes where such occupation exceeds 1 adult per 3 m ² of floor space for each person aged 10 years or more and 1,8 m ² of floor space for each person less than 10 years of age;
“owner”	in relation to any premises, means – (a) the person in whose name the title to the premises is registered, and includes the holder of a stand license; or (b) if the person referred to in paragraph (a) is dead, insolvent, mentally ill, a minor or under any

	legal disability, the executor, guardian or other person who is legally responsible for administering that person's estate;
"permit"	means a public health permit issued by the municipality in terms of the section 13;
"person"	means a natural person or a juristic person, and includes an organ of state;
"pest"	means any animal which may create a public health hazard or public health nuisance if it is present in significant numbers and includes, without limitation, rats, mice, flies, mosquitoes, bed bugs, fleas, lice and cockroaches;
"potable water"	means water that complies with the requirements set out in S.A.B.S. 241: 2001: Drinking Water;
"premises"	means – (a) any land without any buildings or other structures on it; (b) any building or other structure and the land on which it is situated; 7 (c) any land which adjoins land referred to in paragraph (a) or (b) and any building or other structure on the adjoining land, if that land, building or structure is occupied or used in connection with any activity carried out on the premises referred to in paragraph (a) or (b); or (d) any vessel, vehicle or movable structure which is used for a scheduled trade;
"prescribed fee"	means a fee determined by the Council by resolution in terms of section 10G(7)(a)(ii) of the Local Government Transition Act, 1993 (Act No. 209 of 1993), or any other applicable legislation;
"prohibition notice"	means a notice issued in terms of section 20;
"public health"	means the mental and physical health and well-being of people in the municipal area;
"public health hazard"	means any actual threat to public health, and without limitation, includes – (a) the circumstances referred to in section 4 (3); (b) unsanitary conditions; (c) circumstances which make it easier for a communicable disease to spread; (d) circumstances which make food or drink, including water for domestic consumption, unhygienic or unsafe to eat or drink; and (e) circumstances which allow pests to infest any place where they may affect public health;
"public health nuisance"	means the use of any premises or place in a manner which creates conditions that significantly increase the risk of a public health hazard occurring or which compromises any aspect of public health to an extent that is more than trivial or insignificant, and without limitation, includes those circumstances in which a public health nuisance is considered to exist in terms of sections 6, 7 and 8; and
"public place"	1) means any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden park, path, bus or taxi rank, servitude or enclosed space vested in the municipality and includes any road, place or thoroughfare which is in the undisturbed use of the public or which the public have the right to use. 2) Unless the context otherwise indicates, any word or expression which is defined in any Chapter, has the same meaning wherever it is used in these By-laws. 3) If any provision in these Bylaws vests or imposes any power, function or duty of the municipality in or on an employee of the municipality and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) or any other law been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it. 4) Compliance with these Bylaws does not exempt the premises, occupier, occupant and or person from complying with any other municipal by-law, the Council's Town Planning Scheme, whether in preparation or complete and any other national and provincial legislation. 5) Words applying to any individual shall include persons and groups, and the masculine gender shall include females as well as males and the singular number shall include the plural and vice versa.

2. Purpose

The purpose of these By-laws is to enable the municipality to protect and promote the long-term health and well-being of people in the municipal area by -

- (a) providing, in conjunction with any other applicable law, an effective legal and administrative framework within which the municipality can –
 - 1) manage and regulate activities that have the potential to impact adversely on public health; and
 - 2) require premises to be properly maintained and managed; and
- (b) defining the rights and obligations of the municipality and the public in relation to this purpose.

CHAPTER 2: PUBLIC HEALTH**Public Health Principles****3. Principles**

- 1) Every person has a constitutional right to an environment that is not harmful to his or her health or well-being and to have access to sufficient water and the municipality has a constitutional duty to strive, within its financial and administrative capacity, to promote a safe and healthy environment.
- 2) The risk of a public health hazard occurring, continuing or recurring must be eliminated wherever reasonably possible, and if it is not reasonably possible to do so, it must be reduced to a level acceptable to the municipality.
- 3) Any person who owns or occupies premises in the municipal area must ensure that it is used for and maintained in a manner that ensures that no public health hazard or public health nuisance occurs on the premises.
- 4) Any person who wishes to undertake an activity, which creates a risk to public health that is more than trivial or insignificant, must –
 - (a) take all reasonable measures to eliminate that risk, and if that is not reasonably possible, to reduce the risk to a level acceptable to the municipality; and
 - (b) bear the costs of taking those measures and of any reasonable costs incurred by the municipality in ensuring that the risk is eliminated or reduced to an acceptable level.

Public Health Hazards and Public Health Nuisances**4. Prohibition on causing Public Health Hazards**

- 1) No person may create a public health hazard anywhere in the municipal area.
- 2) Every owner or occupier of premises must ensure that a public health hazard does not occur on those premises.
- 3) An owner or occupier of premises creates a public health hazard if –
 - (a) the premises are infested with pests or pests are breeding on the premises;
 - (b) there are conditions on the premises which are conducive to the spread of a communicable disease or which may cause a non-communicable disease;
 - (c) there is any unsanitary condition in any part of the premises; or
 - (d) any water supply for domestic consumption on the premises is unsafe for human consumption.

5. Duty to Report Public Health Hazards

The owner or occupier of premises who knows of a public health hazard on those premises, must within 24 hours of becoming aware of its existence –

- (a) eliminate the public health hazard; or
- (b) if the owner or occupier is unable to comply with paragraph (a), take reasonable steps to reduce the risk to public health and forthwith report the existence of the public health hazard to the municipality in writing.

Public Health Nuisances**6. General Public Health Nuisances**

The owner or occupier of premises creates a public health nuisance if he or she causes or allows -

- (a) any premises or part thereof to be of such a construction or in such a state as to be offensive, injurious or dangerous to health;
- (b) any street, stream, pool, lagoon, ditch, gutter, watercourse, sink, cistern, watercloset, earth closet, pail closet, urinal, cesspool, cesspit, drain, sewer, dung pit, slop tank, ash heap or dung heap to be so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to health;
- (c) any stable, kraal, shed, run or premises used for the keeping of animals or birds and which is so constructed, situated, used or kept as to be offensive or to be injurious or dangerous to health;
- (d) any accumulation of refuse, offal, manure or other matter which is offensive or is injurious or dangerous to health;
- (e) any public building to be so situated, constructed, used or kept as to be unsafe or to be injurious or dangerous to health;
- (f) any dwelling to be occupied without proper and sufficient supply of potable water within a reasonable distance;
- (g) any dwelling to be overcrowded;
- (h) any factory or industrial or business premises not to be kept in a clean state and free from offensive smells arising from any drain, water closet, earth-closet, urinal or any other source, or not ventilated so as to destroy or render harmless and inoffensive as far as practicable any gas, vapour, dust or other impurity generated, or so overcrowded or so badly lighted or ventilated, as to be injurious or dangerous to the health of those employed therein or thereon;

- (i) any factory or industrial or business premises to cause or give rise to any smell or effluvia which is offensive or injurious or dangerous to health;
- (j) non compliance with the South African National Standard SANS 10103 :2004 : The measurement and rating of environmental noise, with respect to land use, health, annoyance and to speech communication; or
- (k) any other activity, condition or thing declared, in terms of the National Health Act, 2003 (Act No. 61 of 2003) or any applicable provincial legislation and regulations promulgated under such legislation, to be a health nuisance as defined in such legislation.

7. Pest Control

- 1) An owner or occupier of premises creates a public health nuisance if -
 - (a) the premises are maintained in a manner that attracts or harbours rodents or other pests, or is conducive to the breeding thereof;
 - (b) flies are being attracted to, or can breed on, the premises;
 - (c) any other substance that attracts flies is used or kept other than for the purposes of trapping or killing flies;
 - (d) insufficiently rotted manure or any other organic material is being kept or used;
 - (e) waste or other material is left or kept in a manner that attracts rodents or other pests to the premises;
 - (f) containers in which mosquitoes can breed, such as tyres, bottles, crockery, and tins, have been left or are kept on the premises;
 - (g) tanks, barrels and similar containers in which mosquitoes can breed are not fitted with mosquito-proof covers or mosquito wire gauze screens in a manner that prevents mosquitoes gaining access to water contained in them;
 - (h) gutters and down pipes are sagging or clogged so that stagnant water can accumulate in them; or
 - (i) approved measures have not been taken to prevent mosquitoes breeding in ponds, excavations, wells, swimming pools or any other stagnant water source on the premises.
- 2) The following measures are approved measures for the purposes of subsection (1)(i) -
 - (a) draining accumulated water at least once every seven days;
 - (b) covering accumulated water with oil at least once every seven days; or
 - (c) in the case of a well, providing a mosquito-proof cover and a pump.

8. Air Pollution

An owner or occupier of premises creates a public health nuisance if-

- (a) any waste on the premises is burned outside except in an approved appliance;
- (b) ash, grit, soot or smoke is emitted from any chimney or appliance or from any other means on the premises in a manner that is sufficient to have an adverse impact on public health;
- (c) the erection or destruction of a building or structure causes dust to be discharged into the surrounding atmosphere in a manner that is sufficient to have an adverse impact on public health; or
- (d) any dust is generated on, and emitted from the premises due to any activity or process and discharged into the surrounding atmosphere in a manner that is sufficient to have an adverse impact on public health.

9. Prohibition on causing Public Health Nuisances

- 1) No person may cause a public health nuisance anywhere in the municipal area.
- 2) Every owner or occupier of premises must ensure that a public health nuisance does not arise on their premises.

CHAPTER 3: POTENTIALLY HAZARDOUS USES OF PREMISES

Potentially Hazardous Uses

10. Duty to list Potentially Hazardous Uses

- (a) If the municipality reasonably believes that any premises have been, or are likely to be, used for a purpose or in a manner that has caused, or is likely to cause, a public health hazard or to create a public health nuisance; and
- (b) reasonable measures have or are not taken to avoid the risk or to reduce it to an acceptable level, the municipality must -
 - (i) list the activity concerned in Annexure B; and
 - (ii) prescribe measures that must be taken to avoid the risk or to reduce it to a level acceptable to the municipality.

11. Scheduled Trades

Any person who uses premises in a manner or for a purpose listed in Annexure B must -

- (a) comply with every provision specified in the Chapter of these By-laws relating to that use, unless that person has been granted an exemption in terms of section 12 from complying with any such provision; and

- (b) obtain a permit in terms of section 13 before commencing that use and must comply with the terms and conditions of that permit.

12. Exemption Certificates

- 1) Any person who wants to undertake a scheduled trade listed in Annexure B on any premises but wishes to be exempted from complying with any requirement of these By-laws relating to the use concerned may apply to the municipality for an exemption certificate, in accordance with the procedure set out in section 14.
- 2) The municipality may grant an exemption certificate, subject to such conditions as it may impose, if an environmental health practitioner is satisfied that –
 - (a) the measures taken to avoid or reduce the risk to public health arising from the scheduled trade are equivalent to or better than the measures required by the relevant requirement of these By-laws; and
 - (b) the scheduled trade in respect of which the exemption is required, is not likely to cause a public health hazard or a public health nuisance.

13. Public Health Permits

- 1) Any person, who wants to undertake a scheduled trade that is listed in Annexure B, must apply to the municipality in accordance with section 14 for a public health permit.
- 2) The municipality may issue a public health permit to the owner or occupier of any premises, if an environmental health practitioner is satisfied that the use for which the permit is required is not likely to cause a public health hazard or a public health nuisance.
- 3) A public health permit –
 - (a) must be issued subject to conditions aimed at reducing the risk to public health created by the scheduled trade, to a level acceptable to the municipality; and
 - (b) may exempt the permit holder from complying with any relevant provision of these By-laws, if the municipality reasonably believes that the permit requires the permit holder to take measures to avoid or reduce the risk to public health arising from the activity that are equivalent to, or better than, the measures required by the relevant provision of these By-laws.

14. Application Procedure

- 1) Any person who wants to obtain a permit in terms of section 13 or an exemption certificate in terms of section 12 must apply to the municipality in writing in format determined by the municipality, prior to undertaking the scheduled trade concerned.
- 2) The following information must be submitted together with the application -
 - (a) a location plan, drawn to a scale of 1:5 000 showing the position of the proposed premises and of all roads, dwellings, factories and works in the neighbourhood, within 1 000 meters of such premises;
 - (b) approved plans, sections and elevations, drawn to a scale of at least 1:100, of the buildings and premises proposed to be erected or used;
 - (c) full particulars as to the nature of the proposed trade or business, of the raw materials to be used, of the processes to be carried on and of the products, by-products and waste materials thereof;
 - (d) full particulars of the plant to be installed, including the number, capacity and type or description of all boilers, digesters, driers and other apparatus;
 - (e) full particulars, with any necessary explanatory drawings, of the measures proposed to be adopted for the disposal and/or prevention of
 - (i) vapours, odours and effluvia;
 - (ii) fluids and liquid waste matters, and
 - (iii) solid waste matters;
 - (f) the number of persons to be employed on the premises;
 - (g) particulars of latrine and change-room accommodation for employees; and
 - (h) any further particulars, plans or drawings which the municipality may require.
- 1) The applicant must publish a notice prescribed in Annexure A twice in a newspaper which, in the opinion of the municipality, has a sufficient circulation in the district, stating in general terms the nature and the purpose of the application and calling upon interested parties to lodge written objections, if any, to such application with the municipality on or before a date specified in such notice, which may not be earlier than 14 days after the second publication of the notice, as provided hereinafter. The first insertion in the newspaper must be made within one week of lodging the application and the second insertion must be made on the seventh or eighth day following the date of the first insertion. The applicant must forward a copy of each issue of the newspapers containing the notices to the municipality.
- 2) The municipality may, after considering any objection lodged and if satisfied that the buildings, plant and works and the arrangements in connection therewith are in accordance with these By-laws and that no

nuisance or a danger or potential danger to the public health is likely to arise, give permission for the erection or use of such buildings, plant or works for the purposes set forth in the application.

- 3) When the municipality receives an application contemplated in subsection (1), it must ensure that the relevant premises concerned are inspected by an environmental health practitioner as soon as reasonably possible.
- 4) (6) Before deciding whether or not to approve an application contemplated in subsection (1), the municipality –
 - (a) must ensure that any persons in the vicinity of the premises whose health or well-being may be affected if the premises are used for the scheduled trade concerned, have been consulted and had an opportunity to make representations; and
 - (b) may require the applicant to provide any further information which the municipality considers relevant to enable it to make an informed decision.

15. General terms Applicable to Permits and Certificates

- 1) A permit or an exemption certificate–
 - (a) is not transferable from one person to another; and
 - (b) applies only to the premises specified in that certificate or permit.
- 2) Every permit or exemption certificate must–
 - (i) specify the address and other relevant details regarding the location of the premises concerned;
 - (ii) describe the premises concerned;
 - (iii) describe the activity concerned;
 - (iv) describe particulars of the plant, including the number, the capacity and the type or description of the boilers, digesters, driers, and other apparatus or plant approved for use therein;
 - (v) specify the raw materials to be used; the processes to be carried on and the products and waste materials thereof;
 - (vi) specify the measures to be taken for abating or preventing any nuisance or any danger or potential danger to the public health from vapours, effluvia, and solid and liquid waste matters;
 - (vii) specify terms and conditions imposed, if any; and
 - (viii) indicate when it expires.
- 3) An applicant must pay a prescribed fee, as determined by the municipality, in respect of an application for a permit or exemption certificate and such fee must accompany the application.
- 4) The municipality may refuse to consider an application until it has been provided with the information required to make an informed decision and until the prescribed fee (if any) has been paid.

16. Suspension, Cancellation and Amendment of Permits and Exemption Certificates

- 1) An environmental health practitioner may, by written notice to the holder of an exemption certificate or permit, suspend, amend or cancel that certificate or permit in accordance with subsection (2), (3) or (4), as the case may be.
- 2) An environmental health practitioner may suspend or cancel an Exemption certificate or permit with immediate effect, if –
 - (a) the environmental health practitioner reasonably believes that it is urgently necessary to do so to eliminate or to reduce a significant risk to public health posed by a public health hazard or a public health nuisance; or
 - (b) the holder of the permit or certificate has failed to comply with a compliance notice issued in terms of section 18 which states that the permit or certificate may be suspended or cancelled without further notice if the holder fails to comply with the compliance notice.
- 3) An environmental health practitioner may suspend or cancel an exemption certificate or permit after having given the holder thereof, by written notice, a reasonable opportunity of making representations as to why the permit or exemption certificate should not be suspended or cancelled, if –
 - (a) the environmental health practitioner reasonably believes that it is desirable to do so to eliminate or reduce the risk to public health posed by a public health hazard or a public health nuisance; or
 - (b) the holder of such certificate or permit contravenes or fails to comply with any relevant provision of these By-laws.
- 4) An environmental health practitioner may amend an exemption certificate or permit by endorsing such certificate or permit or by written notice to the holder thereof, if the environmental health practitioner reasonably believes that it is necessary to do so to protect public health or to take account of changed circumstances since the exemption certificate or permit concerned was issued.

CHAPTER 4: ENFORCEMENT, REMEDIAL WORK AND COSTS**17. Appointment and Identification of Environmental Health Practitioners**

- 1) The municipality must issue an identity card to each authorized officers or each environmental health practitioner.
- 2) The identity card must –
 - (a) contain a recent photograph of the authorized officer or environmental health practitioner;
 - (b) be signed by the authorized officer or environmental health practitioner; and
 - (c) identify the person as an authorized officer or environmental health practitioner.
- 3) The authorized officer or environmental health practitioner must display his or her identity card so that it is clearly visible or produce it at the request of any person in relation to whom the environmental health practitioner is exercising a power under these By-laws.

18. General Powers of Authorized Officers or an Environmental Health Practitioner

- 1) An environmental health practitioner may, for the purposes of implementing or administering any power or duty under these By-laws –
 - (a) exercise any power afforded to such officer in terms of these By-laws or any other applicable legislation;
 - (b) issue a compliance notice in terms of section 19 requiring any person to comply with the provisions of these By-laws;
 - (c) issue a prohibition notice in terms of section 20 prohibiting any person from conducting an activity;
 - (d) undertake measures in terms of section 23 to remove, reduce or minimize any public health nuisance;
 - (e) cancel, suspend or amend any permit or exemption certificate in terms of section 16; and
 - (f) enter and inspect any premises and for this purpose may–
 - (i) question any person on the premises;
 - (ii) take any sample that the environmental health practitioner considers necessary for examination or analysis;
 - (iii) monitor and take readings or make measurements;
 - (iv) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises;
 - (v) examine any book, record or document relevant to the inspection or investigation;
 - (vi) seize anything that may be used as evidence in the prosecution of a person for an offence in terms of these By-laws; and
 - (vii) be accompanied by an interpreter and any other person reasonably required to assist him or her in conducting the inspection.
- 2) An Environmental Health Practitioner who removes anything from any premises being inspected must –
 - (a) issue a receipt for it to the owner, occupier or person apparently in control of the premises; and
 - (b) return it as soon as practicable after achieving the purpose for which it was removed.
- 3) An inspection conducted or work undertaken in terms of this section, must be conducted with strict regard to decency and order, a person's right to respect for and protection of his or her dignity, and a person's right to freedom and security and personal privacy.

19. Compliance Notice

- 1) If an Environmental Health Practitioner, after inspecting premises, reasonably believes that a public health hazard or public health nuisance exists on the premises or that the premises are being used in a manner or for a purpose listed in the Schedule to these by-laws without a permit, the environmental health practitioner may serve a compliance notice on one or more of the following persons -
 - (a) the owner of the premises;
 - (b) the occupier of the premises; or
 - (c) any person apparently in charge of the premises.
- 2) A compliance notice must state –
 - (a) the reasons for serving the notice;
 - (b) the measures that must be taken –
 - a. to ensure compliance with these By-laws; or
 - b. to eliminate or minimise any public health hazard or public health nuisance;
 - (c) the time period within which the measures must be taken;
 - (d) the possible consequences of failing to comply with the notice; and
 - (e) how to appeal against the notice.
- 3) If a person fails to comply with a compliance notice that requires a particular action be taken, the municipality may –
 - (a) take the required action specified in the compliance notice;

- (b) recover, as a debt from the person to whom the notice was given, the costs and expenses reasonably incurred in taking the required action; and
 - (c) take legal action against the offender.
- 4) The owner or occupier of premises is responsible for the compliance with and observation of the provision of this By-law and he or she is further responsible for the acts, omissions and defaults of his or her employees, agents or family members in this regard. Any breach of this By-law by any member of his or her family or by any of his or her employees or agents shall be deemed to be a breach by the owner or occupier personally.

20. Prohibition Notice

- 1) An environmental health practitioner may, after inspecting premises, serve a prohibition notice prohibiting the premises from being used for a specified purpose and requiring measures to be taken to ensure that this occurs, on one or more of the following persons-
- (a) the owner of the premises;
 - (b) the occupier of the premises; or
 - (c) any person apparently in charge of the premises, if the environmental health practitioner reasonably believes that that person has not complied with the terms of a compliance notice.
- 2) The environmental health practitioner must give the person on whom he or she intends serving a prohibition notice a reasonable opportunity, by written notice, to make representations before serving the notice, unless the environmental health officer reasonably believes that the delay in doing so would significantly compromise public health, in which case the person on whom a prohibition notice is served must be given reasonable opportunity to make representations why it should be withdrawn.
- 3) A prohibition notice must state –
- (a) the reasons for serving the notice;
 - (b) whether or not the municipality will withdraw the notice if certain measures are taken, and if so, the measures that must be taken;
 - (c) the possible consequences of failing to comply with the notice; and
 - (d) how to appeal against the notice.
- 4) The environmental health practitioner must as soon as possible affix a copy of the notice in a conspicuous position on the premises.

21. Withdrawal of Prohibition Notice

- 1) An environmental health practitioner must, within 48 hours of receiving a written request for the withdrawal of a prohibition contained in a prohibition notice, carry out an investigation of the premises.
- 2) After completing the investigation, the environmental health practitioner must inform the person on whom the prohibition notice was served or that person's agent in writing, whether or not the prohibition has been or will be removed or the prohibition order withdrawn.
- 3) The municipality may charge the owner or occupier of any premises where an investigation is carried out in terms of subsection (1), a prescribed fee for undertaking the investigation.

22. Demolition Orders

- 1) If the municipality believes that a public health hazard would be eliminated or a public health nuisance would be significantly reduced by demolishing a building or other structure, it may, subject to the provisions of any other law, apply to any court having jurisdiction for an order directing any person to demolish the building or structure or authorising the municipality to do so and to recover the costs of doing so from the owner or the occupier of the premises concerned, or from both.
- 2) The municipality may not apply to court in terms of subsection (1) unless it has given the owner and the occupier of the premises not less than 14 days' notice in writing of its intention to make the application and has considered any representations made within that period.

23. Municipal Remedial Work

- 1) The municipality may enter any premises and perform any function on the premises that it reasonably considers necessary to –
- (a) ensure compliance with these By-laws or with any compliance notice or prohibition notice;
 - (b) reduce, remove or minimise any public health nuisance; or
 - (c) reduce, remove or minimise any public health hazard.
- 2) The provisions of section 18(3) apply, with the necessary changes, to any entry or work undertaken by the municipality in terms of this section.

24. Cost Orders

- 1) The municipality may recover any costs reasonably incurred by it in taking measures contemplated in section 23 from any person who was under a legal obligation to take those measures, including
 - (a) a person on whom a compliance notice referred to in section 19(a) that required those steps to be taken, was served;
 - (b) the owner or occupier of the premises concerned; or
 - (c) any person responsible for creating a public health hazard or a public health nuisance.
- 2) The municipal manager may issue a certificate specifying the costs a person is liable to pay in terms of subsection (1) and a notice requiring that person to pay those costs by a date specified in the notice.
- 3) The certificate referred to in subsection (2) constitutes **prima facie** proof of the amount due in terms of subsection (1).

25. Appeals

- 1) A person whose rights are affected by a decision taken by any authorised official under these By-laws may appeal against the decision by giving written notice of the appeal, together with reasons for the appeal, to the municipal manager within 21 days of the date of the notification of the decision.
- 2) In circumstances contemplated under subsection (4)(b), the municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in that subsection.
- 3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- 4) Where the appeal is against a decision –
 - (a) taken by a staff member other than the municipal manager, the municipal manager is the appeal authority; and
 - (b) taken by the municipal manager, the Executive Committee is the appeal authority.
- 5) An appeal authority must commence with an appeal within six weeks after receipt thereof as contemplated under subsection (1) and resolve the appeal within a reasonable period.

CHAPTER 5: DWELLINGS**26. Caravans, Tents or Vehicles**

- 1) No person may, without the written consent of the municipality, occupy or permit to be occupied, for human habitation, a caravan, tent, hut or other similar shelter of any description on any land except on an authorised camping or caravan site.
- 2) No person may use or let, or permit to be used or let, for purposes of human habitation, any disused railway coach, tramcar, bus or any other temporary or movable structure, whether standing on wheels or otherwise, without the written consent of the municipality and then only for such period, and subject to such conditions, as may be specified in such consent.

27. Occupation

- 1) No person who is the owner or occupier of any dwelling or room may permit such dwelling or room to be overcrowded so as to constitute a nuisance or be injurious to health.
- 2) No person may occupy, or permit to be occupied, either in terms of a contract of letting and hiring or otherwise, any dwelling-
 - (a) which is not constructed in conformity with the requirements of the National Building Regulations and Building Standards Act;
 - (b) which is of such construction, or in such a state, or so situated, or so dirty or so infested with pests, or so kept, as to be injurious or dangerous to health or liable to favour the spread of any communicable disease; or
 - (c) in which there is any dampness in any foundation, wall or floor or any serious leaks in the roof.
- 3) No person may use, or permit to be used, either under a contract of letting and hiring or otherwise, as a dwelling for human habitation, any building not erected for such purpose, unless and until such building has been altered and made suitable for such purpose in accordance with the National Building Regulations and Building Standards Act.
- 4) No person may use or let, or permit to be used or let, for purposes of human habitation or occupation, any cellar, basement or underground room or garage in any building or premises without the written consent of the municipality.

- 5) In the event of any premises or dwelling not being occupied, the owner of such premises must maintain all portions thereof in a neat and tidy condition at all times.

28. Flat Complexes or Blocks

- 1) The owner of a block of flats or any other building of which sections are leased individually as dwellings, must maintain all passages, staircases and all other sections of such block of flats or other buildings which are used communally by the lessees thereof, in a clean, tidy, and sanitary condition, and free of insects, offensive objects or odours or of any object or anything whatsoever which could be offensive or injurious to health, or which could promote the spreading of any communicable disease.
- 2) The owner and occupant in charge of any communal yard, sanitary facility, change room or premises are, for purposes of these By-laws, jointly and severally responsible for the maintenance of such communal yard, sanitary facility, change room or premises in a clean and tidy condition at all times.

CHAPTER 6: SANITARY SERVICES

29. Requirements in Respect of Toilet Facilities

The owner of premises must ensure that the number of toilets provided on those premises comply with the provisions of the National Building Regulations and Building Standards Act.

30. Toilets for Workers

A contractor must provide his or her workers with toilet facilities as prescribed by the National Building Regulations and Building Standards Act.

31. Condition of Toilets, Urinals, Backyards and refuse areas

The owner or occupier of any premises must keep every backyard; refuse area, toilet and urinal in a sanitary condition and good state of repair.

32. Shows or Public Events

The owner of a circus, travelling show or public event visiting or performing in the municipality's area of jurisdiction must make suitable provision, to the satisfaction of the municipality, and for the duration of such visit –

- (a) for sanitary conveniences for the use of staff, employees and performers, as well as members of the public attending as spectators; and
- (b) for the disposal of the excreta of any animals used in connection with such circus or travelling show.

CHAPTER 7: PRIVATE SEWAGE WORKS

33. Permit for provision of service for the removal of human excrement or urine

No person may provide any service for the removal or disposal of human excrement and urine on any premises except in terms of a permit authorising that service.

34. Disposal of sewage, sewage effluent and waste water without causing a public health nuisance or public health hazard

No person may dispose of sewage or waste water from any bath, wash-hand basin, toilet, shower or kitchen sink in a way or in a location that may –

- (a) cause dampness in or on any premises;
- (b) endanger the quality of any water supply, surface water, stream or river; or
- (c) create a public health nuisance or public health hazard.

35. Compulsory use of Municipality's Sewage Removal Service

Every occupier of premises must use the sewage removal service prescribed by the municipality for those premises.

CHAPTER 8: WATER

36. Definitions

In this Chapter, unless the context otherwise indicates –

"domestic consumption"	in relation to water, means the use of water for – <ol style="list-style-type: none"> (a) human consumption; (b) preparing or manufacturing food or drink for human consumption; (c) cleaning vessels or utensils used in the preparation or manufacture of food or drink for human consumption; or (d) any other domestic purpose; and
"effluent"	means any wastewater which may be generated as a result of undertaking any scheduled trade or an activity which is likely to cause a public health nuisance.

37. Pollution of Sources of Water Supply

No person may pollute or contaminate any catchment area, river, canal, well, reservoir, filter bed, water purification or pumping works, tank, cistern or other source of water supply or storage in a way that creates a public health nuisance or a public health hazard.

38. Dangerous wells, boreholes and excavations

Every owner or occupier of premises must ensure that any well, borehole or other excavation located on his or her premises –

- (a) is fenced, filled in or covered over in a way that adequately safeguards it from creating a public health nuisance or public health hazard; and
- (b) is not filled in a way, or with material, that may cause any adjacent well, borehole or underground water source to be polluted or contaminated to an extent that may create a public health nuisance or a public health hazard.

39. Provision of Adequate Water Supply

Every owner of premises must provide every resident on the premises with an adequate and readily available potable water supply at all times.

40. Notice of sinking or digging of boreholes or wells

- 1) No person may sink or dig, or cause or permit to be sunk or dug, a well or borehole, to obtain water, unless –
 - (a) it is done so in accordance with any relevant law; and
 - (b) he or she has given the municipality at least 14 days' written notice of his or her intention to do so.
- 2) The notice referred to in subsection (1)(b) must state the proposed location and the purpose for which the water is to be used.

41. Storm water runoff from premises which may impact on public health

- 1) Every owner or occupier of premises must erect adequately designed, constructed and maintained hydraulic and hydrological structures on those premises –
 - (a) to divert the maximum storm water runoff which could be expected within a period of 24 hours with an average frequency of recurrence of once in 100 years, from any part of the premises on which any waste, likely to create a public health nuisance, is or was handled, produced, stored, dumped or spilled;
 - (b) to collect all polluted runoff water from any part of the premises on which waste, likely to create a public health nuisance, is or was handled, produced, stored, dumped or spilled, for reuse, treatment or purification;
 - (c) to separate all effluent from storm water systems;
 - (d) to prevent the erosion or leaching of material from any slimes dam, ash dam and any dump or stockpile on the premises, and to contain any eroded or leached material in the area where it originated;
 - (e) to prevent any waste or waste water from entering any borehole, well, spring, vlei or water course; and
 - (f) to prevent any adverse impact on the quality of surface and ground water occurring, due to the location of any dump, stockpile, dam, drain, canal, conduit, sewer or any other structure on the premises.
- 2) An owner or occupier of premises –
 - (a) must keep all water passages open and free of obstruction from matter which may impede the flow of water or effluent;
 - (b) may not locate any dump within the one hundred year flood line of any water resource;
 - (c) may not use coal, coal discard, carbonaceous material or any other material for the construction of any slurry, evaporation or catchment dam, or any embankment, road or railway in a way likely to create a public health nuisance;
 - (d) must construct bund walls around any tank, or group of tanks, containing any substance that can create a public health nuisance, of a size that is capable of containing the volume of the largest tank in the event of any unlawful or accidental discharge from the tank or group of tanks; and
 - (e) must clean any industrial surface area so as to prevent the pollution of storm water which may result in an adverse impact on the quality of any surface or ground water.

42. Containment of waste water

Any dam, conduit or channel used for the containment of waste water must have a free board of at least 0.5 metres above the highest level of precipitation which could be expected within a period of 24 hours with an average frequency of recurrence of once in 100 years.

CHAPTER 9: SCHEDULED TRADES

The use of premises defined as a scheduled trade is considered to pose an unacceptable risk to public health unless the measures specified are taken to avoid the risk or to reduce it to a level acceptable to the municipality.

43. Definitions

In this Chapter, unless the context otherwise indicates –

“effluent”	means any wastewater which may be generated as a result of undertaking any scheduled trade or an activity which is likely to cause a public health nuisance;
“scheduled trade”	means any business or activity listed in Annexure B; and
“scheduled trader”	means any person who owns, conducts or carries on a business which is listed as a scheduled trade or which includes an activity listed as a scheduled trade.

44. Permit requirement

No person may conduct a scheduled trade in or on any premises, except in terms of a valid permit.

45. Requirements for premises

No person may conduct a scheduled trade in or on any premises, unless -

- (a) the floors of the premises are constructed of cement concrete or a similar impervious material, brought to a smooth finish;
- (b) the floors of the premises are adequately graded and drained for the disposal of effluent to an approved disposal system;
- (c) the inside walls, except where glazed or glass brick or glazed tiles are used, are plastered, brought to a smooth finish and painted with a light-coloured, washable paint;
- (d) the surface of any backyard or open space is paved with concrete or similar impervious material, brought to a smooth finish;
- (e) the premises are provided with adequate light and ventilation as prescribed in the National Building Regulations and Building Standards Act;
- (f) an adequate supply of running potable water is provided;
- (g) an adequate number of portable containers constructed of iron or another nonabsorbent material, equipped with closely fitting lids, are provided for the removal of all waste and wastewater from the premises;
- (h) adequate means are provided for the disposal of all effluent arising from the manufacturing or other process performed on the premises;
- (i) adequate accommodation is provided for the storage of all finished products, articles or materials which are used in the manufacturing or other process and which may –
 - a. discharge offensive or injurious effluent or liquid; or
 - b. decompose in the course of the work or trade;
- (j) adequate means are provided to control the discharge in the open air of any noxious, injurious or offensive gas, fume, vapour or dust produced during any handling, preparation, drying, melting, rendering, boiling or grinding process or storage of material;
- (k) adequate toilet fixtures are provided as prescribed in the National Building Regulations and Building Standards Act;
- (l) a perimeter wall made of brick or some other impervious material, with a minimum height of 2 metres, is constructed around the premises;
- (m) all gates to the premises are of solid construction with a minimum height of 2 metres;
- (n) all perimeter walls and gates adequately screen activities on the premises from public view;
- (o) all materials are stacked or stored on the premises below the height of the perimeter screening;
- (p) adequate separate change-rooms for males and females, where five (5) or more persons of the same gender are employed, are provided containing –
 - (ix) a locker for every employee;
 - (ii) a wash-hand basin provided with a supply of running hot and cold potable water; and
 - (iii) a supply of soap and disposable towels at every wash-hand basin; and
- (q) if no change-room has been provided in terms of paragraph (p) –
 - (i) a wash hand basin with a supply of running hot and cold potable water, must be provided in an accessible position; and
 - (ii) a locker must be provided for every employee in the work area.

46. Duties of scheduled traders

Every scheduled trader must -

- (a) maintain the premises in a clean, hygienic and good condition at all times;

- (b) maintain all walls and floors of the premises in a manner and condition that prevents the absorption of any waste or waste water;
- (c) maintain all machinery, plant, apparatus, furniture, fittings, tools, implements, vessels, containers, receptacles and vehicles in a clean, hygienic and good condition at all times;
- (d) prevent any waste accumulating on the premises; and
- (e) prevent the emission of noxious, injurious or offensive gases, fumes, vapours or dust generated during any handling, preparation, drying, melting, rendering, boiling or grinding process or storage of any material on the premises.

47. Liquid refuse from bone and tripe boiling

- (a) Every bone boiler and every tripe boiler must adequately cool all waste water before it is discharged into any sewer or other receptacle.
- (b) The cooling process referred to in subsection (1) must take place in a manner that prevents the generation of any noxious and injurious effluent.

48. Liquids, tanks and tubs in leather making

Every fell-monger, leather dresser or tanner must -

- (a) renew and dispose of the liquid from every tank or other receptacle used on the premises to wash or soak any skin or hide, other than a lime pit, at adequate intervals and in an adequate manner;
- (b) clean the entire tank or other receptacle every time it is emptied; and
- (c) clean every tub or other receptacle used to contain a solution of the material known as "puer".

49. Storage of rags, bones and waste

No trader in rags, bones or waste may place or store, or cause or permit to be stored, rags, bones or waste in any part of the premises concerned which is -

- (a) inhabited by people; or
- (b) not adequately ventilated.

CHAPTER 10: HAIRDRESSING, BEAUTY AND COSMETOLOGY SERVICES

50. Definitions

In this Chapter, unless the context otherwise indicates -

"body piercing"	means the piercing of the skin for the purpose of inserting any foreign object;
"cosmetology or beauty service"	includes, but is not limited to, any one or more of the following services - <ul style="list-style-type: none"> (a) manicure, pedicure, nail technology, or the application of artificial nails or nail extensions, whatever the substance used; (i) eyebrow shaping and plucking including the application of false or artificial eyebrows or eyelashes and tinting of eyelashes; (ii) cosmetic and camouflage makeup of the face and its features, whether by permanent, semi permanent or temporary means; (iii) facial skin care; (iv) removal of unwanted or superfluous hair from any part of the body by any means other than shaving, including by means of waxing, chemical depilatories, electrical or mechanical means, whether or not any apparatus, appliance, heat, preparation or substance is used in any of these operations; (v) body piercing and tattooing for cosmetic purposes; (vi) massaging; (vii) body bronzing by means of ultraviolet radiation or any similar method; or (viii) body contouring including all forms of slimming;
"hairdresser or barber"	means a person who carries on a business by cutting, shaving, shampooing, colouring, curling, straightening, adding hair extensions, trichology and trichological treatment of the hair including the treatment of abnormalities and disorders of the hair or otherwise treating or removing people's hair or beards for payment;
"salon"	means any place where any or more of the following services are performed for reward or gain: <ul style="list-style-type: none"> (a) hairdressing or barber service; (b) cosmetology or beauty service; (c) body piercing and tattooing; or (d) massaging service; and
"salon service"	means any one or more or a combination of the practices or services generally and usually performed by a person rendering service in the hairdressing, cosmetology or beauty service industry including any massage, body piercing and tattooing service.

51. Requirements for salon premises

No person may operate a salon on any premises unless -

- (a) adequate lighting and ventilation, as prescribed in the National Building Regulations and Buildings Standards Act, are provided;
- (b) water and sanitary facilities, as prescribed in the National Building Regulations and Building Standards Act, are provided;
- (c) wash basins, with hot and cold running water and fitted with a trapped waste pipe, are provided;
- (d) adequate separate change-rooms for males and females, where five or more persons of the same gender are employed, are provided, containing
 - (i) a locker for every employee;
 - (ii) a wash-hand basin provided with a supply of running hot and cold potable water; and
 - (iii) an adequate supply of soap and towels at every wash-hand basin;
- (e) if no change-room has been provided in terms of paragraph (d) –
 - (i) a wash hand basin with a supply of running hot and cold potable water, is provided in an accessible position; and
 - (ii) a locker is provided for every employee in the work area;
- (f) all tables and shelves on which instruments are laid are constructed of or covered with glass, marble, glazed tiles or other similar smooth, impervious, durable and non-corroding material;
- (g) the floor is even and suitably covered and maintained with impervious material or constructed with a smooth, impervious surface, so that it may be easily swept and thoroughly cleansed; and
- (h) a sufficient number of easily portable refuse receptacles, with close-fitting lids and made of impervious material so that they can be readily washed and cleaned, is provided.

52. Duties of salon operators

Every person carrying on the business of a salon must ensure that –

- (a) the premises in which such business is conducted and all instruments, appliances, implements, utensils and other articles belonging or pertaining thereto or used or intended to be used in connection therewith, are maintained in a clean condition and a good state of repair at all times;
- (b) all cut hair is immediately swept up and placed in a covered refuse receptacle provided for the purpose;
- (c) waste is stored or disposed of in an approved manner;
- (d) the premises are equipped with adequate means to disinfect and sterilize instruments and equipment that may come into direct contact with any customer's hair or skin, by one of the following ways –
 - (i) immersion in boiling water;
 - (ii) immersion in disinfectant solution; or
 - (iii) treatment in an approved disinfecting apparatus in an approved manner;
- (e) every towel which has been used upon any person is adequately laundered before being used upon any other person;
- (f) no animal enters the premises, unless it is a guide dog accompanying a blind person; and (g) the premises are not used for the storage and preparation of food or for sleeping, unless an area used for that purpose is clearly separated by an impervious wall.

53. Requirements for operation of a salon

Any person operating or employed in a salon must -

- (a) adequately disinfect all instruments and or equipment after each use;
- (b) wash and clean all plastic and cloth towels after each use;
- (c) wash all aprons and caps daily;
- (d) provide employees on the premises performing body piercing and tattooing with approved protective clothing and equipment;
- (e) dispose of all disposable gloves or other disposable material after each use;
- (f) wash his or her hands with soap and water or disinfectant before and after rendering each service to a client;
- (g) wear disposable gloves when providing body piercing or tattooing services;
- (h) wash all walls, floors, chairs and other surfaces in the premises at least once a day with a disinfectant or household detergent;
- (i) dispose of all waste water, sharp instruments, bloodied and otherwise contaminated towels and towelling paper in accordance with the chapter in these By-laws dealing with Health Care Waste;
- (j) store razors, blades, needles and other sharp instruments separately in a "sharp instruments" box;
- (k) store all tubes and needles in single service, sterile and sealed autoclave bags that must be opened in the presence of the client;
- (l) adequately treat any injury or wound which may occur on the premises;
- (m) clean and disinfect all surfaces that have been contaminated by blood, after each service; and

54. Prohibition against use of salon premises for other purposes

- 1) Any person operating a salon must ensure that the premises are used exclusively for that purpose.
- 2) Any person who wants to prepare any beverage for customers on the premises of a salon, must provide a separate area, equipped with a facility for cleaning crockery and utensils, for that purpose.

CHAPTER 11: ACCOMMODATION ESTABLISHMENTS**55. Definitions**

In this Chapter, unless the context otherwise indicates –

“accommodation establishment”	means any place in which accommodation is provided for payment to four or more people, with or without meals;
“dormitory”	means a sleeping room in which sleeping accommodation is provided for four or more persons;
“boarder”	means any person to whom lodging or both lodging and meals in an accommodation establishment is or are supplied by the proprietor for reward or gain; and
“owner”	means the natural person who carries on or who is charged with carrying on a business of supplying lodging or both lodging and meals for payment, and includes the owner of the property where the business is carried on.

56. Requirements for accommodation establishments

- 1) Every accommodation establishment must comply with the following requirements –
 - (a) the premises intended to be used or already in use as an accommodation establishment must be in good structural order and repair, both internally and externally;
 - (b) no latrine, passage, staircase, landing, bathroom, cupboard, outbuilding, garage, stable, tent, storeroom, lean-to, shed, kitchen, diningroom, food preparation area, cellar or loft may be used as sleeping accommodation;
 - (c) all furniture, linen, utensils, fittings and equipment provided must be clean and in good order and sufficient for the purpose thereof;
 - (d) all rooms and passages must be provided with adequate lighting and ventilation as prescribed in the National Building Regulations and Building Standards Act, so as to enable such room to be used at all times without detriment to health or safety or causing a nuisance;
 - (e) openings such as doors, windows or fanlights may not be obstructed in a manner that interferes with the lighting or cross ventilation they provide;
 - (f) all walls, floors and roofs must be constructed in a manner which prevents wind or rain from entering an accommodation establishment or dampness from entering the interior surfaces of any wall or floor;
 - (g) all accesses to an accommodation establishment must have a door which, when closed, prevents the wind or rain from entering the premises;
 - (h) all windows must be constructed in a manner that prevents rain from entering the accommodation establishment when the windows are closed;
 - (i) a sufficient number of refuse receptacles with close fitting lids and an adequate refuse holding area must be provided, and an approved refuse removal system must be maintained;
 - (j) an adequate number of toilets, wash hand basins, baths or showers, as prescribed in the National Building Regulations and Building Standards Act, must be provided and such fixtures must be designated for the different genders;
 - (k) baths, showers and washbasins on the premises must at all times be served with running hot and cold potable water; and
 - (l) separate bathrooms and toilets must be provided for male and female boarders and for employees, and must be so located that they are easily accessible to those persons they are intended to serve: Provided that where the number of boarders do not exceed twelve (12), separate facilities for the different genders need not be supplied.
- 2) If ten (10) or more boarders can at any one time be accommodated on the premises, it must have -
 - (a) a suitable sitting room or sitting rooms; and
 - (b) where meals are provided, a suitable dining room or dining rooms, providing seating accommodation on the basis of not less than one (1) square meter for each boarder.
- 3) Where meals are provided or cooking takes place, an adequately equipped kitchen must be provided.

57. Duties of owner of accommodation establishment

- 1) The owner of an accommodation establishment must at all times and to the satisfaction of the municipality -
 - (a) maintain the whole of the accommodation establishment in a clean and sanitary condition;
 - (b) keep the furniture, utensils, linen and equipment in a clean, hygienic and good condition at all times;
 - (c) clean and wash any bed linen, towels, bath mats or face cloths after each use by a different person;

- (d) supply only wholesome food to the boarders and other persons on the premises;
 - (e) ensure that the accommodation establishment is free from pests; and
 - (f) not cause or permit any person suffering from a communicable disease to be employed in or on the premises, unless he or she is in possession of a medical certificate to the effect that such person is fit to continue his or her employment.
- 2) The owner of an accommodation establishment may not -
 - (a) permit the premises to become overcrowded;
 - (b) permit cooking in a living room or area designated as a living room; or
 - (c) conduct the business of an accommodation establishment in such a manner so as to cause any nuisance or annoyance to residents of neighbouring properties.
 - 3) No person may operate an accommodation establishment unless the property is appropriately zoned in accordance with the Town Planning scheme of the municipality.

CHAPTER 12: DRY-CLEANING AND LAUNDRY ESTABLISHMENTS

58. Definitions

In this Chapter, unless the context otherwise indicates –

“dry-cleaning or laundry business”	means any business in which clothes or other fabrics are cleaned with water or other solvents, or clothes or fabrics are ironed; and
“dry-cleaning or laundry receiving depot”	means premises used for the receipt, storage and dispatch of clothes or other fabrics in connection with a dry cleaning or laundry business.

59. Premises for dry-cleaning or laundry businesses

No person may conduct a dry-cleaning or laundry business on premises, unless -

- (a) a work-room or area used for housing dry-cleaning machines, washing-machines, ironing boards, presses and other fixed or movable equipment, with a minimum unobstructed floor area of 2,5 m² per person employed on the premises, is provided;
- (b) adequate separate areas for marking clean and dirty articles are provided with-
 - (i) tables with an impervious surface;
 - (ii) adequate washable containers for dirty articles; and
 - (iii) hanging rails and shelves constructed of an impervious material in the area for marking clean articles;
- (c) a separate room or area with separate designated counters, with impervious surfaces, is provided for the receipt and dispatch of articles;
- (d) a store-room or facility for the storage of packing material and other articles is provided and equipped with adequate packing shelves, of which the lowest shelf must be at least 250 mm above floor level;
- (e) adequate, separate change-rooms for males and females are provided where five or more persons of the same gender are employed, containing -
 - (i) a locker for every employee;
 - (ii) a wash-hand basin provided with a supply of running hot and cold potable water; and
 - (iii) an adequate supply of soap and disposable towels at every wash-hand basin;
- (f) where no change-room has been provided in terms of paragraph (e), the following is provided –
 - (i) a wash hand basin with a supply of running hot and cold potable water, in an accessible position; and
 - (ii) a locker must be provided for every employee in the work area;
- (g) separate toilets for males and females are provided, which comply with the provisions of the National Building Regulations and Building Standards Act;
- (h) every toilet and change-room is clearly gender designated;
- (i) all internal walls are constructed of an impervious material, brought to a smooth finish and painted with a light-coloured washable paint;
- (j) all floor surfaces are constructed of cement or some other adequate impervious material, brought to a smooth finish and properly drained;
- (k) adequate lighting and ventilation, as prescribed by the National Building Regulations and Building Standards Act are provided;
- (l) all machinery and equipment are equipped with adequate suction fans to remove any noxious gas, steam and hot air from any room and to release it in the open air in an adequate manner;
- (m) all machinery and equipment are so placed that there is free access to all areas around and underneath each machine or item of equipment, to enable those areas to be adequately cleansed; and
- (n) a separate pre-rinsing area is provided on any premises where nappies are laundered.

60. Premises for dry-cleaning or laundry receiving depots

No person may operate a dry-cleaning or laundry receiving depot on premises unless -

- (a) a separate unobstructed room or area is provided for the receipt and dispatch of articles;
- (b) a wash-hand basin with a supply of running potable water is provided;
- (c) an adequate supply of soap and disposable towels is provided at every wash-hand basin;
- (d) all internal walls and ceiling surfaces are constructed of an impervious material, brought to a smooth finish and painted with a light-coloured washable paint;
- (e) all floor surfaces are constructed of cement or other impervious material, brought to a smooth finish;
- (f) lighting and cross-ventilation, as prescribed by the National Building Regulations and Building Standards Act, is provided;
- (g) adequate washable containers for storing dirty articles are provided;
- (h) adequate quantities of hanging rails or impervious shelves for the storage of clean articles are provided;
- (i) adequate designated counters, with impervious surfaces, are provided separately or the receipt and dispatch of dirty and clean articles;
- (j) a locker is provided for every person employed in the receiving depot; and
- (k) an adequate storage area for detergents and cleaners is provided.

61. Premises for coin-operated laundries

No person may operate a coin-operated laundry on premises unless -

- (a) separate toilet and hand washing facilities for the different genders, as prescribed in the National Building Regulations and Building Standards Act, are provided; and
- (b) an adequate area is provided where ironing is done on the premises.

62. General requirements for dry-cleaning and laundry businesses

A person conducting a dry-cleaning or laundry business or in charge of premises on which a dry-cleaning, laundry or receiving depot is being conducted, must -

- (a) keep the premises, all fittings, equipment, appliances, machinery, containers and business vehicles in a clean, hygienic and good condition at all times;
- (b) ensure that dirty articles are kept separate from clean articles at all times, including when in transit;
- (c) ensure that change-rooms are used solely for changing;
- (d) ensure that every person who handles clean or dirty articles wears adequate protective clothing at all times;
- (e) keep protective clothing in a clean and sound condition at all times;
- (f) ensure that protective clothing is stored in a locker when it is not being worn;
- (g) ensure that the premises are not directly connected to any food premises, new clothing shop, hairdresser or any other area from which contamination might occur;
- (h) comply with the requirements of the following legislation at all times -
 - (i) the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993); and
 - (ii) the National Environment Management: Air Quality Act, 2004 (Act No. 39 of 2004);
- (i) place all piping in the building, not chased into the walls, at least 100 mm away from all walls or floors and comply with the provisions of the National Building Regulations and Building Standards Act;
- (j) insulate all steam piping with an adequate material; and
- (k) dispose of all waste water in an approved manner.

CHAPTER 13: SWIMMING POOLS AND SPA-BATHS**63. Definitions**

In this Chapter, unless the context otherwise indicates -

"spa-bath"	means a structure constructed of an approved material, provided with a controlled circulating water supply and used for bathing, excluding a spa bath situated at a private home which is not used for commercial purposes;
"spa-bath keeper"	means any person who owns or controls the operation of a spa-bath;
"swimming pool"	means a structure with a controlled water supply used for swimming or bathing, including a children's swimming and paddling pool and communal swimming pools, excluding a swimming pool at a private home which is not used for commercial purposes; and
"swimming pool keeper"	means any person who owns or controls the operation of a swimming pool.

64. Requirements for premises

No person may operate a swimming pool or spa bath in or on any premises unless -

- (a) readily accessible change-rooms, showers and toilet facilities are provided, separate for each gender, in compliance with the National Building Regulations and Building Standards Act;

- (b) the swimming-pool is surrounded by a wall or fence as prescribed by the National Building Regulations and Building Standards Act;
- (c) the surface of the floor area surrounding any spa-bath or swimming-pool is constructed of an impervious, non-slip material;
- (d) an oxygen or air breathing apparatus is provided, if so instructed in writing by an environmental health practitioner; and
- (e) an adequate number of refuse receptacles is provided on the premises.

65. Duties of spa-bath keepers

Every spa-bath keeper must –

- (a) keep the premises, including change-rooms and sanitary facilities, in a safe, clean and sanitary condition and in good repair at all times;
- (b) provide a properly maintained approved first-aid box in a prominent, easily accessible and protected position;
- (c) purify, treat and maintain the spa-bath water to an adequate quality level at all times;
- (d) provide and maintain, in good working order, equipment for testing the quality of the spa-bath water;
- (e) be capable of undertaking routine tests on the water quality in the spa-bath and interpreting the tests results; and
- (f) maintain a daily record of the spa-bath water quality.

66. Duties of swimming pool keepers

A swimming pool keeper must –

- (i) keep the premises including change rooms and sanitary facilities in a safe, clean and sanitary condition and in good repair at all times;
- (ii) provide a properly maintained approved first-aid box in a prominent, easily accessible and protected position;
- (iii) be qualified and proficient in life saving, rendering first aid, use of a resuscitation appliance, the operation of the swimming pool and testing and maintaining the safety of the swimming pool water;
- (iv) ensure that the swimming pool water is purified, treated and maintained to an adequate quality at all times;
- (v) provide and maintain in proper working order, equipment for testing the quality of the swimming pool water;
- (vi) be capable of undertaking routine tests on the water quality in the swimming pool and interpreting the tests results; and
- (vii) maintain a daily record of the swimming pool water quality.

67. Water supply

- (a) Unless the prior written approval of an environmental health practitioner has been obtained, no person operating a spa-bath or swimming pool may use water from a source other than a municipal supply to clean, fill or maintain the water level in a swimming pool or spa-bath.
- (b) An environmental health practitioner must –
 - (a) take samples of a swimming pool or spa-bath water, at intervals which he or she considers appropriate, for the purpose of a chemical analysis or bacteriological examination of that water; and
 - (b) submit the samples to an accredited laboratory for analysis.

68. Safety of water

A spa-bath keeper or swimming pool keeper must ensure that the water in the spa-bath or swimming pool complies with the following requirements -

- (a) it must be free from floating, suspended or settled debris or swimming organisms and the walls, floor, access ladders or steps and gutters must be free from slime and algae;
- (b) the pH value of the water must be not less than 7 and not greater than 8;
- (c) where chlorine based disinfectants are used, a minimum free available chlorine residual of 0,5 mg/l, with a maximum free available chlorine residual of 3 mg/l, must be maintained;
- (d) if a disinfectant other than chlorine is used, the residual level must be equivalent in effect to the requirements of paragraph (c);
- (e) the total viable bacteriological count of any sample submitted for analysis, must not exceed 100 organisms per ml of water; and
- (f) escherichia coli type 1 bacteria must not be present in any 100 ml of water.

69. Order and behaviour

No person may –

- (a) allow any dog or other pet belonging to him or her or under his or her care to enter or to remain within the premises of a spa-bath or swimming pool, unless it is a guide dog accompanying a blind person;

- (b) enter or remain in any premises of a spa-bath or swimming pool if he or she knows or suspects that he or she may be suffering from any communicable or contagious disease; or
- (c) urinate, defecate, spit or blow his or her nose in a spa-bath or swimming pool.

CHAPTER 14: HEALTH CARE WASTE

70. Definitions

"disposal"	means the intentional burial, deposit, discharge, placing, or release of any waste material into air or water or onto land; and the words dispose, disposes and disposed have corresponding meanings;
"disposal site"	means a site used for the accumulation of waste with the purpose of disposing and treatment of such waste, as defined in the Environment Conservation Act, 1989 (Act No. 73 of 1989);
"disposer"	means any person or institution, or any agent acting on behalf of a person or an institution, involved in the disposal of health care waste;
"dump"	in relation to health care waste, means to deposit or discharge, or cause or allow to be deposited or discharged, in any manner or at any place other than is set out in terms of this Bylaw or permitted in terms of section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), and the words "dumps",
"dumped"	and "dumping" have a corresponding meaning;
"hazardous"	means the inherent potential of a substance, or a combination of substances, to cause harm to human health or the environment;
"generator"	means any person or any institution that generates health care waste;
"health care establishment"	means any institution, facility or person practicing health care, including a hospital, clinic, medical practitioner, dentist, sangoma or traditional healer;
"health care waste"	<p>means the following categories of waste -</p> <p>(a) Infectious waste – Means waste that is suspected to contain pathogens, which may cause disease in susceptible hosts. This category includes: cultures and stocks or infectious agents from laboratory work, waste from surgery and autopsies on corpses with infectious diseases, waste from infected patients in isolations wards, waste that has been in contact with infected patients undergoing haemodialysis, infected animals from laboratories, sanitary waste materials and tissues (including swabs) and any other instruments or materials that have been in contact with infected persons or materials;</p> <p>(b) Pathological waste – Includes all waste, whether infected or not, resulting from a medical, surgical, veterinary or laboratory procedure on humans or animals, such as blood, body fluids, tissue, organs, body parts, fetuses, extracted teeth, corpses (excluding corpses intended for burial in terms of the Births and Deaths Registration Act, 1992(Act No. 51 of 1992), as well as used medical equipment and other medical material which is capable or is reasonably likely to be capable of causing or spreading disease or causing or spreading infection, such as used surgical dressings, swabs, blood bags, laboratory waste, blood collection tubes, colostomy and catheter bags, gloves, drips bags, administration lines and tongue depressors;</p> <p>(c) Sharp waste – Includes items that could cause cuts or puncture wounds, and includes, but is not limited to, needles, hypodermic needles, scalpels and other blades, knives, infusion sets, saws, broken glass and nails, and the word "sharps" has a corresponding meaning;</p> <p>(d) Pharmaceutical waste – Includes expired, unused, spilt, contaminated or improperly stored pharmaceutical products, such as human and animal vaccines, medicines, sera and drugs;</p> <p>(e) General waste – Denotes a generic term for waste that, because of its composition and characteristics, does not pose a significant risk to public health or the environment, if managed properly. This waste type typically consists of plastics, paper, food and liquids not considered to be infectious or contaminated with hazardous chemicals or radioactivity;</p> <p>(f) Genotoxic waste – Highly hazardous waste that may have mutagenic, teratogenic or carcinogenic properties. This waste type includes certain cytostatic drugs as well as vomit, urine or faeces from patients treated with cytostatic drugs, chemicals and radioactive material;</p> <p>(g) Chemical waste – Includes discarded solid, liquid and gaseous chemicals;</p> <p>(h) Waste with heavy metals – Includes, but is not limited to, mercury waste from thermometers, blood-pressure gauges, residues from</p>

	dentistry, cadmium waste from discarded batteries, reinforced wood panels used in radiation proofing and drugs containing arsenic; (i) Pressurised container waste – Includes pressurized cylinders and cartridges used in health care facilities to store gases; (j) Radioactive waste – Includes solid, liquid and gaseous materials contaminated with radionuclides, including waste produced as a result of procedures such as in vitro analysis of body tissue and fluid, in vivo organ imaging and tumour localization and various investigative and therapeutic practices;
“health care waste management”	means the environmentally safe handling, storage, collection, transportation, treatment and disposal of health care waste, and the words
“manage” and “managed”,	when used in the context of health care waste, have a corresponding meaning;
“health care waste mismanagement”	means the unsafe or negligent handling, storage, collection, transportation, treatment or disposal of health care waste that has the potential to harm the environment or compromise human health, and the word “mismanage” , when used in the context of health care waste, has a corresponding meaning;
“nuclide”	means an atom of specified atomic number and mass number;
“processor”	means a person or an institution involved in the treatment of health care waste prior to the final disposal of such health care waste;
“radionuclide”	means a nuclide that exhibits properties of spontaneous disintegration, liberating energy, generally resulting in the formation of new nuclides and accompanied by the emission of one or more types of radiation;
“spill”	means the accidental release of health care waste into the environment, and the word “spillage” has a corresponding meaning;
“secure area”	means a protected area demarcated specifically for the storage, transfer, treatment or disposal of health care waste;
“transporter”	means a person or an institution or any agent of a person or an institution that moves health care waste from the point of generation to a temporary or permanent point of storage, for recycling, treatment or disposal; and
“treatment”	means the manipulation of health care waste so as to defuse the hazard, toxicity or volume of the health care waste;

71. Compliance

The By-laws on health care waste must be complied with by every-

- (a) health care establishment;
- (b) pathological and microbiological laboratory or place where biological research is carried out and blood transfusion service;
- (c) manufacturer and distributor of pharmaceutical products or vaccines;
- (d) mortuary facility and funeral undertaker;
- (e) veterinary consulting room, animal hospital or treatment station and kennel; and
- (f) private dwelling or household or other premises where a health risk exists due to the generation of health care waste, including premises where human body piercing and tattooing occurs.

72. Duties and responsibilities of a generator, transporter, processor and disposer of health care waste

- 1) Every generator, transporter, processor and disposer of health care waste has a duty of care to ensure that -
 - (i) this By-law and any other relevant national or provincial legislation is complied with;
 - (ii) the South African National Standard, SANS 10248: 2004: Management of Health Care Waste, is complied with;
 - (iii) all health care waste is separated at source and packaged, stored, transported, treated and disposed of in a safe manner that poses no threat to human health or the environment;
 - (iv) a waste management plan is adopted;
 - (v) radio active waste for which he or she is responsible, is managed in accordance with the provisions of the Hazardous Substances Act, 1973 (Act No. 15 of 1973) relating to a “Group IV hazardous substance”, as defined in that Act;
 - (vi) appropriate training is provided for all personnel in his, her or its employ who are involved in the management of health care waste, in accordance with the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993);
 - (vii) an up-to-date written or electronic record of all the health care waste that he, she or it has generated, treated, transported or disposed of, is maintained and kept for a minimum period of one (1) year. The record must indicate the identity of the remover, the date of such removal, the quantity and the composition of the health care waste removed and the facility at which the waste has been or will be disposed;

- (viii) he or she or it is duly registered with the municipality within six (6) months of the promulgation of these By-laws; and
 - (ix) the municipality is advised of any change in the information provided in terms of subsection (g) as soon as such change takes place.
- 2) A generator must acquire from the disposer of the health care waste, a written certificate that the health care waste has been disposed of and, on receiving such notification, indicate in its records that the health care waste has been disposed of thus.

73. Storage specifications for health care waste

73.1. Storage containers

- 1) A generator, transporter, processor or disposer of health care waste must -
- (a) separate health care waste from other waste at the point at which it is generated;
 - (b) store health care waste in leak-proof, sealable containers and ensure that the containers used for the storage of sharps and other clinical items which can cause cuts, punctures or injections are rigid and puncture-resistant;
 - (c) ensure that the containers and contents thereof are not accessible to the public; and
 - (d) label each health care waste container indelibly and in large, legible lettering with-
 - (i) the name and address of the generator;
 - (ii) the words "Danger: Health Care Waste", "Gevaar: Mediese Afval" and " Ingozi: Inkunkuma Yezamayeza";
 - (iii) the appropriate hazard ratings, colour coding and international hazard label, and
 - (iv) the date on which the health care waste container is sealed and removed from the generator's premises.
- 2) All health care waste generated must be -
- (a) stored, being the delay between the date of generation and the date of treatment or disposal, for a period not exceeding 48 hours, unless the waste is perishable and is refrigerated or frozen;
 - (b) removed from the premises of the generator and transported to an approved disposal site by a person who transports health care waste in accordance with this By-law and who is registered as a transporter as contemplated in section 72; and
 - (c) disposed of by a person who, or institution which, is -
 - (i) permitted to dispose of health care waste in terms of this Bylaw and section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989); or
 - (ii) so authorised in terms of the National Environment Management: Air Quality Act, 2004 (Act No. 39 of 2004).

73.2. Storage areas

The storage area for all health care waste must be -

- (a) access controlled and inaccessible to the public and unauthorised personnel;
- (b) so designed as to accommodate the volume of waste for which it is designated;
- (c) clearly demarcated;
- (d) so designed as to be inaccessible to pests, insects, animals and birds;
- (e) have floors and walls, which can be easily cleaned. The floors must be graded and drained into a gully linked to the effluent system and not the storm water drainage system;
- (f) totally enclosed with adequate ventilation and illumination;
- (g) secured and reserved for the storage of health care waste only;
- (h) provided with spillage kits;
- (i) have a water supply to facilitate cleaning; and
- (j) disinfected and cleaned on a daily basis.

73.3. Perishable health care waste

All perishable health care waste -

- (a) must be stored at an ambient temperature -
 - (i) not exceeding four (4) degrees centigrade; or
 - (ii) which ensures that the perishable health care waste is frozen; and
- (b) may not be stored for longer than 7 days.

74. Transportation

- 1) A transporter must -
- (a) remove health care waste from the premises of a generator; and

- (b) transport, store and deliver such health care waste to an approved site at which it will be disposed of in a safe manner which poses no threat to human health or the environment.
- 2) A transporter must -
 - (a) transport and store health care waste in such a way that no member of the public can gain access thereto or to the containers in which it is stored;
 - (b) transport health care waste in vehicles which are -
 - (i) identified by affixing the name and business address, in clear lettering, to the outside of any business vehicle;
 - (ii) capable of containing the health care waste;
 - (iii) designed to prevent spillages;
 - (iv) constructed of materials which are easy to clean and to disinfect;
 - (v) capable of being secured in order to prevent unauthorised access;
 - (vi) disinfected and cleaned on a daily basis;
 - (vii) dedicated for the transport of health care waste only; and
 - (c) deliver health care waste only to a person and site permitted to dispose of health care waste in terms of Section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), or who is authorised to do so in terms of the National Environment Management: Air Quality Act, 2004 (Act No. 39 of 2004); and
 - (d) keep a copy of all the relevant records in the vehicles used for the transportation of health care waste.
- 3) A transporter may not remove health care waste from the containers in which the generator has stored the waste.

75. Disposal sites

A person, institution or facility that disposes of health care waste must -

- (a) have a permit to dispose of health care waste in terms of Annexure B of these By-laws and section 20 of the Environment Conservation Act, 1989 (Act No. 73 of 1989), or be authorised in terms of the National Environment Management: Air Quality Act, 2004 (Act No. 39 of 2004) to do so;
- (b) maintain an up-to-date written record of each delivery of health care waste to the disposal site as well as the disposal of the health care waste; and
- (c) keep such record for a period of one year from the date on which the health care waste is disposed of.

76. Prohibition on dumping and mismanagement of health care waste

No person, institution or facility may -

- (a) dump or otherwise mismanage health care waste; or
- (b) discharge pharmaceutical waste and mercury into the municipality's effluent system.

77. Spillage and dumping of health care waste

- 1) Any person who spills or dumps health care waste or who is in control of health care waste at the time that it is spilled or dumped, other than health care waste spilled on the premises of a hospital, clinic or surgery, must-
 - (a) immediately notify the municipality;
 - (b) immediately take steps to make the area safe for the public;
 - (c) rehabilitate the place at which the spillage has occurred; and
 - (d) ensure that the health care waste spilled is treated, transported and disposed of in accordance with these By-laws.
- 2) Where the dumping of health care waste occurs, the municipality must -
 - (a) take any steps it deems necessary in order to ensure the safety of the public and that the area where the dumping has occurred is rehabilitated;
 - (b) instruct whoever has dumped the health care waste to take whatever steps the municipality deems necessary to ensure the safety of the public and to rehabilitate the area where the dumping has occurred;
 - (c) ensure that the health care waste is treated or disposed of in accordance with these By-laws, whether the dumping occurs or has occurred on the premises of the generator or during the transportation, treatment or disposal of the health care waste;
 - (d) recover from whoever has dumped the health care waste, any costs which the municipality incurs or has incurred in cleaning up the health care waste and in rehabilitating the area, and any other costs directly associated with the dumping of the health care waste, whether the dumping has occurred on the premises of the generator or during the transportation, treatment or disposal of the health care waste.

78. Staff safety

A generator, transporter, processor or disposer of health care waste must take appropriate steps to protect the health and safety of employees in his/her or its employ, in accordance with the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993).

CHAPTER 15: GENERAL

79. Offences and penalties

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 or for the purposes of these By-laws;
- (c) fails to comply with any lawful instruction given in terms of or for the purposes of these By-laws;
- (d) knowingly gives false or misleading information to an Environmental Health Practitioner;
- (e) threatens, resists, interferes with or obstructs an authorized officer or an Environmental Health Practitioner in the performance of his or her powers, duties or functions as contemplated in these By-laws; or
- (f) impersonates an Environmental Health Practitioner, is guilty of an offence and, upon conviction, is liable to a fine or to imprisonment for a period not exceeding two years, or to both.

80. Serving of notices

1. A notice, order or other document is regarded as having been properly served if -
 - (a) it has been delivered to the person concerned personally;
 - (b) it has been sent by registered post or speed post to the person to whom it is addressed at his or her last known address;
 - (c) it is served on a person apparently not less than 16 years of age and apparently in charge of the premises at the addressee's last known address;
 - (d) if the address of the person concerned in the Republic of South Africa is unknown, it has been served on that person's agent or representative in the Republic of South Africa in the manner provided for in paragraph (a),(b) or (c); or
 - (e) if the address of the person concerned and of his or her agent or representative in the Republic of South Africa is unknown, if it has been posted in a conspicuous place on the premises to which it relates.
2. A notice, order or other document which may in terms of these By-laws be served on the owner or occupier of premises may be addressed to "the owner" or "the occupier" of the specified premises and need not bear the name of the owner or occupier.

81. Short Title and Commencement

These By-Laws are called the Environmental Health By-Laws and will commence on the date of publication in the KwaZulu-Natal Provincial Gazette.

ANNEXURE A

NOTICE TO BE PUBLISHED BY APPLICANT FOR PERMISSION OF THE MUNICIPALITY TO USE PREMISES FOR THE CARRYING ON OF A SCHEDULED TRADE ULUNDI MUNICIPALITY: ENVIRONMENTAL HEALTH BY-LAWS

Notice is hereby given that an application will be made in terms of the above-mentioned By-laws to the municipality of the Ulundi Municipality for permission to use premises at the following address –

.....
 (Insert site address) for the following purposes

 (Description of purposes and nature of trade or proposed to be carried on) Any person desiring to object to the use of the above-mentioned premises for such purposes may do so by lodging on or before a written notice, in duplicate, setting out the grounds of his objection, with the Municipal Manager, Ulundi Municipality Name and address of applicant

Signature

Date.....

ANNEXURE B**LIST OF SCHEDULED TRADES**

1. Panel beating or spray painting;
2. Operating a waste recycling plant including oil and petroleum product recycling;
3. Scrap yard or scrap metal dealing;
4. Parchment making;
5. Sintering of sulphurous materials;
6. Viscose works;
7. 7 Ore or mineral smelting, calcining, puddling or rolling of iron or other metal, conversion of pig iron into cast iron, reheating, tempering, hardening, forging, conversion or compounding of carbon with iron or other metals;
8. Works for the production of carbon bisulphide, cellulose lacquer, cyan or its compounds, hot pitch or bitumen, pulverized fuel, peridine, liquid or gaseous sulphur dioxide or sulphur chlorides;
9. Works for the production of amyl acetate, aromatic ethers, butyric acid, caramel, enameled wire, glass, hexamine, lampblack, B-naphthol, resin products, salicylic acid, sulphated organic compounds, sulphurous paints, ultramarine, zinc chloride or zinc oxide;
10. Bacon factories and meat-processing factories;
11. Food-processing factories;
12. Chemical works;
13. Dye works;
14. Breweries and distilleries;
15. Malt and yeast manufacturing works;
16. Sugar mills and sugar refineries;
17. Works or premises used for the storing or mixing of manure, super phosphate or fertilizers;
18. Fat-melting or tallow-melting works and any similar works or establishments for dealing with meat, bones, blood or offal, or with other organic matter derived from animals or poultry;
19. Works or premises used for the manufacture, storage or mixing of meal derived from fish, crustacea, poultry, meat offal from animals or poultry, or other organic matter derived from animals or poultry;
20. Works or premises used for storing, drying, preserving, or otherwise processing bones, horns, hoofs or other waste matter or excretions from animals or poultry;
21. Premises used for storing, sorting or dealing with hides and skins, or for fellmongery;
22. Tanning and leather-dressing works;
23. Slaughter houses or abattoirs and knackers' yards;
24. Glue or size factories;
25. Gut-scraping works;
26. Tripe-cleaning or tripe-boiling works;
27. Soap or candle works;
28. Wool-scouring or wool-washing works;
29. Processing of fish products;
30. Whaling stations, and premises or works used for storing or processing material derived from whales;
31. Paper mills or paper works;
32. Sawmills, wood bark grinding, chipping or extracting work, and destructors;
33. Landfill sites, sewage treatment and water purification plants and activities;
34. Crematoria;
35. Lead-smelting works;
36. Oil refineries and works concerned with the processing of products of petroleum refining;
37. Paint and varnish works;
38. Rubber works, including retreading or motor vehicle tyres;
39. Brick-burning and lime-burning works;
40. Stone-crushing and stone-dressing works;
41. Asbestos works – any processes where asbestos is used, milled or handled;
42. Cement works;
43. Metallurgical works;
44. Reduction works and ore-dressing works;
45. Charcoal burning and brick burning;
46. Works or premises where sand or shot blasting or similar dust or grit producing processes is applied;
47. Dry cleaning establishments; and
48. The handling or storage of any substance or material which can lead to a public health hazard.

FIRE PREVENTION BY-LAWS

The Council of Ulundi Municipality hereby, in terms of sections 11-13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Fire Prevention By-Laws for the Ulundi Local Municipality, as set out hereunder.

INDEX

CONTENT	Page
CHAPTER 1: DEFINITIONS	1
Section 1: Definitions	1-5
CHAPTER 2: FIRE PROTECTION OF BUILDINGS	5
Section 2: Reporting a fire hazard and other threatening danger	5
Section 3 : Access for emergency vehicles	5
Section 4 : Division and occupancy separating elements	5
Section 5 : Fire doors and assemblies	5
Section 6 : Escape Routes	6
CHAPTER 3 : FIRE SAFETY EQUIPMENT	6
Section 7 : Fire extinguishers	6
Section 8 : Testing and maintenance of fire protection systems	6-7
Section 9 : Interference with fire protection systems and fire extinguishers	7
CHAPTER 4: PUBLIC SAFETY	7
Section 10: Attendance of a service	7
Section 11: Formulation of an emergency evacuation plan	7
Section 12: Displaying of escape route plans	7
Section 13: Barricading of vacant buildings	7
CHAPTER 5 : HOUSEKEEPING	8
Section 14 : Combustible waste and refuse	8
Section 15 : Combustible or flammable substances and sweeping compounds	8
Section 16 : Accumulations in chimneys, flues and ducts	8
Section 17 : Sources of ignition	8
Section 18 : Smoking	8
Section 19 : Electrical fittings, equipment and appliances	8
CHAPTER 6 : FIRE HAZARDS	8-9
Section 21 : Combustible material	9
Section 22 : Lighting of fires and burning of combustible material	9
CHAPTER 7 : FLAMMABLE SUBSTANCES	9
Section 23 : Storage and use of flammable substances	9
Section 24 : Flammable substance certificate	9-10
Section 25 : Permanent or temporary above ground storage tank for flammable liquid	10
Section 26 : Underground storage tank for a flammable liquid	10
Section 27 : Bulk storage depot for flammable substances	10
Section 28 : Small installations for liquefied petroleum gas	10-11
Section 29 : Liquid petroleum gas installation in mobile units and small non-permanent buildings	11
Section 30 : The fuelling of forklift trucks and other LP gas operated vehicles	11
Section 31 : The storage and filling of refillable liquid petroleum gas containers	11
Section 32 : Bulk storage vessel for liquid petroleum gas	11
Section 33 : Termination of the storage and use of flammable substances	11
Section 34 : Reporting accidents	11
Section 35 : Flammable stores	11-12
Section 36 : Container handling and storage	12-13
Section 37 : Spray rooms and booths	13
Section 38 : Liquid petroleum gas containers	13
CHAPTER 8 : GENERAL PROVISIONS	13
Section 39 : Indemnity	13
Section 40 : Offences and penalties	13
Section 41 : Enforcement provisions	14
Section 42 : Authority to investigate	14
Section 43 : Failure to comply with provisions	14
Section 44 : Repeal of existing By-laws	14
Section 45 : Short title and commencement	14

CHAPTER 1: DEFINITIONS

1. Definitions

In this by-law, unless the context indicates otherwise-

"above ground storage tank"	means a tank situated above ground for the storage of a flammable liquid;
"automatic releasing hold-open device"	means a device used to hold open a fire door and operates on the detection of a fire to close the fire door;
"building"	means any structure, whether of a temporary or permanent nature and irrespective of the materials used in the construction thereof, erected or used for or in connection with: <ul style="list-style-type: none"> (i) the accommodation or convenience of human beings or animals; (ii) the manufacture, processing, storage or sale of any goods; (iii) the rendering of any service; (iv) the destruction or treatment of combustible refuse or combustible waste; (v) the cultivation or growing of any plant or crop; <ul style="list-style-type: none"> (a) any wall, swimming pool, reservoir or bridge or any other structure connected therewith; (b) any fuel pump or any tank used in connection therewith; (c) any facilities or system, or part or portion thereof, within or outside or incidental to a building, for the provision of a water supply, drainage, sewerage, stormwater disposal, electricity supply or other similar service in respect of the building;
"bund wall"	means a containment wall surrounding an above ground storage tank, constructed of an impervious material and designed to contain 100% of the contents of the tank;
"combustible material"	means combustible refuse, combustible waste or any other material capable of igniting;
"combustible refuse"	means any combustible rubbish, litter or other material that has been discarded;
"combustible waste"	means any combustible waste material which is salvageable, retained or collected for scrap or reprocessing;
"dangerous goods"	means a flammable gas, liquid or solid as contemplated in SABS 0228;
"division separating element"	means a building element or component which separates one area in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with the SABS 0400;
"emergency evacuation plan"	means a plan specifically designed to aid in the evacuation of occupants from a building in the event of a fire or other threatening danger and assigns responsibility to various staff, indicates escape routes to be used and provides for general contingencies for a safe and quick evacuation from a building;
"emergency route"	means that part of an escape route that provides fire protection to the occupants of any building and which leads to an escape door;
"emergency vehicle"	means any fire, rescue or other vehicle intended for use at fires and other threatening dangers;
"escape door"	means the door in an escape route, which at ground level leads directly to a street or public place or to any approved open space which leads to a street or public place;
"escape route"	means the entire path of travel from the furthest point in any room in a building to the nearest escape door and may include an emergency route;
"escape route plan"	means a diagram indicating the floor layout, the occupant's current position and the route of travel to the nearest primary and secondary escape routes in the building, as well as the action to be taken in the event of a fire or other threatening danger;
"Fire Brigade Services Act"	means the Fire Brigade Services Act, 1987 (Act 99 of 1987);
"fire damper"	means an automatic damper and its assembly that complies with the requirements contained in SABS 193;
"fire door"	means an automatic or self-closing door or shutter assembly especially constructed to prevent the passage of fire for a specific length of time;
"fire extinguisher"	means a portable or mobile rechargeable container which has a fire extinguishing substance that is expelled by the action of internal pressure

	for the purposes of extinguishing a fire;
"fire hazard"	means any situation, process, material or condition which may cause a fire or explosion or provide a ready fuel supply to increase the spread or intensity of the fire or explosion and which poses a threat to life or property;
"fire lanes"	means the road, path or other passageway constructed or designated to allow access for emergency vehicles;
"fire protection system"	means any device or system designed and installed to- (a) detect, control or extinguish a fire, or (b) alert occupants or the fire service, or both, to a fire, but excludes portable and mobile fire extinguishers;
"fire wall"	means a wall that is able to withstand the effects of fire for a specific period of time as contemplated in the National Building Regulations (T1) read with SABS 0400;
"flammable gas"	as contemplated in SABS 0228, means a gas that at 20 degrees centigrade and at a standard pressure of 101,3 kilopascals: (a) is ignitable when in a mixture of 13% or less (by volume) with air, or (b) has a flammable range with air of at least 12 percentage points, regardless of the lower flammable limit;
"flammable liquid"	means a liquid, or mixtures of liquids, or a liquid containing solids in solution or in suspension that give off a flammable vapour at or below 60,5 degrees centigrade;
"flammable solid"	means a solid that is easily ignited by external sources, such as sparks and flames, solids that are readily combustible, solids that are liable to cause, or contribute to, a fire through friction or solids that are desensitized (wetted) explosives that can explode if not diluted sufficiently;
"flammable substance"	means a flammable liquid or a flammable gas;
"flammable store"	means a store that is used for the storage of flammable liquids and complies with the criteria set out in section 46 of this by-law;
"Hazardous Substances Act"	means the Hazardous Substances Act, 1973 (Act 15 of 1973);
"National Building Regulations"	means the regulations promulgated in terms section 17(1) of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), and:
(a) "National Building Regulations (A2)"	means the provisions regulating the submission of building plans and particulars to the Municipality;
(b) "National Building Regulations (A20)"	means the provisions regulating the classification and designation of occupancies;
(c) "National Building Regulations (A21)"	means the provisions regulating the population of a building;
(d) "National Building Regulations (T1)"	means the provisions regulating general requirements for fire protection of a building, and
(e) "National Building Regulations (T2)"	means the provisions regulating the offences for non-compliance with the National Building Regulations (T1);
"National Road Traffic Act"	means the National Road Traffic Act, 1996 (Act 93 of 1996);
"non-combustible"	means a substance or material classified as non-combustible when tested in accordance with SABS 0177: Part 5;
"occupancy separating element"	means a building element or component which separates one occupancy in a building from another and has a fire resistance of not less than that required by the National Building Regulations (T1) read with the SABS 0400;
"Occupational Health and Safety Act"	means the Occupational Health and Safety Act, 1993 (Act 85 of 1993);
"operator"	means the person responsible for the use of a motor vehicle and who has been registered as the operator of such a vehicle in terms of the National Road Traffic Act;
"owner"	means: (a) in relation to premises, other than a building, either a natural or juristic person whose identity is determined by operation of law; (b) in relation to a building, either a natural or juristic person in whose name the land on which such building was or is erected or such land, as the case may be, is registered in the deeds office in question; (c) in relation to an installation, either a natural or juristic person in whose name a contract is entered into regarding approval, erection and maintenance of the installation; provided that such a person is not the

	owner mentioned in (b), and (d) in the event of the Municipality being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is entitled to the benefit of the use of such premises, building or installation or who enjoys such benefit;
"person in charge"	means: (a) in relation to premises, either a natural or juristic person who is permanently or temporarily responsible for the management, or utilisation of the premises; (b) in relation to a building, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the building; (c) in relation to an installation, either a natural or juristic person who is permanently or temporarily responsible for the management or utilisation of the installation; provided that such a person is not the person mentioned in (a), and (d) in the event of the Municipality being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is in the opinion of the Municipality deemed to be in charge of such premises, building or installation;
"premises"	means any building, beach, land, terrain, road, vehicle and can include a vessel, train or aircraft;
"site"	means any erf, lot, plot, stand or other piece of land on which a building has been, is being or is to be erected;
"Standards Act"	means the Standards Act, 1993 (Act 29 of 1993);
"storage vessel"	means a pressure vessel as defined in the regulations for pressure vessels promulgated in terms of the Occupational Health and Safety Act;
"summary abatement"	means to immediately judge a condition to be a fire hazard or other threatening danger to life or property and to order immediate correction of such condition;
"tank"	means a container mounted permanently or temporarily on or embodied in a vehicle and so constructed to be suitable for the containment of flammable liquid or gas cargo;
"underground tank"	means a tank used or intended to be used for the storage of flammable liquid wholly sunk into and below the surface of the ground;
"vehicle"	means a vehicle as defined in the National Road Traffic Act, and any reference to an SABS Code shall refer to the relevant Code published by the South African Bureau of Standards and issued in terms of the Standards Act.

CHAPTER 2: FIRE PROTECTION OF BUILDINGS

1. Reporting a fire hazard and other threatening danger

An owner or the person in charge of any premises must, upon discovering any evidence of a fire hazard or other threatening danger pertaining to this by-law, immediately notify the Municipality of such fire hazard or threatening danger.

2. Access for emergency vehicles

- (1) When, in the opinion of the Municipality, premises are not readily accessible from public roads it must be provided with emergency vehicle access which must -
 - (a) be constructed so that it is capable of supporting the mass of the heaviest emergency vehicle required to cater for the risk of the premises; and
 - (b) where the premises have a motorized or electronically operated gate, be equipped in such a manner that access to the premises can be gained without the use of a motor or electronic device.
- (2) Fire lanes must be provided for all premises which are set back more than 45 metres from a public road or exceed nine metres in height and are set back over 15 metres from a public road.
- (3) Fire lanes must be at least four metres in width, the position of which must be decided upon after consultation with the Municipality, and the area from ground level to a clearance height of four metres above the fire lane must remain

unobstructed.

- (4) A *cul-de-sac* that is more than 90 metres in length must be provided with a minimum turning circle at the closed end of the road capable of accommodating the largest emergency vehicle which is required to cater for the risk of the premises.
- (5) The design, marking, use and maintenance of fire lanes not forming part of a public road must comply with the requirements of the Municipality.
- (6) It is unlawful for a person to park a vehicle in or otherwise obstruct a fire lane.

3. Division and occupancy separating elements

An owner or person in charge of a building may not alter a division or occupancy separating element in anyway that would render it less effective or to allow flame, heat or combustion products from penetrating into the adjacent compartment or structure.

4. Fire doors and assemblies

- 1) Subject to the provisions of SABS 1253, a fire door and assembly must be maintained in such a manner that in the event of a fire it retains its integrity, insulation and stability for the time period required for that particular class of door.
- 2) A fire door may be kept open, only when it is equipped with an automatic releasing hold-open device approved by the Municipality.
- 3) A fire door and assembly may not be rendered less effective through-:
 - a) altering the integrity, insulation or stability of a particular class of door;
 - b) disconnecting the self-closing mechanism;
 - c) wedging, blocking or obstructing the door so that it cannot close;
 - d) painting the fusible link actuating mechanism of a door;
 - e) disconnecting or rendering less effective an electric or electronic release mechanism, or
 - f) any other action that renders a fire door or assembly less effective.

5. Escape Routes

- (1) No part of a fire escape route shall be obstructed or rendered less effective in any way.
- (2) A locking device, which is fitted to an access or escape door in an escape route, must be of a type approved by the Municipality.
- (3) Where required by the Municipality, an escape route must be clearly indicated with signage, which complies with SABS 1186, indicating the direction of travel in the event of fire or any other emergency.

CHAPTER 3: FIRE SAFETY EQUIPMENT

6. Fire extinguishers

- (1) Fire extinguishers must be provided and installed on premises as required by the National Building Regulations (T1) and (T2).
- (2) Fire extinguishers must be maintained in accordance with the requirements of the Occupational Health and Safety Regulations, SABS 1475: Part 1, SABS 1571, SABS 1573 and SABS 0105: Part I.
- (3) No person may fill, recharge, recondition, modify, repair, inspect or test a fire extinguisher in terms of SABS 1475: Part I, unless such a person is the holder of a permit issued by the South African Bureau of Standards or a certificate of competence issued by the South African Qualifications Certification Committee.
- (4) The owner or person in charge of the premises may not allow a fire extinguisher to be filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit or certificate mentioned in subsection (3).
- (5) Where a fire extinguisher has been filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit mentioned in subsection (3), the Municipality must instruct the owner or person in charge of such premises to have the work carried out by a person who is in possession of such a permit or certificate.
- (6) When, in the opinion of the Municipality, a fire extinguisher is unsafe or ineffective either by reason of deterioration, design or construction, the Municipality must instruct the owner or the person in charge of the premises to have the appliance inspected and tested in terms of SABS 1475: Part 1 and SABS 1571.

- (7) A fire extinguisher may not be removed from the premises for filling, recharging, reconditioning, modification, repair, inspection or testing unless the appliance is replaced temporarily with a similar appliance in good working condition.
- (8) A fire extinguisher may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in an area where such action would create a danger or hazard.

7. Testing and maintenance of fire protection systems

- (1) A fire protection system must be tested and maintained on a regular basis and the owner or person in charge of the premises must keep a detailed record of the test and maintenance of the system.
- (2) A person may not test a fire protection system before notifying the occupants of the premises concerned of the starting and completion times of the test, and where applicable, the parties who monitor the fire protection system.
- (3) A fire protection system designed for detecting, fighting, controlling and extinguishing a fire must be maintained in accordance with the National Building Regulations (T2).
- (4) A fire protection system may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in any area where such action would create a danger or hazard.
- (5) The owner or person in charge of the premises must immediately notify the Municipality when the fire protection system, or a component thereof, is rendered inoperable or taken out of service and must notify the Municipality as soon as the system is restored.
- (6) The owner or person in charge of the premises must take all steps deemed necessary by the Municipality to provide alternate equipment to maintain the level of safety within the premises.

8. Interference with fire protection systems and fire extinguishers

No person shall tamper or interfere with a fire extinguisher or fire protection system, except as may be necessary during emergencies, maintenance, drills or prescribed testing.

CHAPTER 4: PUBLIC SAFETY

9. Attendance of a service

- (1) When the Municipality is of the opinion that representatives of the fire brigade service are required to be in attendance during a function in a place used for entertainment or public assembly, the Municipality may provide, in the interest of public safety and subject to the exigencies of the service, one or more members, a vehicle or equipment of a service to be in attendance on the premises for the duration of the function or part thereof.
- (2) Where the entertainment or public assembly is taking place on Municipality's property, the costs of the attendance of the representatives of the fire brigade service shall be recoverable from the organizers

10. Formulation of an emergency evacuation plan

- (1) The owner or person in charge of a school, hospital, residential institution, hotel, guest house, hostel or other similar occupancy which has a population in excess of 25 persons (including staff), must formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
- (2) The Municipality may order the owner or person in charge of the premises, other than those contemplated in subsection (1), to formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
- (3) The plan mentioned in subsections (1) and (2) must be revised if an aspect thereof is no longer applicable or if the building for which the plan was designed has changed.
- (4) The emergency evacuation plan must be tested in its entirety at a maximum of six-monthly intervals or when the plan has been revised and a record of the testing must be kept in a register.
- (5) The register mentioned in subsection (4) must contain the following information:
 - a) the date and time of the test;
 - b) the number of participants;

- c) the outcome of the test and any corrective actions required, and
 - d) the name and signature of the person supervising the test.
- (6) The register, together with the emergency evacuation plan, must be available on the premises for inspection by the Municipality.
- (7) The Municipality may evaluate the formulation and implementation of the emergency evacuation plan and may officially communicate any recommendations or remedial actions to improve or rectify faults in the plan.

11. Displaying of escape route plans

The escape route plan must be displayed in a conspicuous position in any room designed for sleeping purposes.

12. Barricading of vacant buildings

The owner or person in charge of a building or portion thereof which is vacant must remove all combustible waste or refuse therefrom and lock, barricade or otherwise secure all windows, doors and other openings in the building to the satisfaction of the Municipality which will prevent the creation of a fire hazard caused by the entering of an unauthorized person.

CHAPTER 5: HOUSEKEEPING

13. Combustible waste and refuse

- (1) The owner or person in charge of the premises or a portion thereof must not allow combustible waste or refuse to accumulate in any area or in any manner so as to create a fire hazard or other threatening danger.
- (2) Combustible waste and refuse must be properly stored or disposed of to prevent a fire hazard or other danger.

14. Combustible or flammable substances and sweeping compounds

- (1) Only water-based solutions, detergents, floor sweeping compounds and grease absorbents must be used for cleaning purposes.
- (2) The use of sawdust or similar combustible materials to soak up spilled combustible or flammable substances is prohibited.

15. Accumulations in chimneys, flues and ducts

The owner or person in charge of the premises or a portion thereof must not allow soot or any other combustible substance to accumulate in a chimney, flue or duct of the premises in such quantities or in such a manner as to constitute a fire hazard or other threatening danger.

16. Sources of ignition

- (1) Smoking, the carrying of matches, the use of heating, flame-emitting devices or spark-producing equipment is prohibited in areas containing combustible or flammable substances.
- (2) Hot ashes, cinders or smouldering coals must be placed in a non-combustible container and the container must be placed on a non-combustible surface or stand.
- (3) An adequate distance, as deemed appropriate by the Municipality, must be ensured and maintained between combustible substances and heating or lighting equipment or other sources of ignition.
- (4) Portable heaters must be secured so that they cannot be overturned and the Municipality may prohibit the use of portable heaters in respect of occupancies or situations where such use or operation would present a fire hazard or other threatening danger.

17. Smoking

- (1) If conditions exist where smoking creates a fire hazard on the premises, smoking is prohibited and "No Smoking" signs must be displayed as directed by the Municipality and the signs must comply with SABS 1186: Part 1.
- (2) No person may remove a "No Smoking" sign.
- (3) No person may light or smoke a cigar, cigarette, pipe, tobacco or other substance or ignite or otherwise set fire to other material, nor hold, possess, throw or deposit any lighted or smouldering substance in any place where expressly prohibited.
- (4) A person may not throw, put down or drop a burning match, burning cigarette, or other burning material or any material capable of spontaneous combustion or self-ignition in a public road or public place.

18. Electrical fittings, equipment and appliances

No person may cause or permit –

- 1) an electrical supply outlet to be overloaded; or
- 2) an electrical appliance or extension lead to be used in a manner which likely to create a fire hazard or other threatening danger.

19. Flame-emitting device

A person may not cause or permit a flame-emitting device, such as a candle, lantern or torch, but not limited thereto, to be used in a manner which is likely to create a fire hazard or other threatening danger.

CHAPTER 6: FIRE HAZARDS**20. Combustible material**

- (1) A person may not store, transport, use or display or cause or permit to be stored, transported, used or displayed, whether inside or outside any premises, any combustible material or a flammable substance in quantities or in a position or in a manner likely to cause or create a fire hazard or other threatening danger.
- (2) The owner or person in charge of any premises may not permit vegetation to grow or accumulate thereon, or other combustible material to accumulate thereon, in a manner likely to cause a fire hazard or other threatening danger.

21. Lighting of fires and burning of combustible material

- (1) The lighting of fires and the disposal of combustible material by burning is prohibited, save in the circumstances set out in this section.
- (2) A person may light a fire or use a flame-emitting device for the purpose of preparing food or for any other domestic purpose in a manner which will not cause a fire hazard or other threatening danger or where such a fire is not precluded by any other legislation.
- (3) Burning may take place on State land, a farm, a small holding, or land within a proclaimed township that is not utilised for residential purposes provided that the prior approval is obtained from the Municipality.

CHAPTER 7: FLAMMABLE SUBSTANCES**22. Storage and use of a flammable substance**

- (1) Prior to the construction of a new installation or the alteration of an existing installation, whether temporary or permanent, for the storage of a flammable substance, the owner or person in charge of the installation must submit a building plan to the Municipality, in accordance with the National Building Regulations, and a copy of the approved plan must be available at the site where the installation is being constructed.
- (2) Prior to the commissioning of an above ground or underground storage tank installation, liquid petroleum gas installation or associated pipework, the owner or person in charge of the installation must ensure that it is pressure-tested in accordance with the provisions of the National Building Regulations (T1), SABS 0131: Parts 1 and 2, SABS 089: Part 3 and SABS 087: Parts 1, 3 and 7 (whichever is applicable) in the presence of the Municipality.
- (3) Notwithstanding subsection (2), the Municipality may require an existing above ground or underground storage tank installation, liquid petroleum gas installation or associated pipework, to be pressure-tested in accordance with the provisions of the National Building Regulations (T1).
- (4) The Municipality must be notified at least 48 hours prior to the pressure test.
- (5) The owner or person in charge of the premises may not store or use:
 - a) a flammable gas in excess of 19 kilogram, or
 - b) a flammable liquid of a danger group (i), (ii), (iii) or (iv) in excess of 200 litres, unless he or she has obtained a flammable substance certificate from the Municipality.

23. Flammable substance certificate

- (1) The owner or person in charge of the premises, who requires a flammable substance certificate mentioned in section 23(5), must submit an application to the Municipality.

- (2) The Municipality must refuse to issue the flammable substance certificate if the premises do not comply with the requirements of the National Building Regulations (T1) as well as additional requirements set out in this by-law, and where the Municipality is of the opinion that the non-compliance of the premises can be remedied, the Municipality must instruct the owner or person in charge of the premises in writing to take all reasonable steps to render the premises safe prior to usage of the premises and the issuing of the certificate.
- (3) A flammable substance certificate must be renewed annually, on or before the date as indicated on the flammable substance certificate, and whenever the quantity or class of the flammable substance requires to be changed.
- (4) Premises must be used in accordance with any conditions specified in the flammable substances certificate and when in the opinion of the Municipality, a flammable substance is stored or utilised for any process in a manner which is hazardous to life or property, or an installation is unauthorised, an order may be issued for the removal of the flammable substance or installation from the premises.
- (5) A supplier may not supply flammable substances to the owner or person in charge of the premises, unless the owner or person in charge of the premises is in possession of a valid flammable substance certificate issued by the Municipality.
- (6) A flammable substance certificate is valid only:
 - a) for the installation for which it was issued;
 - b) for the state of the premises at the time of issue, and
 - c) for the quantities stated on the certificate.
- (7) The flammable substance certificate must be available on the premises for inspection at all times.

24. Permanent or temporary above ground storage tank for a flammable liquid

- (1) A temporary above ground storage tank other than that at a bulk storage depot is permitted, at the discretion of the Municipality, on the merit of the situation, provided that the following requirements are complied with:
 - a) if it has a capacity not exceeding 9 000 litres and is not used for the storage of flammable substances with a flash point below 40 degrees centigrade;
 - b) to be on the premises for a period not exceeding six months;
 - c) the entire installation must comply with SABS 0131: Part 1 or SABS 0131: Part 2 whichever is applicable, and
 - d) written application together with a plan must be forwarded to the controlling authority at least 14 days prior to the erection of the tank and prior written permission must be obtained from the Municipality for the erection of the tank.
- (2) Notwithstanding section 28(1), if a larger capacity above ground storage tank is required or the tank is to be a permanent installation, an acceptable rational design based on a relevant national or international code or standard must be submitted to the Municipality for approval in terms of the National Building Regulations (T1).
- (3) The design requirements and construction of a permanent tank must be in accordance with relevant national or international recognised codes.
- (4) The rated capacity of a permanent or temporary tank must provide sufficient ullage to permit expansion of the product contained therein by reason of the rise in temperature during storage.
- (5) A permanent or temporary tank must be erected at least 3, 5 metres from boundaries, buildings and other flammable substances or combustible materials.
- (6) A permanent or temporary tank must be located on firm level ground and the ground must be of adequate strength to support the mass of the tank and contents.
- (7) A permanent or temporary tank must have a bund wall.
- (8) Adequate precautions must be taken to prevent spillage during the filling of a tank.
- (9) Sufficient fire extinguishers, as determined by the Municipality, must be provided in weatherproof boxes in close proximity to a tank.
- (10) Symbolic safety signs depicting "No Smoking", "No Naked Lights" and "Danger" must be provided adjacent to a tank, and the signs must comply with SABS 1186: Part 1.

- (11) The flammable liquid in the tank must be clearly identified, using the Hazchem placards listed in SABS 0232: Part 1.
- (12) An electrical or an internal combustion-driven pump must be equipped and so positioned as to eliminate the danger of the flammable liquid being ignited.
- (13) The electrical installation associated with the above ground storage tank must comply with SABS 0108 and SABS 089: Part 2.
- 25. Underground storage tank for a flammable liquid**
The installation of underground storage tanks, pumps, dispensers and pipework at service stations and consumer installations must be in accordance with National Building Regulations (T1) read in conjunction with SABS 0400, SABS 089: Part 3 and SABS 0131: Part 3.
- 26. Bulk storage depot for flammable substances**
The handling, storage and distribution of flammable substances at bulk depots must be in accordance with the National Building Regulations (T1), read in conjunction with SABS 089: Part 1.
- 27. Small installations for liquefied petroleum gas**
Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500 litres and a combined water capacity not exceeding 3 000 litres per installation must be installed and handled in accordance with SABS 087: Part 1.
- 28. Liquid petroleum gas installation in mobile units and small non-permanent buildings**
A liquid petroleum gas installation in mobile units and small non-permanent buildings shall be in accordance with SABS 087: Part 2.
- 29. The fuelling of forklift trucks and other LP gas operated vehicles**
The fuelling of forklift trucks and other LP gas operated vehicles shall be in accordance with SABS 087: Part 8.
- 30. The storage and filling of refillable liquid petroleum gas containers**
Storage and filling sites used for refillable liquid petroleum gas containers of capacity not exceeding 9kg must be in accordance with SABS 087: Part 7.
- 31. Bulk storage vessel for liquid petroleum gas**
The layout, design and operation of installations for the storage of a bulk liquid petroleum vessel and allied facilities must be in accordance with the National Building Regulations (T1), read in conjunction with SABS 087: Part 3
- 32. Termination of the storage and use of flammable substances**
(1) If an above ground or underground tank installation, liquid petroleum gas installation or associated pipework is no longer required for the storage or use of a flammable substance, the owner or person in charge of the premises on which the installation was erected must:
a) within seven days of the cessation, notify the Municipality in writing thereof;
b) within 30 days of the cessation, remove the flammable substance from the installation and render it safe;
c) within six months of the cessation, remove the installation including any associated pipework, from the premises entirely, unless the controlling authority otherwise instructs, and
d) restore a public footpath or roadway, which has been disturbed by the removal to the satisfaction of the Municipality within a period of seven days of the completion of the removal of the installation.
(2) If the removal of an underground tank installation detrimentally affects the stability of the premises, the owner or person in charge of the installation must apply in writing to the Municipality to fill the tank with liquid cement slurry.
- 33. Reporting accidents**
If an accident occurs which involves a flammable substance and results in a fire, an explosion, spillage or loss of a flammable substance, as well as personal injury or death, the owner or person in charge of the premises must immediately notify the Municipality.
- 34. Flammable stores**
(1) The construction of a flammable store must be in accordance with the National

- Building Regulations (T1) read in conjunction with SABS 0400.
- (2) The floor must be of concrete construction or other impermeable material and must be recessed below the door level or incorporate a sill.
 - (3) The recess or sill must be of such a depth or height that in the case of spillage it will be capable of containing the quantity of flammable liquid, as indicated on the flammable substance certificate and an additional 10% of the quantity mentioned on the certificate.
 - (4) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400:
 - a) the roof assembly of a flammable store must be constructed of a concrete slab capable of providing a two-hour fire resistance when it forms part of another building;
 - b) the ventilation of a flammable store must be achieved by the use of bricks located in the external walls at the ratio of one air brick nominally above the sill level and one air brick located in the top third of the wall per 5 m² of wall area or part thereof, so that vapour cannot accumulate inside the store;
 - c) the air bricks must be covered both internally and externally with closely-woven, non-corrodible wire gauze of at least 1 100 meshes per metre, and
 - d) the wire gauze must be held in position by metal straps, or a metal frame.
 - (5) When required by the Municipality, the flammable store must be ventilated by a mechanical ventilation system approved by the Municipality and must comply with the following requirements:
 - a) the ventilation system is to be intrinsically safe, provide 30 air changes per hour and must operate continuously;
 - b) the fan extraction point must be nominally above sill level and must discharge through a vertical metal duct terminating at least 1 metre above roof height or at least 3,6 metres above ground level, whichever is the greater;
 - c) ducting material that is external to the store, but communicates with the remainder of the building, must be fitted with a fire damper of two-hour fire resistance at the point of exit from a flammable store, and
 - d) the ducting must be as short as possible and must not have sharp bends.
 - (6) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400, a flammable store door must be constructed of material with a fire resistance of two hours, provided that all relevant safety distances are complied with, and the door must open outwards.
 - (7) When required by the Municipality, a flammable store door must be a D-class fire door, which complies with SABS 1253.
 - (8) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400, artificial lighting in the flammable store must be by electric light having vapour-proof fittings wired through seamless steel conduit and the switches operating the lights must be located outside the store.
 - (9) No other electrical apparatus may be installed in the flammable store.
 - (10) A flammable store must be provided with a foam inlet consisting of a 65 millimetre male instantaneous coupling and mild steel pipework leading to the inside thereof and the foam inlet must be identified by means of a sign displaying the words "Foam Inlet" in 100 millimetre block letters.
 - (11) Racking or shelving erected in the flammable store must be of non-combustable material.
 - (12) The flammable store must be identified by the words, "Flammable Store-Bewaarplek vir Vlambare Vloeistowwe-Isitoro Indawo Yokugcina Izixhobo Ezithatha Lula Umlilo", and the permissible quantity allowed within the flammable store, indicated in 100 millimetre block letters on both the inside and outside of all doors communicating directly with the store.
 - (13) The owner or person in charge of a flammable store must ensure that the flammable store doors are kept locked when the store is not in use.
 - (14) A person shall not enter a flammable store or cause or permit it to be entered without the permission of the owner or person in charge of the premises.
 - (15) Sufficient fire extinguishers, as determined by the Municipality, must be mounted on the external wall of the flammable store in a conspicuous and easily accessible position.
 - (16) Any hand tool used in the flammable store must be intrinsically safe.
 - (17) A person may not use or permit a flammable store to be used for any purpose

other than that indicated on the flammable substance certificate, unless the store is not in use as a flammable store and the Municipality has been notified in terms of the following procedure:

- a) within seven days of the cessation, notify the Municipality in writing thereof;
 - b) within 30 days of the cessation, remove the flammable substance from the flammable store and render it safe, and
 - c) within 30 days of the cessation, remove all signage.
- (18) Subject to the provisions in this section, the municipality may call for additional requirements to improve the fire safety of a flammable store.

35. Container handling and storage

- 1) All flammable substance containers must be kept closed when not in use.
- 2) A person may not extract flammable liquids from a container of a capacity exceeding 20 litres, unless the container is fitted with an adequately sealed pump or tap.
- 3) Flammable liquid containers must be labelled and marked with words and decals, which indicate the flammable liquids contained therein as well as the hazard of the liquids.
- 4) Flammable substance containers must be declared gas or vapour-free by a competent person before any modification or repairs are undertaken.
- 5) All flammable substance containers must be manufactured and maintained in such a condition as to be reasonably safe from damage and to prevent leakage of flammable substances or vapours there from.
- 6) An empty flammable liquid container must be placed in a flammable store.
- 7) Where a flammable store is not available for the storage of empty flammable liquid containers, the Municipality may permit such storage in the open, provided that:
 - a) the storage area must be in a position and of sufficient size which in the opinion of the Municipality, will not cause a fire hazard or other threatening danger;
 - b) the storage area is well ventilated and enclosed by a wire mesh fence and:
 - (i) the fence supports are of steel or reinforced concrete;
 - (ii) has an outward opening gate that is kept locked when not in use, and
 - (iii) when the floor area exceeds 10 m² an additional escape gate is installed, fitted with a sliding bolt or other similar locking device that can be opened from the inside without the use of a key;
 - (c) the storage area is free of vegetation and has a non-combustible firm level base;
 - (d) a two metre distance around the perimeter of the fenced area is clear of grass, weeds and similar combustible materials;
 - (e) when the storage area has a roof, the construction of the roof and supporting structure must be of non-combustible material;
 - (f) open flames, welding, cutting operations and smoking is prohibited in or near the storage area and signage is prominently displayed on the fence and complies with SABS 1186: Part 1, and
 - (g) fire-fighting equipment is installed as determined by the Municipality.
- 8) An empty flammable liquid container must be securely closed with a bung or other suitable stopper.

36. Spray rooms and booths

A spray room, booth or area designated for the application of a flammable liquid must be constructed and equipped in such a manner as to comply with the General Safety Regulations promulgated in terms of the Occupational Health and Safety Act.

37. Liquid petroleum gas containers

- (1) A liquid petroleum gas container must be manufactured, maintained and tested in accordance with SABS 087: Part 1 and SABS 019.
- (2) A liquid petroleum gas container must be used and stored in such a manner as to prevent damage or leakage of liquid or vapour therefrom.
- (3) A liquid petroleum gas container of a capacity not exceeding nine kilogram must be filled and stored in accordance with SABS 087: Part 7.

CHAPTER 8: GENERAL PROVISIONS

- 38. Indemnity**
The municipality is not liable for damage or loss as a result of, but not limited to, bodily injury, loss of life or loss of or damage to property or financial loss, or consequential loss, which is caused by or arises out of or in connection with anything done or performed or omitted in good faith in the exercise or performance of a power, function or duty conferred or imposed in terms of this by-law.
- 39. Offences and penalties**
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 fine not exceeding R 15 000 or imprisonment for a period not exceeding 6 months or both.
- 40. Enforcement provisions**
Any authorized official of the municipality may –
(1) enter any premises at any reasonable time to inspect the premises for compliance with this by-law;
(2) summarily abate any condition on any premises which is in violation of any provision of this by-law and which presents an immediate fire hazard or other threatening danger and to this end may-
a) call for the immediate evacuation of the premises;
b) order the closure of the premises until such time as the violation has been rectified;
c) order the cessation of any activity, and
d) order the removal of the immediate threat.
- 41. Authority to investigate**
The municipality has the authority to investigate the cause, origin and circumstances of any fire or other threatening danger.
- 42. Failure to comply with provisions**
(1) When the municipality finds that there is non-compliance with the provisions of this by-law a written notice must be issued and include the following:
a. confirmation of the findings;
a. provisions of this by-law that are being contravened;
b. the remedial action required, and
c. set forth a time for compliance.
(2) Nothing in this by-law prevents the municipality or any authorized official from taking immediate corrective action in respect of any fire or other threatening danger found on any premises and to recover any costs incurred from the owner.
- 43. Repeal of existing By-Laws**
The Municipality's existing Fire Prevention by-laws are hereby repealed.
- 44. Short Title and Commencement**
These By-Laws are called the Fire Prevention By-Laws, 2012 and shall come into operation on the date of publication in the Provincial Gazette.

LEASE OF HALLS AND CONFERENCE FACILITIES BY-LAWS

The Council of Ulundi Municipality hereby, in terms of sections 11-13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Lease of Halls and Conference Facilities By-Laws for the Ulundi Local Municipality, as set out hereunder.

1. Definitions

In these by-laws unless the context otherwise indicates –

“caretaker”	means any official of the Municipality appointed as caretaker to exercise control over municipal halls or conference facilities, or acting in that capacity;
“Council”	means the Council of Ulundi Municipality
“lessee”	means the person who signs the application form referred to in section 2 hereunder;
“premises”	means any hall, conference facility, auditorium or group activities room which is the property of the Municipality and being leased in terms of these by-laws, and include such amenities as are incidental thereto;

2. Application / Reservation for use of a Hall

- (1) Persons desiring to lease premises shall apply to the Municipal Manager on the official application form provided for that purpose and the person making the application shall be deemed to be the lessee.
- (2) No reservation of premises shall be made until such time as a properly completed application form has been received, together with the prescribed tariff and deposit.
- (3) No tickets or invitations may be distributed nor may any public announcement be made before the application has been approved by the Municipality in writing.

3. Discretion to refuse or cancel reservations

The Municipality has the right to refuse any application for the lease of premises without giving any reasons and shall also have the right to cancel any booking already made, if the premises are required for Municipality purposes and, in the latter event, Municipality shall have no liability other than to refund any monies which may have been paid to Municipality.

4. Payments and Refunds

- (1) All charges, including deposits, for the lease of premises or equipment as determined in Council's tariff of charges are payable in advance and the lessee shall not be permitted to use any premises reserved by him/her until the relevant tariff and deposit has been paid in full.
- (2) If the lessee cancels or abandons a reservation, the Municipality may in its discretion, where it is satisfied that such abandonment or cancellation was due to unforeseen circumstances beyond the control of the lessee, pay the lessee a refund of up to 75% of the tariff and a refund of the full deposit. Where cancellations are made 30 days prior to the booking date, a 100% refund will apply.
- (3) .Only cash or bank guaranteed cheques are accepted as hall deposits.

5. Losses, Breakage and Damages

- (1) The lessee shall be responsible for and make good any breakage or damage of any nature to the premises, furniture, fittings or other property of the Municipality as well as any loss occasioned by missing articles, breakage or defacement that occurred during the lease period. Should the lessee find any piece of furniture, fitting or other property of the Municipality to be defective prior to the function for which the premises have been leased, the same shall be pointed out in writing to the caretaker before use. Where no such defect has been pointed out it shall be deemed to have been in proper order.
- (2) In the event of damage or loss of property such damage or loss shall be made good from the deposit paid by the lessee and the balance, if any, shall be refunded to the lessee once repairs and/or replacements have been completed. Any further amount by which

the cost of repairs, and/or replacements exceeds the amount of the deposit shall be recovered from the lessee.

- (3) The current service account of lessees exempted as per section 4(3) shall be debited with the total cost of all incidents as mentioned in section 5(1).

6. Use of Equipment

The lessee may only use the equipment for which the prescribed fees have been paid, together with such other gratis equipment as the Municipality may from time to time decide upon, provided that in the case of gratis equipment the lessee shall still book such equipment in advance.

7. Lighting Arrangements

No additional or special lighting may be installed in or on the premises without the prior approval of the Municipal Manger and any additional or special lighting so authorised shall be carried out, at the expense of the lessee, by a person approved by the Municipal Manager on terms and conditions to be arranged between the Municipal Manager and such person, or between the Municipal Manager.

8. Admission arrangements

The lessee shall be responsible for all arrangements in connection with the admission of the public, the sale of tickets, the provision of ushers, police, security and such other staff as may be necessary to control the admission and conduct of persons on the premises.

9. Indemnity

- (1) The Municipality shall under no circumstances be responsible or liable for any loss or damage of whatsoever nature and whether direct or consequential, caused to the lessee or any other person including, without limiting the generality of the foregoing, any property, articles, or things that may be in, on, or at the premises, due to any cause whatsoever, including, but not limited to, the failure or defect of any machinery, equipment, lighting or scenery, or any defect whether latent or patent, in or on any part of the premises.
- (2) The Municipality shall under no circumstances be responsible for any loss of or damage to any article brought onto the premises or left there by the lessee or any other person, irrespective of how the loss or damage was caused.
- (3) By submitting the application referred to in section 2 the lessee indemnifies the Municipality against any claim arising from such lease instituted by any person on any ground whatsoever.

10. Council-owned property

No furniture or article belonging to the Municipality shall be moved or taken from the premises leased or any other part of the buildings by any person other than the Municipality's officials, or except under the direction of such officials.

11. Specific obligations of the lessee

- (1) The lessee may not sublet the premises under any circumstances.
- (2) The lessee shall ensure that the premises and equipment leased are kept in a clean, tidy and proper condition and that no furniture or equipment is removed from the premises or damaged in any way.

12. Additional cleaning services

- (1) The Municipality shall not be obliged to provide any additional facilities or services, provided that if the purpose for which the lessee proposes to use the premises is such as to require special cleaning work to be undertaken, the lessee shall pay to the Municipality such additional sum as may be required by the Municipality to cover the cost of the additional work.

- (2) Upon termination of any function the lessee shall be responsible for the cleaning of the interior of the premises as well as the exterior surrounding, failing which the Municipality shall clean the premises at the expense of the lessee.

13. Animals

No person shall, without the written consent of the Municipality, bring or permit to be brought into the premises any animal.

14. Inspection after each function

On the first working day after the function for which the premises were leased, the premises shall be inspected by the caretaker and the lessee or anyone deputed by him on his behalf and any damages shall be recorded at the time of the inspection.

15. Notices, placards, movable scenery and use of pre-treated timber

- (1) No notices, posters, advertisements, decorations, flags, emblems or other attachments shall be placed or erected upon the inside or outside of the premises leased by the lessee without the permission of the Municipal Manager first being obtained and no nails, screws, drawing-pins, or sticky material may be knocked into or affixed to any portion of the premises, except against the wooden railings in the premises where such railings have been specifically installed for this purpose.
- (2) No movable lighted scenery other than that which is electrically lit shall be used in the premises and no wood shall be brought into the premises unless the same has been pre-treated in terms of the relevant regulations for combating and preventing the spread of insect pests affecting wood. The lessee shall, if called upon by the Municipality to do so, submit evidence of such treatment before the wood is brought to the premises.

16. Catering

The lessee shall be responsible for all catering arrangements in the premises and shall ensure that the caterers keep and leave such premises in a clean and tidy condition.

17. Boxing or wrestling

Persons staging a boxing or wrestling tournament shall provide the ring with sponge-plated broad supporting discs, approximately 20 cm in diameter, or some other suitable protective device, in order to ensure that the floors are not damaged and the erection of the ring shall be to the satisfaction of the Department of Technical Services

18. Requirements of the Liquor Act

When intoxicating liquor is to be supplied on the premises, the lessee shall observe all the requirements of the Liquor Act, 1977 (Act No 87 of 1977), and no liability whatsoever shall be attached to the Municipality or any of its officials in respect of any failure of the licensee or any of his servants or agents to carry out and observe the provisions of the said Act and of the terms and conditions of any licence issued.

19. Intoxicating liquor

- (1) No person shall take any intoxicating liquor onto the premises save and except –
- (a) the licensee or his servant or agent acting under and by virtue of a temporary liquor licence;
 - (b) the lessee or his servant or agent in cases where the lessee is serving liquor free of charge to his guests; and
 - (c) the lessee or his guests or their servants or agents are providing their own supply of intoxicating liquor for personal consumption.

20. Dangerous practices

The firing of live ammunition, the throwing of knives and any other performance which may be potentially dangerous to persons or property are strictly prohibited.

21. Overcrowding

- (1) No overcrowding of the premises is permitted. The number of persons admitted shall be limited to the seating accommodation available, and no persons shall be allowed to congregate in passages, aisles or doorways of or adjoining the premises let unless the written permission of the Municipality is first obtained.
- (2) When the available seating accommodation and other permitted accommodation have been occupied, the lessee shall prevent the admittance of any person in excess of such accommodation.

22. Orderly behaviour

- (1) The lessee shall be responsible for ensuring that -
 - (a) no person who is intoxicated or who is unsuitably or indecently clad shall be permitted to the premises or, having gained admission, be permitted to remain therein;
 - (b) no person or persons become noisy or create a disturbance or nuisance or be unsuitably or indecently clad. The lessee shall have such person removed from the premises immediately and in the event of the function becoming unruly, or should it appear that a disturbance is imminent, the lessee shall forthwith terminate the function and clear all persons from the premises.

23. Right of entry

The Municipality's officials shall at all times have the right to enter upon any premises or part of the premises for the performance of their duties in connection with the premises.

24. Fireman's Attendance

In the event of there being an activity on the premises which, in the opinion of the Municipal Manager, constitutes or can lead to a fire or other hazard, he may place one or more firemen on duty for the duration of the activity and the lessee will be liable for the costs thereof.

25. Lessee to conform to provisions of by-laws and other legislation

The lessee of the premises shall ensure that the provisions of these by-laws and of any other by-laws and rules which may relate to the premises as well as any applicable legislation, including the Copyright Act, 1978 (Act No 98 of 1978) are duly observed and that any lawful instructions of the Municipality or of any member of the South African Police Services are fully and immediately complied with.

26. Rules and Regulations

The Municipality may make rules and regulations applicable to specific venues.

27. Penalties

Any person who contravenes any of these by-laws shall be guilty of an offence and liable, upon conviction, to a fine or imprisonment for a period not exceeding six months, or both the fine and the imprisonment.

28. Short Title and Commencement

These are called Lease of Halls and Conference Facilities By-Laws, 2012 and shall come into operation on the date of publication in the Provincial Gazette.

ANNEXURE A**RULES AND REGULATIONS FOR THE LEASE OF MULTI-PURPOSE HALL**

1. The lessee shall at all times comply with and be governed by the by-laws relating to the lease of halls and conference facilities as promulgated in the Government Gazette.
2. No booking is confirmed before the applicable deposit and tariff have been paid in full.
3. The hours for the use of the premises expire at midnight and 50% of the normal tariff will be charged per hour or part thereof after 01h00.
4. The day prior to the function can be booked for preparation of the premises at 50% of the normal tariff per day.
5. The day following the function can be booked for clearing-out the premises at 50% of the normal tariff per day.
6. The lighting control unit shall only be used if prior written approval has been obtained from the Municipal Manager and may then only be operated by a person competent to do so or as determined by the Executive Director: Technical Services.
7. The hoisting equipment shall only be used if prior approval has been obtained from such equipment as determined by the Executive Director: Technical Services
8. The lessee shall, at least three days prior to the commencement of the function for which the premises have been leased, come to an agreement with the caretaker as to the opening of the premises and issue of equipment.
9. The lessee shall furnish to the caretaker full particulars of any cloakroom ordressing room accommodation required before 12:00 on the last working day prior to the date for which the hall is let.
10. The cloakrooms are in the care and custody of the lessee who shall provide his own attendants and be responsible for any damage or loss which may occur.
11. The lessee shall be responsible for cleaning the cloakrooms and shall hand them over to the caretaker in a clean and tidy condition not later than 08:00 in the morning after the conclusion of the function.
12. The exits shall not be obstructed with décor or furniture.
13. The lessee shall leave the premises, as well as the exterior surrounding, in a neat and tidy condition. All litter must be placed in the bins and décor removed from the premises.
14. The kitchen shall be left in a clean and tidy condition, excluding the washing of cutlery and crockery which has been leased from the Municipality. Food must be scraped off the plates and the crockery must be neatly stacked.
15. Failure to comply with 14, 16 and 17 above will result in the municipality having the premises cleaned at the expense of the lessee.
16. The caretaker may remove, or have removed from the premises, a person or persons who, in the opinion of the caretaker, are creating a disturbance or nuisance.
17. This building is a public facility in terms of the Tobacco Products Control Amendment Act, 1999 (Act No 12 of 1999) and as a result smoking is strictly prohibited. Any person who fails to comply shall be prosecuted and may be liable to a fine.

ANNEXURE B**RULES AND REGULATIONS FOR THE USE OF GROUP ACTIVITIES ROOMS AT THE LIBRARIES**

1. The lessee shall at all times comply with and be governed by the by-laws relating to the lease of halls and conference facilities as promulgated in the Government Gazette.
2. Whenever a group activities room is leased the use of the foyer shall not be included in the tariff.
3. No booking is confirmed before the applicable deposit and tariff, if applicable, have been paid in full.
4. The premises may be used free of charge if it is being utilised for a cultural or educational purpose where the lessee is not making a profit from the participants.

5. The following order of preference shall apply to persons requiring the use of the group activities room:
 - (a) Any library related activity
 - (b) Any cultural or community activity
 - (c) Any Council function
 - (d) Any organisation or individual using the facility to derive an income.
6. Should any organisation or individual wish to book the facility on a regular basis such booking may not be for more than 6 months at a time.
7. The lessee shall confer with the Librarian in charge regarding the use of the premises.
8. Upon termination of any function the lessee shall be responsible for the cleaning of the interior of the premises as well as the immediate exterior surrounding, failing which the Municipality shall clean the premises at the expense of the lessee.
9. This building is a public facility in terms of the Tobacco Products Control Amendment Act, 1999 (Act No 12 of 1999) and as a result smoking is strictly prohibited. Any person who fails to comply shall be prosecuted and may be liable to a fine.

ANNEXURE C

RULES AND REGULATIONS FOR THE USE OF THE CONFERENCE FACILITY AT THE PARK

1. The lessee shall at all times comply with and be governed by the bylaws relating to the lease of halls and conference facilities as promulgated in the Government Gazette.
2. No booking is confirmed before the applicable deposit and tariff have been paid in full.
3. Council may refuse any application for the lease of the premises and will not be obliged to give reasons for such refusal.
4. Use of the premises is restricted to meetings, training sessions and conferences.
5. No additional electrical apparatus other than that provided by the Municipality may be plugged into or connected to any point of electrical supply without the prior written approval of the Executive Director: Technical Services
6. Upon termination of any function the lessee shall be responsible for the cleaning of the interior of the premises as well as the exterior surrounding, failing which the Municipality shall clean the premises at the expense of the lessee.
7. This building is a public facility in terms of the Tobacco Products Control Amendment Act, 1999 (Act No 12 of 1999) and as a result smoking is strictly prohibited. Any person who fails to comply shall be prosecuted and may be liable to a fine.

ANNEXURE D

RULES AND REGULATIONS FOR THE USE OF COMMUNITY HALLS

1. The lessee shall at all times comply with and be governed by the by-laws relating to the lease of halls and conference facilities as promulgated in the Government Gazette.
2. No booking is confirmed before the applicable deposit and tariff have been paid in full.
3. The following are exempt from the payment of tariff and deposits:
 - 3.1 Meetings administered by National or Provincial Departments associated with National or Provincial initiatives to promote upgrading, upliftment or development within the Municipality's area of jurisdiction;
 - 3.2 Pension Payout Committees;
 - 3.3 Meetings of Senior Citizens Clubs;
 - 3.4 Councillors' ward committee meetings.
4. The Municipal Manager may refuse any application for the lease of the premises.
5. Applications for advanced bookings in respect of activities of a professional nature, commercial activities and activities where admission fees are charged, will only be considered three months prior to the event/activity and the applicant will be responsible for payment of the applicable deposit when making such booking.

6. Applications in respect of charitable/welfare organisations, amateur sports institutions and religious activities will be considered up to a year in advance on condition that a year plan is submitted in respect of the organisations which use the halls daily/weekly from Monday – Friday noon and subject to the payment of a once-off refundable deposit for the year (as stipulated in the Tariff of Charges).
7. Applications for advanced bookings by persons/institutions without profit motive, excluding weddings, will only be considered three months prior to the event/activity and the applicant will be responsible for the payment of a deposit per booking when making such booking. Advanced bookings in respect of weddings will be considered six months prior to the event and subject to payment of the applicable deposit.
8. No additional electrical apparatus other than that provided by the Municipality may be plugged into or connected to any point of electrical supply without the prior written approval of the Executive Director: Technical Services.
9. The lessee shall be responsible for the locking of all external windows and doors in the hall prior to leaving the premises and shall return the keys of the premises to the caretaker on the first normal working day after the day on which the premises was leased. In the event of the loss of a door key the lessee shall be required to pay for the replacement of the lock and key of the door concerned.
10. All equipment or such items used by the lessee shall upon termination of any function, be cleaned and locked up in the appropriate storage place provided for this purpose.
11. Upon termination of any function the lessee shall be responsible for the cleaning of the interior of the premises as well as the immediate exterior surrounding, failing which Council shall clean the premises at the expense of the lessee. Where the hall is used for entertainment for own profit (i.e. where the premium tariff applies) the hourly tariff may be reduced by fifty percent (50%) for the time when the lessee is preparing or cleaning the hall, provided that such reduced tariff shall be limited to half the total hours that the hall was used or 3 hours whichever is the lesser.
12. This building is a public facility in terms of the Tobacco Products Control Amendment Act, 1999 (Act No 12 of 1999) and as a result smoking is strictly prohibited. Any person who fails to comply shall be prosecuted and may be liable to a fine.

NUISANCE BY-LAWS

The Council of Ulundi Municipality hereby, in terms of sections 11-13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Nuisance By-laws for the Ulundi Local Municipality, as set out hereunder.

1. Definitions

In these by-laws unless the context otherwise indicates –

"Authorised Official"	means any person authorised as such by the Ulundi Municipality for purposes of these by-laws to perform and exercise any or all of the functions specified therein, and any person in the service of the Municipality who has been appointed in the capacity of Peace Officer in terms of the Criminal Procedure Act, Act 1977 (Act No 51 of 1977);
"Town Engineer"	means the person appointed as Executive Director Technical Services by the Ulundi Municipality or any other person lawfully acting in that capacity;
"Council"	means the municipal Council of Ulundi Municipality or other body acting by virtue of any powers delegated to it in terms of legislation;
"environment"	means the surroundings within which humans exist and that are made up of – (a) the land, water and atmosphere of the earth; (b) micro-organisms, plant and animal life; (c) any part or combination of (a) and (b) and the interrelationships among and between them; and (d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;
"fireworks"	means any explosive device or substance that burns or explodes after ignition, including firecrackers, and which is regulated under the Explosives Act, 1956 or its regulations;
"municipal property"	means any structure or thing owned or managed by or on behalf of the Municipality and includes buildings, lapas, kiosks, benches, picnic tables, playground equipment, fountains, statues, monuments, fences, poles, notices and signs;
"noise nuisance"	means any sound which impairs or may impair the convenience or disturb the peace of any person;
"nuisance"	means any condition or conduct which is injurious or offensive to any person or which is dangerous to or compromises the health or safety of any person, or which causes an annoyance or disturbance to any person or to the residents of any area or which constitutes a threat or a potential threat to the environment or which causes harm or damage to the environment, or which may potentially harm or damage the environment;
"person"	means a natural person or a juristic person and includes an organ of the state;
"public health"	means the mental and physical well-being of people in the area of jurisdiction of the Municipality;
"public place"	includes any square, park, any area or centre, whether incorporating a community hall or not, at which group activities of a sporting, cultural or recreational nature can be pursued, garden, enclosed or open space within the area of jurisdiction vested in the Municipality and includes any open or enclosed space vested in the Municipality to which the public has a right to access, public road and lane, foot pavement, overhead bridge, footpath, sidewalk and any other municipal property;
"use of fireworks"	means discharging, lighting or igniting;
"waste",	means any matter, material, by-product or residue of any process or activity, that has been discarded, accumulated or stored for the purpose of discarding, re-use, reclamation or recycling, and includes vehicles or machinery or parts thereof, scrap metal, building rubble, garden refuse, refuse debris, and any garbage. Waste products may be liquid or solid and may include products that contain a gaseous component and may originate from domestic, commercial or industrial activities.

2. Use of Public Place

- (1) A person may not advertise goods or services by shouting, hitting a gong, hooting or ringing bells so as to constitute a nuisance, and may not, without obtaining the prior permission of the Municipality, advertise goods or services in a public place by means of a megaphone, public address system or similar means.
- (2) A person may not conduct himself or herself in an unseemly or obnoxious manner or cause a nuisance or annoyance to other persons in or on or using any public place, or to any other person.
- (3) A person may not, without lawful cause, discharge any firearm, air gun, sling, catapult, bow and arrow, crossbow or any other similar weapon within the area of jurisdiction of the Municipality, provided that this section does not apply to any persons engaged in authorized target practice or drill in places set aside for this purpose or to any person to whom written permission to do so has been given by the Municipal Manager.
- (4) A person may not expose or exhibit any article or thing offensive to decency.
- (5) A person may not hang any item of clothing, household linen or laundry over any boundary wall or fence or out of any window or from any balcony or part of a building so as to be visible from a street or public place.
- (6) A person may not bathe or wash himself or herself or any animal or laundry in any stream, pool or water trough to which the general public has access or at any public fountain or public water feature or any other place not designated for such purpose.
- (7) A person may not appear in any public place in a state of intoxication.
- (8) A person may not write, print or draw any obscene words or figures in a public place or use indecent or foul language in any public place or within the hearing of any person therein.
- (9) A person may not loiter in any public place for the purpose of prostitution, or solicit or importune any other person for such purpose.
- (10) A person may not keep or manage or assist in the keeping or management of a brothel or knowingly permit any premises within the area of jurisdiction of the Municipality or any portion thereof, or any room therein, to be used as a brothel or for the purposes of prostitution, or be a party to continued use thereof for such purposes.
- (11) A person may not hold any auction or sale in any public place or in or from any doorway, window or other opening of any premises abutting on any public place without the written consent of the Municipal Manager and then only subject to such conditions as may be imposed in such consent.
- (12) A person may not sit or lie in or upon any public place or stand, walk, loiter or congregate or otherwise act in such manner as to obstruct free movement along any public place or to jostle or otherwise annoy the public.
- (13) A person may not leave any animal belonging to him or her unattended in any public place or permit such animal to obstruct the traffic in any street or create a nuisance or danger in any public place.
- (14) A person may not urinate in public view.
- (15) A person may not erect or place any structure, be it temporary or permanent, in or on any street, public footpath, verge or public place for the purpose of sale or storage.

3. Use of Streets and Public Footpaths

- (1) A person may not deposit or throw any object upon any street or public footpath which might in any way endanger the safety of any person.
- (2) A person may not allow any goods, whether it be his own property or under his control, to be or to remain in or on any public place, street or public footpath so as to cause obstruction or inconvenience to the passage of any person for a longer time than may reasonably be necessary for loading and unloading, and in no case after being instructed by the Police or an Authorized Official requiring him or her to remove same.
- (3) Unless a permit has been issued by the Municipality for trading purposes, a person may not, for trading or for any other purposes, place any goods, wares or articles on any public footpath or street, or place any goods, wares or articles on any stand, verandah post, stairs or ceiling projecting over any public footpath or street. For the purposes of this subsection the words a "public footpath or street" shall include that area adjacent to a

commercial or industrial lot which is outside the commercial or industrial building and to which the public has free access regardless whether or not the area is the property of the Municipality or private property.

- (4) A person may not place any flower pot or box or other heavy object in any window or upon any window sill in any building abutting on any street, footpath or public place unless proper precautions have been taken to prevent such flower pot, box or object from being blown or falling into or onto such street, footpath or public place.
- (5) A person may not roll any hoop or wheel or fly any kite or throw stones or ride a bicycle or use any roller skates or similar device or play any game whatsoever in or upon any street or public footpath or public place in such a manner as to create a danger or nuisance to any person or animal or damage to any property.
- (6) A person may not empty any vessel or throw any matter, liquid or solid, or any lighted cigar, cigarette or match, or empty any pipe from any window of any premises abutting on any street or from any verandah or balcony erected over any public place.
- (7) No queue formed up outside any place of business or entertainment shall be in such a manner so as to inconvenience the general public or extend across any public footpath or street. Persons standing in such queue shall yield and give free passage to persons desiring access to or egress from any premises. No queue shall in any circumstances extend on to or across any street, and no persons joining such queue shall take any position other than at the end thereof.
- (8) A person may not make or dig, or cause to be made or dug, any hole, pit, trench or excavation of any kind or for any purpose in or close to any public place without the written consent of the Town Engineer. Any excavation so made or dug shall be fenced off and shall have its position indicated during hours of darkness by red lights or any other similar device which is acceptable to the Town Engineer and which device shall be kept burning from sunset to sunrise.
- (9) A person may not place or deposit any waste or material in any public place or place not intended for such purpose, unless such waste is placed in approved receptacles or facilities intended for such purpose.

4. Nuisances Relating to Public Health

- (1) A person may not keep or deposit or allow on any premises owned or occupied by him or her, or of which he or she is in charge, any matter or thing, solid or liquid, which is, or is likely to, become offensive or dangerous or injurious to the public health.
- (2) A person may not carry or convey, or cause or permit to be carried or conveyed, across or in any public place, any matter or thing, liquid or solid, which is or is likely to become offensive or dangerous or injurious to public health, unless such matter or thing is carried or conveyed in a closed vehicle or receptacle closed and covered with a lid or other material approved by an authorised official.
- (3) A person may not keep any dead body or corpse in any room, building or other structure or in any premises other than a mortuary or other similar place designated for that purpose.
- (4) A person may not permit the carcass of any animal to remain on his premises for a longer period than is necessary to arrange for the removal of such carcass.
- (5) A person may not place or permit to be placed, any carcass or any decomposable or offensive material or object which is his property or under his control, on his premises or elsewhere and to remain thereon so as to cause any nuisance.
- (6) A person may not cause or permit any stream, drain, gutter, watercourse, sink, bar, tank, water closet, urinal, compost heap or swimming bath on any land or premises owned or occupied by him or of which he is in control to be or become so foul or in such a state or to be so situated or constructed so as to be offensive or to be dangerous or injurious to public health.
- (7) A person may not cause or permit any foul or polluted water or any foul liquid or matter to run or flow from any premises occupied by him, into any street or onto any land so as to be offensive or dangerous or injurious to public health.
- (8) A person may not commit or cause or permit to be committed, any act causing or contributing to the pollution of any water.

- (9) A person may not deposit human excrement or urine in any place not designated for such purpose.
- (10) A person may not foul or misuse any public convenience or any convenience provided in any public building or place of public entertainment.
- (11) Every person who is the owner or occupier or in charge of any premises or vacant land shall take all possible precautions to prevent conditions favouring the multiplication and prevalence of, and shall take steps for the eradication of rodents, mosquitoes, flies, fleas, bugs, cockroaches or other vermin or pests on such premises or vacant land and shall, when so required by an authorised official, comply with any requirements relating to the prevention or eradication of any such vermin or pest within a time specified in such notice.
- (12) A person may not burn any rubbish or refuse on any premises or do anything to cause any offensive smells or excessive smoke, or by burning or any other action cause ash, excessive smoke or any other dirty or offensive dust or matter.
- (13) A person, being the owner or occupier or in control of any premises or vacant land, whether such premises or land are fenced or not, may not deposit or store thereon and within the public view, any disused vehicle(s), machinery or parts thereof, building materials, refuse or similar objects unless he has obtained written consent of the Municipality.
- (14) Any consent given in terms of subsection 13 may be amended or cancelled by the Municipality at any time by giving written notice to that effect.
- (15) Any person, being the occupier or owner of any premises or vacant land upon whom a notice in terms of subsection 14 has been served, shall within the time specified in such notice, remove or cause to be removed, any object contemplated in subsection 13 from the public view.

5. Discharge of Fireworks

- (1) A person may not discharge, or cause or permit to be discharged, any fireworks in or from any enclosed place where domesticated animals are present or in or from any public place without prior written permission from the Inspector of Explosives (as defined in the Explosives Act, Act 26 of 1956), and the Chief Fire Officer.
- (2) A person may not discharge, or cause or permit to be discharged, any fireworks in or from any private dwelling, private land or any other private property without prior written permission from the Chief Fire Officer. The application for the said permission must, when submitted to the Chief Fire Officer, include the written consent of adjoining neighbours.

6. Use of Premises for Entertainment, Recreation or Social Activities and Functions

- (1) A person using any premises or permitting any premises to be used for entertainment, recreation or social activities or functions, whether public or private, and any person who participates in or who attends any such activities, may not conduct himself or herself in an unseemly or obnoxious manner or cause a nuisance or annoyance to any person.
- (2) An authorized official who is of the opinion that a person is committing a breach of subsection (1) may direct that person to cease any such act or may take such other steps as he or she deems necessary to reduce, remove or minimize the unseemly or obnoxious conduct, nuisance or annoyance.

7. Prohibition of a Noise Nuisance

No person shall-

- (a) cause a noise nuisance, or allow it to be caused, by operating or playing any radio, television set, drum, musical instrument, sound amplifier, loudspeaker system or similar device producing, reproducing or amplifying sound;
- (b) offer any article for sale by shouting or ringing a bell, or by allowing shouting or the ringing of a bell, in a manner which may cause a noise nuisance;
- (c) allow an animal owned or controlled by him to cause a noise nuisance;
- (d) build, repair, rebuild, modify, operate or test a vehicle, vessel or aircraft on residential premises, or allow it to be built, repaired, rebuilt, modified, operated or tested, if it may cause a noise nuisance;

- (e) use or discharge any explosive, firearm or similar device which emits impulsive sound, or allow it to be used or discharged, if it may cause a noise nuisance, except with the prior consent in writing of the municipal authority concerned and subject to such conditions as the municipal authority may deem necessary;
- (f) on a piece of land designated by a municipal authority by means of a notice on that piece of land and in the press in both official languages, or in the air-space above that piece of land move about on or in a recreational vehicle; exercise control over a recreational vehicle; or as owner or person in control of the piece of land concerned, to allow or to move / drive / operate / pilot on that piece of land or in the air-space above that piece of land, a recreational vehicle, if it may cause a noise nuisance;
- (g) except in an emergency, emit a sound, or allow a sound to be emitted, by means of a bell, carillon, siren, hooter, static alarm, whistle, loudspeaker or similar device, if it may cause a noise nuisance;
- (h) operate any machinery, saw, sander, drill, grinder, lawnmower, power garden implement or similar device in a residential area, or allow it to be operated, if it may cause a noise nuisance;
- (i) load, unload, open, shut or in any other way handle a crate, box, container, building material, rubbish container or similar article, or allow it to be loaded, unloaded, opened, shut or handled, if it may cause a noise nuisance;
- (j) drive a vehicle on a public road in such a manner that it may cause a noise nuisance.

8. General

- (1) A person may not produce or permit to be produced, any excessively bright or intermittent light, thereby creating a nuisance or annoyance to any person.
- (2) A person may not cause or permit to be caused a nuisance or annoyance to any person by doing repairwork or panelbeating to any vehicle or part thereof on a premises designated for residential purposes or a public place, provided that this subsection does not apply to emergency repairs necessary to remove any vehicle after a breakdown.
- (3) A person may not permit any rank weeds or grass or undergrowth or bush to grow upon any premises or vacant land owned or occupied by him. The Municipality may serve a notice on such a person requiring him or her within the time specified in such notice to destroy, cut down or remove such rank weeds, grass, undergrowth or bush.
- (4) Should any person breach any provision of these by-laws and continue in default after receiving a written notice issued by any authorised official requiring him or her to abate such nuisance within a time to be specified in such notice, an authorised official may enter upon the premises on which such nuisance exists and take such steps as may be necessary to abate such nuisance at the cost of the person so offending, who shall also be liable to a prosecution for a contravention of these By-laws.
- (5) An authorised official may enter upon any premises at any time to investigate whether any breach of these by-laws has been committed.

9. Offences and Penalties

- (1) Any person who -
 - (a) contravenes or fails to comply with a provision of these by-laws or a direction issued by the Municipality in terms of these by-laws, or a condition imposed under these by-laws;
 - (b) obstructs or hinders any person in the execution of any power or the performance of any duty or function in terms of any provision of these by-laws; or
 - (c) furnishes false, incorrect or misleading information when applying for permission from the municipality in terms of a provision of these by-laws, is guilty of an offence and liable, on conviction, to a fine or in default of payment to imprisonment for a period not exceeding six months.

10. Repeal of existing By-Laws

The Municipality's existing Nuisance By-Laws are hereby repealed.

11. Short title and Commencement

These By-Laws are called Nuisance By-Laws, 2012 and shall come into operation on the date of publication in the Provincial Gazette.

REFUSE REMOVAL AND DISPOSAL BY-LAWS

The Council of Ulundi Municipality hereby, in terms of sections 11-13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Refuse Removal and Disposal By-laws for the Ulundi Local Municipality, as set out hereunder.

INDEX		
Section	Content	Page
1.	Definitions	2
2.	Collection and Removal of Refuse	3
3.	Refuse Receptacles	3
4.	Duties of Owner or Occupier	4
5.	Collection and Removal of Refuse	4
6.	Access to Premises	4
7.	Accumulation of Refuse	4
8.	Removal and Disposal of Garden, Special Domestic and Bulky Refuse	5
9.	Responsibility of Builder's Refuse	5
10.	Disposal of Builder's Refuse	5
11.	Special Measures for Collection, Storage and Disposal	5-6
12.	Removal of Refuse or Offensive Matter along the street	6
13.	Notification of Generation of Special Industrial Refuse	6
14.	Storing of Special Industrial Refuse	6
15.	Removal of Special Industrial Refuse	6
16.	Liquid Waste	7
17.	Conduct at Disposal Site	7
18.	Ownership of Refuse	7
19.	Offences and Penalties	7
20.	Repeal of By-Laws	7
21.	Short Title and Commencement	7

1. Definitions

For the purposes of these by-laws, unless the context indicates otherwise:

"authorised official"	means any official or person in the service of the municipality who has been authorised by the municipality to administer, implement or enforce the provisions of these by-laws;
"builder's refuse"	means refuse generated by demolition, excavation or building activities on premises;
"Council"	means the council of the .Ulundi Municipality;
"disposal facility"	means a site for the disposal of refuse which is owned by the municipality or has been approved for that purpose by the municipality;
"domestic refuse"	means refuse of a kind normally produced or generated on residential premises, but shall not include sand, earth, liquid matter, garden refuse or the carcass of any animal or special domestic refuse;
"garden refuse"	means light refuse which is generated as a result of normal gardening activities on any premises, including without limiting the generality of the foregoing grass cuttings, leaves, plants, flowers, weeds, hedge clippings or the branches of trees;
"industrial refuse"	means refuse in solid form which is generated as a result of industrial manufacturing activities but shall not include builder's refuse, special industrial refuse or commercial refuse;
"occupier"	includes any person in actual occupation of premises without regard to the title under which he or she occupies, if any;
"owner"	means - <ol style="list-style-type: none"> 1. the person in whom from time to time is vested the legal title to premises; 2. in a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of his property is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative; in any case where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of the premises or a building or buildings thereon; 3. in a case where such premises have been leased for a period of 30 years or longer, the lessee thereof; in relation to - <ol style="list-style-type: none"> (i) a piece of land delineated on a sectional plan registered terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property; or (ii) a section as defined in such Act, the person in whose name such section is registered under a sectional title deed, and includes the lawfully appointed agent of such a person;
"refuse container"	means a container other than a refuse receptacle and whether wheeled or otherwise, designed for the temporary storage and removal of refuse which is supplied by the Municipality in terms of section 3(4) or by a contractor approved in terms of section 2(3);
"refuse receptacle"	means a receptacle which complies with either South African Bureau of Standards specification 493-1973: Steel Refuse Bins or 1310-1980: Refuse Bins of Polymeric Materials, both as published by General Notice No. 463 of 9 July 1982;
"residential premises"	means premises occupied for the purposes of human habitation, but excludes an accommodation establishment as defined in section 1 of the Hotels Act, 1965 (Act 70 of 1965);
"special domestic refuse"	means refuse discarded from residential premises which cannot by virtue of its mass, shape, size or volume be conveniently stored in a refuse receptacle or container;
"special industrial refuse"	means refuse, consisting of a liquid or sludge, resulting from industrial operations which may not be discarded into a sewer;
"tariff charge"	means the appropriate charge as set out in the tariff of charges adopted by resolution of the Council from time to time; and
"commercial refuse"	means refuse generated in the course of the conduct of a business but shall not include industrial refuse.

2. Collection and removal of refuse

- 1) The occupier of every premises upon which refuse is generated or, in the case of premises which are occupied by more than one person, the owner of such premises, shall make provision for the temporary storage, collection and removal of such refuse either by the municipality or by a refuse removal contractor.
- 2) The Municipality shall at no charge collect and remove –
 - (a) domestic refuse; and
 - (b) commercial refuse.
- 3) The Municipality may, in its discretion, and subject to the charge set out in its tariff of charges, collect and remove –
 - (a) builders' refuse;
 - (b) industrial refuse;
 - (c) special industrial refuse; and
 - (d) special domestic refuse.
- 4) Where the municipality declines to collect and remove any waste referred to in subsection (3), the owner or occupier shall make appropriate arrangements for the lawful collection, removal and disposal of such waste.
- 5) The owner or occupier of premises may himself or herself remove or cause to be removed any refuse generated thereon to a disposal site, provided that such removal and disposal is conducted in a lawful manner.
- 6) Every occupier of new premises or premises on which the generation of domestic or commercial refuse is about to be commenced, or in the case of premises being occupied by more than one person, the owner of such premises shall, prior to the commencement of the generation of such refuse, notify the Municipality in writing -
 - a) that the premises are being occupied; and
 - b) whether commercial refuse or domestic refuse or both is or are to be generated on the premises.

3. Refuse receptacles

- 1) Subject to the provisions of subsection (4), every occupier or owner referred to in section 2(1) shall provide on his or her premises such number of refuse receptacles as is adequate for the purpose of the temporary storage of all refuse, other than garden, special domestic and special industrial refuse, as may be generated on his or her premises pending its removal in terms of these by-laws.
- 2) The occupier or owner referred to in subsection (1) shall ensure that refuse receptacles provided by him or her in terms of that subsection are maintained in a sound and serviceable condition and that receptacles which are no longer capable of being so maintained are replaced by him or her.
- 3) Whenever the Municipality is of the opinion that a person has not complied with the provisions of this section it may cause a written notice to be served on such person calling upon him or her to comply with such provisions within a period specified in the notice.
- 4) The Municipality may at its sole discretion supply refuse containers to premises if the municipality considers such containers more appropriate for the storage and removal of refuse than refuse receptacles having regard to –
 - (a) the quantity of refuse generated on the premises concerned;
 - (b) the suitability of such refuse for storage in such containers; and
 - (c) the accessibility of the refuse storage area to the municipality's refuse collection vehicles.
- 5) Refuse containers supplied by the Municipality in terms of sub-section (4) –
 - (a) may not be used for any purpose other than the storage of commercial, domestic, industrial or garden refuse;
 - (b) remain the property of the Municipality and may at any time either be replaced or removed by it; and
 - (c) are the responsibility of the owner or occupier, as the case may be, who shall be liable to the Municipality for the loss thereof or any damage thereto, except such as has been caused by the Municipality's employees.

4. Duties of owner or occupier

Every occupier of premises, or in the case of premises being occupied by more than one person, the owner of such premises, shall ensure that-

- (a) all domestic and commercial refuse generated on the premises is placed and kept in refuse receptacles, refuse containers or disposable plastic refuse bags for removal;
- (b) builders' refuse, garden refuse, industrial refuse, special industrial refuse and special domestic refuse is appropriately stored and clearly indicated as such;
- (c) no hot ash, unwrapped glass fragments or other refuse which may cause damage to refuse receptacles, refuse containers or disposable plastic refuse bags, or which may cause injury to the persons or vehicles employed in removing the refuse from the premises, is placed in refuse receptacles or refuse containers before such steps as may be necessary to avoid such damage or injury have been taken;
- (d) no material, including any liquid, which by reason of its mass or other characteristics is likely to render such refuse receptacles or disposal plastic refuse bags unreasonably difficult for the municipality's employees to handle or carry, is placed therein;
- (e) every refuse receptacle and refuse container on the premises is properly covered by means of a lid or other covering supplied therewith so as to prevent any nuisance or health hazard;
- (f) every receptacle or container is kept in a clean and hygienic condition; and
- (g) all which has toxic or other harmful properties is suitably treated to the satisfaction of the Municipality.

5. Collection and removal of refuse

- (1) The Municipality shall from time to time determine the day or days upon which refuse which is to be removed by the Municipality in terms of these by-laws will be collected in the various areas under its jurisdiction.
- (2) On the day or days which have been determined in terms of subsection (1) for a particular area every owner or occupier, as the case may be, of premises within that area shall place such refuse containers, refuse receptacles or disposable plastic refuse bags containing refuse immediately inside the boundary of the premises and adjacent either to the pedestrian or the vehicular access to the premises from a street.
- (3) No owner or occupier, as the case may be, of any premises shall, unless authorised in writing by the Municipality, deposit or allow to be deposited any refuse other than domestic refuse or commercial refuse in any refuse receptacle or refuse container the contents of which are removable free of charge by the Municipality.
- (4) The owner or occupier of any premises on which bulky refuse of any kind is produced, kept, or accumulated shall, when required thereto under notice in writing from the Municipality, tie up securely or cause to be tied up securely such refuse into bales or bundles of convenient size.

6. Access to premises

The occupier or owner of premises to which the council provides a refuse removal service, as the case may be, shall grant the council convenient access to the premises for the purpose of collecting and removing refuse and shall ensure that nothing obstructs, frustrates or hinders the Municipality and its employees in the carrying out of its service.

7. Accumulation of refuse

Where any refuse accumulates on premises so as to constitute a nuisance or so as to render it likely that a nuisance will be created thereby, the Municipality may make a

special removal of such refuse and the owner or occupier shall be liable in respect of such special removal to pay the tariff charge therefor.

8. Removal and disposal of garden, special domestic and bulky refuse

- (1) The occupier or, in the case of premises occupied by more than one person, the owner of premises on which garden, special domestic or bulky refuse is generated shall ensure that such refuse is disposed of in terms of this section within a reasonable time after the generation thereof; provided that garden refuse may be retained on the premises for the making of compost.
- (2) Any person may remove and dispose of his own garden, special domestic and bulky refuse.
- (3) Garden, special domestic and bulky refuse shall, once it has been removed from the premises on which it was generated, be deposited on a site designated by the Municipality as a disposal facility for such refuse against payment of the tariff charge.
- (4) At the request of the owner or any occupier of premises the Municipality may at the tariff charge remove garden, special domestic and bulky refuse from premises.

9. Responsibility for builder's refuse

The owner of premises on which builder's refuse is generated shall ensure that such refuse is disposed of in terms of section 11 within a reasonable time after the generation thereof.

10. Disposal of builder's refuse

- (1) Subject to the provisions of subsection (2) hereof all builder's refuse shall be deposited at the Municipality's disposal sites and the person depositing the refuse shall be liable to pay the tariff charge therefor.
- (2) Builder's refuse may, with the prior written consent of the municipality, be deposited at a place other than the Municipality's disposal sites for the purpose of reclamation of land.
- (3) Any consent given in terms of subsection (2) shall be subject to such conditions as the Municipality may deem necessary having regard to -
 - a) the safety of the public;
 - b) the environment of the proposed disposal site;
 - c) the suitability of the area including the drainage thereof;
 - d) the expected manner and times of depositing of refuse at the site;
 - e) the levelling of the site;
 - f) the control of dust; and
 - g) other relevant factors.

11. Special measures for collection, storage and disposal

- (1) If the Municipality is of the opinion that, in order to avoid any health hazard or nuisance arising, special measures for the collection, temporary storage or disposal of any refuse should be adopted or that such refuse should be specially treated to render the same inoffensive or non-injurious to health, the Municipality must serve written notice on the occupier of any premises or in the case of vacant land, the owner thereof, to carry out any of the aforesaid measures within a reasonable time.
- (2) The owner or occupier of any premises shall, on being served with a notice in terms of subsection (1)-
 - (a) either remove any refuse which is likely to be offensive or injurious to health from such premises and dispose thereof in such a manner as may be stipulated in such notice; or

- (b) when permitted by the terms of such notice, treat any refuse on such premises so as to render it innocuous and inoffensive and so as to prevent infestation thereof by flies, mosquitoes, rats and other vermin.
- (3) Any owner or occupier who refuses to carry out the measures specified in a notice given under this section or who fails to comply therewith within the time specified in the notice shall be guilty of an offence and the Municipality may arrange for such measures to be carried out at the expense of the person on whom the notice was served.
- 12. Removal of refuse or offensive matter along the street**
- (1) Any person removing or conveying any refuse or other offensive matter or any builder's refuse shall remove the same by means of a properly constructed and enclosed vehicle and in such manner as will prevent any nuisance arising from such conveyance or the escape of the contents therefrom.
- (2) The Municipality may serve a written notice upon any person restricting or stipulating the means to be adopted and specifying the times during which refuse may be conveyed through or along any street or public place if the Municipality is of the opinion that the conveyance of such refuse is likely to be objectionable or give rise to nuisance. Any person who fails to comply with the requirements of subsection (1) of this section or with any notice given under this subsection shall be guilty of an offence.
- 13. Notification of generation of special industrial refuse**
- (1) The occupier of premises on which special industrial refuse is generated shall inform the Municipality in writing of the composition thereof, the quantity generated, how it is stored, and how and when and by whom and to which place, it will be removed.
- (2) If so required by the Municipality the notification referred to in subsection (1) shall be verified by an analysis certified by a duly qualified industrial chemist.
- (3) Any official of the Municipality and any other person duly authorised by the Municipality may enter premises at any reasonable time to ascertain whether special industrial refuse is generated on such premises and may take samples and test any refuse found on the premises to ascertain its composition.
- 14. Storing of special industrial refuse**
- (1) The occupier of premises on which special industrial refuse is generated shall ensure that the special industrial refuse generated on the premises is kept and stored thereon in terms of subsection (2) until it is removed from the premises in terms of section 15.
- (2) Special industrial refuse stored on premises shall be stored in such a manner that it cannot become a nuisance or pollute the environment.
- (3) The Municipality may in writing order the person referred to in section 14(1) to remove special industrial refuse within a reasonable time and, if thereafter such refuse is not removed within such time, the Municipality may by itself or through a contractor remove it at the expense of such person or the owner, as the case may be.
- 15. Removal of special industrial refuse**
- No person shall remove special industrial refuse from the premises on which it was generated unless such refuse is lawfully and properly removed to a disposal site by a competent person with the necessary equipment to remove the special industrial refuse.

- 16. Liquid waste**
- (1) No person shall deliver to or discharge at a disposal site any liquid refuse or cause the same to be done, except with the prior written permission of the Municipality and in accordance with such conditions as may be imposed by it.
- (2) Any costs incurred by the Municipality in remedying damage or in abating any nuisance caused by the discharge of liquid refuse at a disposal site in contravention of the provision of these by-laws or of any condition imposed and the amount of any legal liability or costs incurred by the Municipality in respect of any claim arising from any such nuisance shall be borne by and be recoverable from the owner of such refuse.
- 17. Conduct at disposal site**
- (1) Every person who, for the purpose of disposing of refuse enters a disposal facility controlled by the Municipality, shall -
- (a) enter the disposal facility only at an authorised access point indicated as such;
- (b) present the refuse for weighing in the manner required by the Municipality's official having authority at such site;
- (c) give to such official all the particulars required in regard to the composition of the refuse;
- (d) follow all instructions given to him in regard to access to the actual disposal point, the place where and the manner in which the should be deposited; and
- (e) provide the said official with full information as to the person who is liable to pay the tariff charge for the refuse deposited to enable an account to be rendered to him, provided that the provisions of paragraphs (b), (c) and (e) above shall not apply to a person who, in terms of section 9(3) has entered a disposal site for the purpose of disposing of garden refuse.
- (2) No person shall bring any intoxicating liquor onto a disposal site controlled by the Municipality.
- (3) No person shall enter a disposal site controlled by the Municipality for any purpose other than the disposal of refuse in terms of these by-laws and then only at such times and between such hours as the Municipality may from time to time determine.
- 18. Ownership of refuse**
- All refuse removed by the Municipality and all refuse on disposal sites controlled by the Municipality shall be the property of the Municipality and no person who is not duly authorised by the Municipality to do so shall remove or interfere therewith.
- 19. Offences and penalties**
- (1) Any person who -
- (a) contravenes or fails to comply with any provision of these by-laws; or
- (b) contravenes or fails to comply with any conditions imposed upon the granting of any application, consent, approval, concession, relaxation, permit or authority in terms of these by-laws; or
- (c) fails to comply with the terms of any notice served upon or given to him in terms of these by-laws, shall be guilty of an offence and liable for a fine not exceeding R30 000 or imprisonment for a period not exceeding two years or for both such fine and imprisonment.
- 20. Repeal of existing By-laws**
- The Municipality's existing Refuse Removal and Disposal By-Laws are hereby repealed.
- 21. Short title and Commencement**
- These By-Laws are called the Refuse Removal and Disposal By-Laws, 2012 and shall come into operation on the date of publication in the Provincial Gazette.

TARIFF BY-LAWS FOR INDIGENT PERSONS

The Council of Ulundi Municipality hereby, in terms of sections 11-13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Tariff By-Laws for Indigent Persons for the Ulundi Local Municipality, as set out hereunder.

INDEX

CHAPTER	CONTENT	PAGE
Chapter 1	Definitions	1
Chapter 2	Free Basic Services	2
	Qualification	2
	Excess Consumption	2
	Voluntary Restriction	2
	Non-Payment	2
Chapter 3	Life Line Services	2
	Application	2
	Non-Payment	2
Chapter 4	General	2
	Appeals	2
	Repeal of Existing By-Laws	2
	Short Title and Commencement	2

CHAPTER 1 - DEFINITIONS

1. Definitions

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

"beneficiary" or "beneficiaries"	means the – a) the owner and the occupiers of a property, where the owner occupies the property with other occupiers; or b) the occupiers of a property, where the owner does not occupy the property, where the combined income level of the owners and/or occupiers does not exceed the level determined by Council by resolution from time to time;
"beneficiary property"	a residential property owned or occupied by a beneficiary or beneficiaries;
"Council"	means the Council of the Ulundi Municipality;
"consumption"	means the ordinary use of municipal services for domestic or household services;
"due date"	means, in the absence of any express agreement to the contrary, the date determined from time to time by the Council as the last date on which any account for municipal services rendered shall be paid;
"free basic water allocation"	means the maximum amount of water which will be provided free of charge to indigent persons as reflected in Council's tariffs from time to time;
"free basic services"	means free basic water, within the free basic water allocation, free refuse removal and free sewage disposal;
"income level"	means the total, combined income of – a) the owner and all the occupiers of a beneficiary property, where the owner occupies the property with other occupiers; or b) all the occupiers of a beneficiary property, where the owner does not occupy the property, regardless of the source of such income;
"life line services"	means refuse removal and sewage disposal services provided at the life line tariff determined by Council by resolution from time to time
"municipal services"	means domestic electricity, water, sanitation and refuse removal services provided by the municipality;
"municipal value"	means the total combined value of land and the buildings on a beneficiary property, as reflected in the municipal valuation roll;
"occupier"	means any person in actual occupation of a beneficiary property without regard to the title under which he or she occupies, if any; and
"owner"	means the person in whose name legal title in the beneficiary property is vested.

CHAPTER 2 - FREE BASIC SERVICES

2. Qualification

The owners and/or occupiers of a beneficiary property shall automatically qualify for free basic services where the municipal value of the land and buildings on such property is equal to, or less than, the value determined by resolution of the Council from time to time, as reflected in the Municipality's tariffs.

3. Excess consumption

Where water consumption on the beneficiary property exceeds the free basic water allocation, such excessive consumption will be billed at the normal tariff as determined by the Municipality from time to time.

4. Voluntary restriction

- 1) A beneficiary may request the Municipality to install a variable flow-restricting device to water supply to the beneficiary property in order to ensure that consumption does not exceed the free basic water allocation.
- 2) There shall be no charge for the installation of a variable flow-restricting device in terms of subsection (1).

5. Non-payment

In the event that a beneficiary fails to pay any account by due date, notwithstanding that the beneficiary may qualify for free basic services, the Municipality may-

- 1) restrict the supply of water to the beneficiary property;
- 2) disconnect the electricity supply to the beneficiary property; or
- 3) take any other action permitted in terms of the Municipality's credit control by-laws

CHAPTER 3 - LIFE LINE SERVICES

6. Application

- 1) The owners and/or occupiers of a residential property who do not qualify as beneficiaries, but whose level of income is less than or equal to the amount determined by Municipality as qualifying for life line services, may apply in writing to the Municipality for life line services.
- 2) Where life line services are granted, such grant shall be valid for one year.

7. Non-payment

In the event that an owner or occupier fails to pay any account by due date, notwithstanding that the owner or occupier may have been granted life line services, the Municipality may-

- 1) restrict the supply of water to the property;
- 2) disconnect the electricity supply to the property; or
- 3) take any other action permitted in terms of the Municipality's credit control by-laws

CHAPTER 4 - GENERAL

8. Appeals

- 1) A person, whose rights are affected by a decision taken by any authorised official under these by-laws, may appeal against the decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.
- 2) The Municipal Manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).
- 3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- 4) When the appeal is against a decision taken by –
 - a) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority; or
 - b) the Municipal Manager, the Executive Committee is the appeal authority.
- 5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

9. Repeal of existing By-laws

The Municipality's existing Tariff By-laws for Indigent Persons are hereby repealed.

10. Short title and commencement

These By-Laws are called the Tariff By-Laws for Indigent Persons, 2012 and shall come into operation on the date of publication in the Provincial Gazette.

TRAFFIC BY-LAWS

The Council of Ulundi Municipality hereby, in terms of sections 11-13 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the Traffic By-laws for the Ulundi Local Municipality, as set out hereunder.

INDEX

Chapter	Subject Matter	Page
1.	General	1-2
2.	Taxis	2-4
3.	Public Buses	4-9
4.	Metered Parking	9-10
5.	Exemption of Medical Practitioner from Parking Restrictions	10-11
6.	General Provisions relating to parking	11
7.	Miscellaneous Provisions	11-12

CHAPTER 1: GENERAL

1. Definitions

In these by-laws, unless inconsistent with the context-

"abnormal load"	means a load carried on a vehicle or combination of vehicles which does not comply with the requirement of the Road Traffic Acts;
"abnormal vehicle"	means a vehicle or combination of vehicles which do not comply with the requirement of the Road Traffic Act;
"bus rank"	means any place designated or any area demarcated for the exclusive parking of busses;
"bus stop"	means any place or area designated or demarcated as a bus stop, by a road traffic sign ,for the purpose of loading and offloading passengers;
"central business district"	means the central parts of township areas within the area of jurisdiction of the Municipality, as indicated on the Council 's Framework Plans;
"Executive Director"	means the person appointed as Head Protection Services by the Municipality, or the Officer acting in that capacity and includes any employee of the Municipality acting under the direction and control of the Executive Director
"Council"	means a municipal council of Ulundi Municipality or any other body delegated by it.
"General industrial area"	means the industrial areas within the area of jurisdiction of the Municipality as indicated on the Council's framework Plans;
"Loading zone"	means any portion of a public road designated or demarcated as a loading zone by a road traffic sign;
"Medical practitioner"	means a person registered as such under the Health Professions Act, 1974(Act 56 of 1974);
"Metered parking bay"	means a parking bay in conjunction with which a parking meter has been installed;
"Parking bay"	means any portion of a public road demarcated as a parking bay or parking place by a road traffic sign or marking"
"ply for hire"	means to use a motor vehicle for hire or reward or make a motor vehicle available at any place for the purposes of so conveying passengers and goods;
"Prescribed fee"	for the purpose of Chapter 4 means the fee prescribed in terms of section 106 of the Road Traffic Act in respect of the metered parking bay concerned ;
"Prescribed tariff"	means the fares and charges prescribed by the Municipality in respect of any journey undertaken in a taxi;
"Proprietor"	in relation to any taxi means a person carrying on the business of conveying passengers in such taxi for hire or reward;
"Public car park"	means any land reserved as a public car park as indicated in the town planning maps of the Ulundi town planning scheme.

"Road carrier permit"	means a public road carrier permit issued in terms of the Road Transportation Act, 1977 (Act 74 of 1977)
"Road Traffic Act"	means the National Road Traffic Act 1996 (Act No .93 of 1996 as amended);
"Taxi"	means a public motor vehicle (other than a public bus) used for the conveyance of passengers and goods;
"taximeter"	means a device designed or adapted for recording the distance travelled by taxi and the fares and charges to be paid by passengers travelling therein;
"Taxi rank"	means any place designated or area demarcated as a taxi rank or for the exclusive parking of taxis by a road Traffic Sign;
"Token"	for the purpose of- (a) Chapter 2 means a token issued under section 4 (4) and (b) Chapter 5 means a token depicting a white cross on a black background;
"traffic officer"	has the meaning assigned to it in the Road Traffic Act and any person appointed as such by Council ,any person acting in that capacity, and includes any person appointed by Council as a Traffic Warden ,Casual Traffic warden or any authorized Traffic Officer in the employ of the Provincial Administration;
"trolley"	means any trolley exclusively operated by human power;

2. Interpretation

- 1) Subject to the provisions of this section, any word or expression used in these by-laws to which a meaning has been assigned in the Road Traffic Act shall bear that meaning unless the context indicates otherwise.
- 2) Words applying to any individual shall include persons, companies and corporations, and the masculine gender shall include females as well as males, and the singular number shall include the plural and *vice versa*.

CHAPTER 2: TAXIS

3. Rank Permit Required

A person may not use, or ply for hire, any vehicle as a taxi unless such vehicle has been issued with a valid taxi rank permit issued by Municipality under this chapter.

4. Granting and Issue of Rank Permit and Token

- (1) Any person wishing to obtain a taxi rank permit as contemplated in section 3, shall submit such an application to the Executive Director on the prescribed form, which form is obtainable from the offices of the Executive Director
- (2) The Executive Director may grant and issue a taxi rank permit applied for in accordance with subsection (1) if she or he is satisfied-
 - (a) that the vehicle concerned-
 - (i) complies with the provisions of this chapter and any other law applicable to vehicles used as taxis
 - (ii) has been fitted with a taxi meter which complies with the provisions of section 8(1), or has been exempted under section 8(2);
 - (iii) can be accommodated in the area ,taxi rank or other place specified in the application;
 - (b) that it is desirable that such vehicle be permitted to ply for hire as a taxi from such area, taxi rank or place;
 - (c) that the taxi rank fee or fees determined by Municipality from time to time, have been paid; and
 - (d) that the applicant is in possession of a valid certificate from the Local Road Transportation Board to operate the said taxi in the area of jurisdiction of the Municipality.
- (3) The Municipality may, when granting a taxi rank permit under subsection (2), impose such conditions, restrictions and requirements in respect of the vehicle concerned, its equipage and the use of the area, taxi rank or other place from which it is to ply or hire as it may deem necessary in the interest of the safety and convenience of pedestrians and vehicular traffic.
- (4) The Municipality shall, with every taxi rank permit issued under sub-section (2), issue a token specifying-
 - (a) the year for which such permit has been granted
 - (b) the registration mark allotted to the vehicle concerned
 - (c) the make of such vehicle

- (d) the area ,taxi rank, or other place from which such vehicle may ply for hire; and
 - (e) the number of the taxi meter approved for use by such vehicle.
- (5) The proprietor of a taxi in respect of which a taxi rank permit has been issued under these by-laws, shall advise the Executive Director
- (a) of any change of his residential and/or postal address during the year of validity of such permit; or
 - (b) when disposing of or otherwise ceasing to be the proprietor of such taxi during the said year ,the name and address of the person to whom it was disposed of or other cause of his ceasing to be the proprietor thereof, within seven days of the event.

5. Period of Validity of Rank Permit and Token

A permit and token issued under section 4 shall be valid from the date of issue until 31 December of the year during which it was issued.

6. Suspension of Rank Permit

- (1) The Executive Director may by notice in writing served on the proprietor of a taxi, suspend the operation of the current taxi rank permit issued in respect of such taxi, for so long as such taxi or the taximeter fitted thereof fails to comply with the provisions of this chapter, any other law relating to vehicles used as taxis or any condition, requirement or restriction imposed under section 4(3) or 8(2).
- (2) Such proprietor shall immediately, upon receipt of such notice, deliver the current token issued in respect of such taxi to the Executive Director.
- (3) The Executive Director shall withdraw such suspension and return such token to such proprietor upon being satisfied that such taxi or taximeter again complies with the aforementioned provisions.

7. General Provisions Relating to Rank Permit and Token

- (1) No person shall, except with the written consent of the Executive Director ply to hire with a taxi from any place other than the area, taxi rank or other place specified on the current taxi rank permit and token issued in respect of such taxi.
- (2) No person shall-
 - (a) affix a token to any vehicle other than the taxi in respect of which it was issued;
 - (b) ply for hire with a taxi-
 - (i) unless the token in respect of such taxi for the current year is affixed to the left hand side of the windscreen thereof so that its face is clearly visible from the outside;
 - (ii) while any token other than the token except the vehicle licence disk and other tokens required by law, issued in respect of such taxi is affixed thereto;
 - (iii) while any token which has ceased to be valid is affixed to such taxi; or
 - (iv) while the operation of the taxi rank permit issued in respect of such taxi for the current year is suspended under section 6.

8. Taximeter to be Fitted

- (1) Subject to the provisions of sub-section (1) ,no person shall ply for hire with a taxi unless:
 - (a) it is fitted with a taximeter which has been approved and sealed by the Executive Director
 - (b) such taximeter
 - (i) is in good working order
 - (ii) is operated solely from the gearbox of such taxi or from such other portion of the mechanism thereof as the Executive Director may approve in writing;
 - (iii) correctly records the fare and charges payable in accordance with the prescribed tariff by any passenger travelling in such taxi;
 - (iv) is clearly visible from outside such taxi;
 - (v) has an illuminated dial which is free of dirt and clearly visible to all passengers travelling in such taxi ; and
 - (vi) is positioned so that every seal affixed thereto by the Executive Director can readily be inspected;
 - (c) every seal affixed to such taximeter by the Executive Director is intact and undamaged.
- (2) The Executive Director may at his discretion and subject to such conditions, restrictions and requirements as he or she may deem necessary exempt for such period as he or she may specify, the proprietor of any taxi from compliance with all or any of the provisions of sub-sections (1) in respect of such taxi and may likewise withdraw any such exemption or vary the conditions, restrictions or requirements subject to which it was granted.

9. Operation of Taximeter

The driver of the taxi-

- (a) shall cause the taximeter fitted thereto to come into operation-
 - (i) upon a passenger entering such taxi in order to commence a journey at a place from which such taxi is plying for hire;
 - (ii) upon arrival at the starting point of a passenger's journey in any other case;
- (b) shall cause such taximeter to stop recording upon arrival at such passenger's destination.

10. Prohibited Acts in Relation to Taximeters and Seals

- (1) No person shall –
 - (a) break or in any way tamper with a taximeter or any connection or appurtenance thereto or with any seal affixed thereto by the Executive Director;
 - (b) tamper or interfere with any tyre ,mechanism, or fitting of a taxi so as to cause the taximeter fitted thereto to register any fare or charge other than a fare or charge in accordance with the prescribed tariff; or
 - (c) cause a taximeter to come into operation before the time specified in section 9 or permit a taximeter to continue operating after the time there specified.
- (2) No person shall ply for hire with a taxi-
 - (a) after the taximeter fitted thereto has been out of order or any seal affixed thereto by the Executive Director has been broken or defaced, until the Executive Director has again approved and sealed such taximeter
 - (b) while such taxi is fitted with tyres which are of a size or at a pressure other than the size and pressure specified on the card referred to in section 11 ;or
 - (c) which is fitted with a taximeter other than one complying with the provisions of section 8.

11. Cards to be Displayed

- (1) No person shall ply for hire with a taxi for passengers unless a card issued by the Executive Director specifying-
 - (a) the prescribed tariff applicable to such taxi;
 - (b) the number of seats available in such taxi for passengers;
 - (c) the size of the tyres on the wheels of such taxi
 - (d) the air pressure to be maintained in such tyres;
 Is permanently affixed in such taxi so that the face thereof is clearly visible to all passengers travelling in such taxi.
- (2) The provisions of sub-section (1) shall not apply in respect of any taxi for so long as an exemption granted to the proprietor thereof in terms of section 8 (2) in respect of such taxi is in operation and all conditions, restrictions and requirements imposed in terms of the by-laws are being complied with.

12. Use of Taxi Ranks

Subject to the provisions of these by-laws or any other law ,a driver of a taxi shall, when plying for hire at a taxi rank ,be available and ready to be hired at all times and no such driver shall refuse to carry any passenger or passengers up to the number of seats available in his taxi to any place within the Municipality unless he or she has been previously hired; and can produce written proof of such hiring

13.

14. Presumptions

- (1) Whenever any person is or goods are conveyed by taxi for hire or reward in contravention of any provisions of this chapter, it shall be presumed, until the contrary is proved, that the proprietor of such taxi caused or permitted such person or goods to be so conveyed.
- (2) If in any prosecution under this chapter, it is proved that a person has conveyed passengers or goods in a motor vehicle on a public road it shall be presumed, until the contrary is proved, that he or she so conveyed such passengers or goods for hire or reward.
- (3) The driver of a taxi shall, until the contrary is proved, be deemed to be proprietor thereof.

CHAPTER 3: PUBLIC BUSES**15. Establishment of Bus Ranks**

- (1) The ranks (hereinafter referred to as bus ranks) on the portions of public roads and places open to the public and on the area of land prescribed by Council shall be established as special parking places for the parking of public busses and which are authorized to use such bus ranks by permit

- issued in terms of these by-laws. Such bus ranks shall be indicated by traffic signs and markings erected and marked in accordance with the relevant provisions of the Road Traffic Act.
- (2) The Executive Director shall demarcate and cause to be set aside in such bus rank, in the manner hereinafter provided, a specific area or areas subdivided into spaces each sufficient to accommodate at least one bus (hereinafter referred in these by-laws as 'loading bays') to be used exclusively for the purpose of accommodating public busses only while passengers are allowed to board or alight. The area or areas so set aside such rank shall not be less than that which is sufficient to accommodate the number of busses at one time, prescribed by the Executive Director, provided however that each bus service for which the bus rank concerned is reserved in terms hereof shall be allocated the right to use at least one loading bay in such bus rank either separately or in conjunction with other services for which the rank is so reserved. The number of loading bays to be allocated to any particular service shall be decided by the Executive Director with due regard to the total number of bays available in the bus rank, and the number of vehicles operated by the owner or owners of the service concerned.
 - (3) Any area remaining in any bus rank after the loading bays have been demarcated, and after provisions have been made for purpose ancillary to the bus rank, including provision for the convenience and accommodation of intending passengers, and the entry and exit of vehicles and pedestrians, shall be made available and demarcated by the Executive Director for the purpose of setting down passengers and parking busses whilst not engaged in picking up or loading passengers. Such parking areas may, but need not necessarily be subdivided and such subdivisions may be allocated for the use of specific services in the manner provided in paragraph (2) hereof.
 - (4) The subdivision of loading or parking areas into bays in terms of the preceding paragraph shall be effected by means of parking lines or other demarcations painted or otherwise clearly indicated on the surface of the traffic-way and such bays may be numbered or otherwise identified. The allocation or reservation of loading bays may be effected by means of signs, notices or other suitable markings showing the outer terminal points or descriptive names of the services for which they have been reserved.
 - (5) Whenever he or she considers it reasonably necessary to do so, in order to ensure the fair and equitable distribution between the various permit holders of the accommodation available in any parking area demarcated in terms of paragraph (3) hereof, the Executive Director may by notice erected at or near the entrances to such parking area stipulate the maximum continuous period which in no case shall be more than eight hours in any one day during which a bus may be parked thereon. Whenever any vehicle has been so parked and allowed to stand within such parking area for any continuous period not exceeding that so stipulated, it shall not again be parked in such parking area until an interval of at least thirty minutes has elapsed.
 - (6) The setting aside and demarcation of portions of a bus rank as loading bays or parking areas shall be effected by means of sign or notice boards, erected at or near the entrances to such loading bays or parking areas, or by means of parking lines painted or otherwise clearly indicated on the traffic way, and any reference in these by-laws to a bus rank shall unless the context otherwise clearly indicates, include any loading bay or parking area.
 - (7) In setting aside or demarcating loading bays, parking areas or any other area necessary for purpose ancillary to the use of a bus rank or in stipulating the maximum continuous parking periods in any parking area, the Executive Director shall Endeavour to ensure that the fullest and most effective use is made of such bus ranks in the interests of both the permit holders and passengers and he or she shall have due regard to the proper regulation of vehicular and pedestrian traffic at or near any bus rank.
 - (8) The Municipality may close temporarily any bus rank or any portion thereof, established under these by-laws but, if necessary, shall establish elsewhere another permanent or temporary rank in lieu thereof.
 - (9) In case of emergency, the powers conferred by sub-section (8) to close the bus rank temporarily may be exercised by the Executive Director or his authorized representative.

16. Bus Rank Allocated According to Destination of Buses

- (1) The bus ranks established in terms of section 17 shall be for the exclusive use of buses lawfully operating on the routes having the destination or outer terminal points detailed in respect of such rank by the Municipality: provided however, that where any bus in respect of which a permit to use a bus rank is sought is authorized by the Motor Carrier Certificate issued in respect thereof to operate to a destination or outer terminal point other than prescribed by the Municipality, the

Executive Director shall issue a permit authorizing such vehicle to use the bus rank most conveniently situated for the route concerned.

- (2) The provisions of this by-law shall not derogate from the authority conferred on the Executive Director by section 23 to allocate to or require any service or bus for which the bus rank concerned is reserved in terms of sub-section (1) ,to use any particular loading bay or any parking area or subdivision thereof which may be demarcated in any bus rank or specified in the permit issued in respect of any bus, which the bus rank concerned is reserved in terms of sub-section (1), to use any particular loading bay or any parking area or subdivision thereof which may be demarcated in any bus rank or specified in the permit issued in respect of any bus.

17. Parking or Standing Time at all Loading Bays

No bus shall be parked or allowed to stand upon any portion of a bus rank aside as a loading bay for a longer period of than fifteen minutes at any one time, and where any such vehicle has been so parked or allowed to stand upon such loading bay for any continuous period not exceeding fifteen minutes it shall not again be parked or allowed to stand upon such loading bay or any portion thereof, until an interval of at least thirty minutes shall have elapsed.

18. Parking of Buses Prohibited in Certain Areas

- (1) Except in the case of public buses permitted to do so under these by-laws, at a bus rank established by municipality, no person shall park or cause or permit to be park any bus upon any public road within the Municipality save in any bus rank duly established in terms of these by-laws or any amendments thereof; provided that this provision shall not apply to a bus which is immobilized through mechanical defects.
- (2) No person shall operate any bus at a private property within the Municipality.

19. Unauthorized use of Bus Ranks Prohibited

- (1) No person shall cause or permit
 - (a) any vehicle of a class other than a public bus to park or stand upon any bus rank
 - (b) any public bus to park or to stand upon any bus rank unless in possession of a permit to do so, issued in respect of such a bus in terms of these by-laws; provided that this prohibition shall not apply to any lawfully substituted bus.
- (2) No person in control of any public bus which is authorized by a current permit to use any particular loading bay, parking area or subdivision thereof in any bus rank shall cause or permit such vehicle to:
 - (a) park or stand upon or use any loading bay or parking area or portion or subdivision thereof other than that allocated in respect of such vehicle in terms of permit, or in terms of sections 17 and 18 as the case may be;
 - (b) park or stand upon or in any way occupy any loading bay for a continuous period longer than fifteen minutes;
 - (c) again park or stand upon or occupy any loading bay until an interval of thirty minutes shall have elapsed after such bus has been moved from the loading bay;
 - (d) park or stand upon any bus rank or portion thereof which is temporarily closed in terms of these by laws;
 - (e) remain unattended at any loading bay.
- (3) No person shall remove damage or mutilate or in any way interfere with any signs or notices which may be erected or affixed in any bus rank by the Executive Director in terms of these by-laws.

20. Application For Permits

- (1) Application for permit to use any bus rank or ranks shall be made in writing by the owner of the public bus or busses in respect of which the permit is sought and shall be addressed to the Executive Director.
- (2) With effect from the date of operation of these by-laws, the applicant shall lodge with his application a receipt from the Chief Financial Officer for the sum prescribed by municipality in respect of each bus for which a permit is sought. If any application is refused in accordance with the provisions of section 24 the amount deposited by the applicant shall be refunded to him. If any application is granted, the amount so deposited shall be retained by the Chief Financial Officer as and for the fee payable by the applicant for the use of the rank authorized by the permit provided. However, where a permit is sought for a period which is less than 12 months, the amount payable shall be one quarter of the aforesaid sum for each completed three months of the year ending on 30 June of the following year.

- (3) The provisions of sub-section (2) shall *mutatis mutandis* apply to an application for the renewal of an existing permit

21. Issue of Permits

- (1) Subject to the provisions of sub-section (2) and of section 24, the Executive Director may in granting any application-
- (a) impose conditions restricting any bus in respect of which a permit is issued to a particular loading bay or parking area or subdivision thereof which may be demarcated as before provided in the bus rank concerned;
 - (b) impose conditions limiting the hours during which any bus rank or subdivision thereof may be used by the vehicle when not actually engaged in transporting passengers in terms of any road carrier permit;
 - (c) impose conditions specifying the number of vehicles which may use any portion of any one bus rank or any subdivision of such bus rank;
 - (d) impose any other conditions which the Executive Director may deem reasonable to ensure a fair allocation of the available accommodation of any bus rank between the various applicants or for avoiding obstructions and congestions of vehicles and passengers or to ensure the proper regulation of traffic at or near the bus rank concerned.
- (2) In deciding to impose any conditions, the Executive Director shall have regard-
- (a) to the number of public buses which can conveniently be accommodated in the bus rank set aside by the Municipality for the use of vehicles to which the application relates, authorized by the road carrier permit to operate on the routes having the destination or outer terminal detailed by the Municipality;
 - (b) to any specified timetable referred to in the road carrier permit issued in respect of such vehicle and in accordance with which such vehicle must be operated;
 - (c) to the length of time during which the applicant for a permit has been engaged in the business of transporting passengers for reward by bus;
 - (d) to the conditions of the relevant road carrier permit issued in respect of such motor vehicle;
 - (e) to any other factor which may be relevant to the object of ensuring the fullest and most effective use being made of the bus rank concerned, with due regard to the convenience of passengers and the regulations of vehicular and pedestrian traffic at or near such rank.

22. Power to Refuse Application for or to Cancel Permits

- (1) No permit shall be granted or renewed unless the applicant is the holder of a valid road carrier permit in respect of the vehicle concerned authorizing the conveyance of passengers over the relative route. Any permit or renewal shall be suspended or cancelled *ipso facto* if the road carrier permit in respect of the vehicle to which the permit relates is suspended, withdrawn, cancelled or not renewed.
- (2) The cancellation or suspension of a permit in terms of this by-law shall not entitle the holder to any refund in respect of the fee paid by him.

23. Permit to be in Prescribed Form

- (1) Whenever an application for a permit is granted by him the Executive Director shall forthwith issue to the applicant a permit substantially in a form prescribed by the Executive Director, in respect of each public bus for which application for the right to use a bus rank was made. A permit shall be valid only for the period stated thereon.
- (2) A permit issued in terms of these by-laws shall specify the bus rank or ranks to which it relates and shall entitle the holder to use any loading bay and any available accommodation in any parking area set aside or demarcated in the bus rank to which his permit relates, or which may be specified in the permit as being allocated to him subject to the conditions endorsed thereon and to the provisions of these by-laws.
- (3) The Municipality shall in no way be liable for loss or damage to any vehicle or any accessory or contents of such vehicle which has been parked in any bus rank.

24. Permit to be Carried on Vehicle to which it Relates and Owner's Name and Address to be Displayed

- (1) A permit so issued shall at all times be carried in or upon the public bus to which it relates or in or upon any bus which is lawfully substituted therefor, and the driver thereof shall exhibit it to a traffic officer, police officer, or any authorized official upon demand. Failure to exhibit such permit on demand shall be an offence.

- (2) The owner of any public bus shall cause his name and address to be legibly, permanently, and conspicuously affixed on the side or sides of the vehicle. Such name and address shall be painted in block letters at least 25 mm in height, and the colour of the letters shall be in contrast with the colour of the vehicle.

25. Expiry and Renewal of Permit

- (1) A permit issued in terms of these by-laws shall expire on 31 December each year.
- (2) Applications for the renewal of any permit for the following year shall be made to the Executive Director not later than 30 June in each year, in the same manner as provided in section 22.
- (3) Applications for renewal made after 30 June aforesaid shall be treated as application for renewal permits.

26. Power to the Executive Director to Authorise Substitution of Vehicle

If, at any time a public bus to which a permit relates is under repair or if, for any other reasons, the owner thereof so desires, the Executive Director may, by endorsement upon the permit, authorize the substitution of another vehicle therefor either temporarily or for the duration of the permit, provided however, that in cases of urgency the Executive Director may grant such authority verbally in which case the owner shall produce the relevant permit for endorsement within 48 hours of such verbal authority having been granted; provided further that when a substituted vehicle is to be used for less than 24 hours such endorsement shall not be necessary

27. Preservation of Council's Right

- (1) No rights possessed by the holder of any permit under these by-laws or under such permit shall operate to debar the Municipality from permanently or temporarily closing or removing any bus rank established hereunder, or from amending these by-laws.
- (2) In the event of it being deemed necessary by the Municipality for any reason-
 - (a) to establish any new permanent bus rank either in substitution for any existing bus rank or addition thereto ; or
 - (b) to alter or modify any of the routes prescribed by the Municipality or to authorize any additional routes; the Municipality may, with the consent of the local Road Transportation Board and pending the promulgation of the necessary amendments to these by-laws, issue a temporary permit authorizing the holder to operate to and from any such new rank or along such altered or additional route as the case may be.

28. Drivers to Observe By-Laws and Instructions of the Traffic Officers

- (1) The driver or the other person in control of any public bus shall exercise the rights conferred by the permit authorizing such vehicle to use any bus rank with due regard to the rights and convenience of other vehicles authorized to use the bus rank and their passengers and shall, in addition to observing the requirements of these by-laws, obey all lawful instructions or signals given by any traffic officer.
- (2) For the purposes of these by-laws, all traffic officers are hereby authorized to give such instructions or signals which may be necessary to avoid obstructions and congestion of vehicles or passengers and for the proper regulation of traffic at or near the bus rank.

29. Queues

- (1) At any bus rank or bus stop established in terms of these laws the Municipality may erect or cause to be erected queue signs consisting of a notice board indicating the manner in which persons waiting to board a bus shall stand and form a queue which sign may or not be supplemented by queuing barriers in the form of rails or lines marked on the surface of the area to be demarcated for the purpose of queuing.
- (2) Persons intending to board any vehicle at any bus rank or other bus stop at which queue signs have been erected shall form a queue at and from the point which it is indicated that such vehicles will leave.
- (3) Persons forming any such queue shall take and give precedence according to the time of their arrival.
- (4) No person shall board any vehicle at any bus rank at which queue signs have been erected except from a queue (unless there are no other persons waiting to board the vehicle) and no person shall take any place in a queue in front of any person already in that queue.
- (5) Where no queue sign has been erected persons waiting at or near any bus rank or for any purpose of boarding a bus shall form themselves in a queue not exceeding two abreast, or in single line when required thereto by a traffic officer or police officer.

- (6) Every person standing in any queue or boarding or attempting to board at any bus stop where queue has assembled or a queue sign has been erected shall comply with all instructions given by traffic officer or any other officer as may be necessary for the proper control of the queue or for the prevention or obstruction to vehicular or pedestrian traffic.
- (7) No person shall board any bus at any bus rank or bus stop until all persons wishing to alight therefrom shall have had reasonable opportunity to do so.
- (8) It shall be an offence for any person to enter or attempt to enter any bus which contains the total number of passengers which it is authorized to carry after being warned by the conductor or driver not to do so.
- (9) Any person who fails to comply with any provision of this by-law or who refuses to obey the lawful instructions of any traffic officer or any police officer or who behaves in a riotous or indecent manner or who is intoxicated, may be removed from a queue or from vicinity of the bus rank or bus stop by any traffic officer or any police officer.

30. Bus Route and Stop Places

- (1) No person shall drive any public bus along any route within the Municipality except as prescribed by Council resolution.
- (2) The Municipality may by resolution prescribe bus stops on any routes along which buses are permitted to travel. Such bus stops shall be denoted by a notice marked "Bus Stop".
- (3) The driver of any bus being used on any route within the Municipality for the purpose of conveying passengers shall, unless such bus is at the time carrying the maximum number of passengers which it is lawfully entitled to carry, stop the said bus upon being hailed at any appointed rank or bus stop by any person desirous of travelling by such bus and shall take up such intending passengers provided that the said passengers are not excluded by any law from being a passenger provided in the said bus or in contravention of any condition which may have been imposed by the Road Transportation Board. The provision of this by-law shall not apply to any public bus displaying a notice or notices stating that the said bus in an express, limited stop or special bus, until such bus reaches the destination stated in such notice or notices, whereupon the provisions of this section shall *mutatis mutandis* apply to such bus.
- (4) The driver of any public bus upon being requested by any passenger in the said public bus stop shall stop at the next appointed bus rank or bus stop for the purpose of allowing the said passenger to alight.
- (5) The driver of any vehicle other than a public bus shall not allow such vehicle to stop at any bus stop prescribed in section 33.
- (6) The driver of a public bus shall not at any time allow such public bus to remain unattended at any stopping place or stand situate on any bus route within the Municipality.
- (7) No driver or person in charge of any bus shall pick up or set down passengers or allow any passengers or intending passengers to board or leave such except at a bus rank established in terms of these by-laws or at a designated bus stop.

31. Right to Appeal to Municipality

Any bus owner, operator or driver who is aggrieved by any decision given by the Chief Traffic Officer under these by-laws shall have a right to appeal to the Municipality.

CHAPTER 4: METERED PARKING

32. Metered Parking

- 1) The prescribed fee shall be placed in a meter parking.
- 2) Any person who parks or stops a vehicle in a metered parking bay-
 - (a) during the prescribed hours shall, immediately after such vehicle has been brought to a standstill in such bay, deposit the prescribed fee in the parking meter installed in the conjunction with such bay and cause such parking meter to come into operation in accordance with any direction displayed thereon, provided such meter indicates that the period of parking time for such bay is unexpired, such vehicle may be parked therein for a period of not exceeding the unexpired portion of such period of parking time without any fee being deposited: or
 - (b) before the commencement on any day of the prescribed hour, and permits such vehicle to remain therein until such commencement shall, immediately after such commencement deposit the prescribed fee in the parking meter installed in the conjunction with such bay, and cause such parking meter to come into operation in accordance with any direction displayed thereon.

33. Prohibited Acts

No person shall –

- (a) cause or permit any vehicle parked or stopped by him in a metered parking bay to remain after the expiration of the period for such unless-
 - (i) the prescribed fee has been deposited in the parking meter installed in the conjunction with such bay or
 - (ii) parking is permitted in such a bay as indicated on a road traffic sign regulating parking or stopping on a public street or portion thereof in which such bay is situated, or attached to the parking meter installed in conjunction with such bay.
- (b) deposit any fee into a parking meter for a second for the purpose of extending or increasing the period or parking time indicated on such parking meter in respect of any vehicle parked or stopped in the parking bay in conjunction with such meter parking installed beyond the period referred to in paragraph(a)(ii).
- (c) cause or permit a vehicle to re-occupy a metered parking bay within a period of ten minutes after it has been removed from such bay:
- (d) deposit or cause to be deposited in parking meter any slug, device or substitute for a coin or any coin other than a coin of the currency of the Republic of South Africa or
- (e) tamper with, deface or in any way damage any meter or appurtenance thereto.

34. Prescribed Hours

The provisions of this Chapter shall be in operation between 08h00 and 17h00 from Mondays to Fridays and 08h00 to 13h00 on Saturday but shall not be in operation on any such day which is a public holiday.

35. Exemption

Notwithstanding anything in these by-laws contained, the driver or person in charge of the following vehicles may, subject to provision of this by-law, park without payment of the prescribed fee:

- (1) vehicles exempted in terms of Regulation 306 of the Road Traffic Act.
- (2) a vehicle operated by a licensed driver suffering from a permanent physical disability and to whom a token has been issued by the Executive Director in terms of section 36(1) of these by-laws.

36. Application For Exemption

- (1) A person suffering from a permanent physical disability who desires to obtain exemption in terms of section 35 shall apply in writing to the Executive Director for a token of exemption. Such application shall be accompanied by a certificate signed by a registered medical practitioner stating the extent and effect of such disability.
- (2) The Executive Director may in his discretion issue or refuse to issue a token to such disabled person
- (3) If a token is lost or destroyed, the token shall not be replaced until 31 July of the following year.
- (4) Every token issued in terms of these by-laws shall expire on 30 June of the year for which it was issued and shall be renewed upon 1 January of each year.
- (5) Application for renewals shall be made in accordance with the conditions of sub-section (1) hereof.
- (6) Such a token shall be displayed on the dashboard of the vehicle in such a manner that the information thereon will be clearly visible for a traffic officer through the windscreen of that vehicle.

37. Presumptions

Whenever a vehicle is in a metered parking bay during the prescribed hours and the parking meter installed in conjunction with such bay indicates that the period of time for which a fee was last deposited in such parking meter has expired, it shall be presumed, until the contrary is proved, that such vehicle was parked in such a bay without the prescribed fee being deposited in such parking meter in accordance with the provisions of section 32.

CHAPTER 5-EXEMPTION OF MEDICAL PRACTITIONERS FROM PARKING RESTRICTIONS**38. Exemption of Medical Practitioner**

- (1) A registered general medical practitioner shall be exempted from the provisions of any by-law relating to parking in force in the Municipality when using, on *bona fide* profession domiciliary

visits, a motor vehicle on which is displayed a badge conforming with the requirements of sub-section (2) hereof, issued to him on the authority of the Executive Director, provided that such exemption shall not apply-

- (a) in respect of a road traffic sign which totally prohibits parking at all times or during specified hours on any public road;
 - (b) in any area in which the stopping of vehicles is prohibited during the hours when such stopping is prohibited;
 - (c) to parking across entrance;
 - (d) where the road traffic sign concerned is one designating or demarcating a parking bay required for exclusive parking of a certain type of vehicle; or
 - (e) where the parking of a vehicle shall cause any obstruction or danger to other road users.
- (2) The badge shall be a windscreen sticker badge of a design approved by the Executive Director displaying on the face thereof the serial number, the medical association's symbol and the name of the medical practitioner to whom it was issued
 - (3) the badge shall be displayed on the lower near side border of the windscreen and shall have a pocket in which is inserted a white card showing the address at which the medical practitioner is actually making a professional domiciliary visit at the time the motor vehicle to which it is affixed, is parked. The address shown on the card must be easily legible from the outside of the vehicle.
 - (4) A written application for the issue of a badge shall be made to the Executive Director who may in his discretion authorize the issue of an approved badge to the applicant upon payment to the Municipality of the prescribed fee.
 - (5) The Executive Director shall keep a register in which he or she shall record the serial number allocated by him of the badge, the issue of which has been authorized by him, and the name of the holder.
 - (6) No duplicate badge shall be issued without the prior consent of the Executive Director.
 - (7) Where the Executive Director has reason to believe that any holder is abusing the privileges conferred by him by a badge he or she may withdraw the badge from the holder and privileges conveyed by the badge shall thereupon cease.

CHAPTER 6-GENERAL PROVISIONS RELATING TO PARKING

39. Limitation on Parking

- (1) Subject to the provisions of sub-section (2), no person shall between 20h00 on one day and 06h00 on the following day, park-
 - (a) a motor vehicle which exceeds 2 400 kg in tare;
 - (b) a trailer;
 - (c) an animal drawn vehicle.

CHAPTER 7-MISCELLANEOUS PROVISIONS

40. Loads to be Covered

No person shall, by means of any vehicle, convey on any public road or public place any load of manure, sand, earth, gravel, grit, ashes or other substance which may be wind driven unless such load is covered by a tarpaulin or other suitable covering so as to effectively prevent any of such substances from being blown or in any other manner discharged from such vehicle.

41. Cleaning, Washing, and Repairing of Vehicles

No person shall clean, wash or repair any vehicle in any public street, provided that in the case of an accident, breakdown or other emergency, such repairs may be effected as may be necessary to enable such vehicle to proceed or be removed as expeditiously as possible.

42. Roller Skates And Skates Boards

No person shall use any public road or sidewalk for the purpose of skating on roller skates, skate boards or other similar device.

43. Obstructing Procession

No driver of any vehicle shall drive or attempt to drive his vehicle through or across the path of any procession authorized or permitted under these by-laws by Municipality while such procession is proceeding along or across any public road.

44. Refuse

No person shall-

- (1) Spit upon any public pavement, public road, or public place or in any public building or public vehicle of conveyance;
- (2) Place upon the windscreen or any other part of any motor vehicle any paper or other material for the purpose of advertising without the permission of the owner of the said vehicle.

45. Permission to use Abnormal Vehicles

- (1) An application for permission to move along a public road shall be made to the Executive Director on the day prior to the day of the intended movement of the abnormal vehicle or of the abnormal load
- (2) Any such application shall state the time, date and place of departure and the route to be taken.
- (3) If the Executive Director considers that an escort is not necessary to ensure the safety of vehicles using the public roads, he or she may issue a written authority to proceed without such escort indicating the time and the date of departure and the route to be taken.
- (4) If the Executive Director considers that an escort is necessary to ensure the safety of the vehicles using the public road, he or she may allocate one or more traffic officers as escorts and may define the time and date of the intended movement and the route to be taken.
- (5) The owner of the vehicle or the person requesting the permission to move the abnormal vehicle or load shall pay the cost of any escort assigned, at the tariff determined by the Council resolution from time to time.

46. Traffic Officers Escort Duties

Any person requiring the services of any Traffic Officer or officers for escort traffic control purposes, may make application therefor to the Executive Director who may allocate so many Traffic Officers as may be required to ensure public safety, and the services of such Traffic Officers shall be paid for by such person making application at the tariff to be determined by Municipality by resolution time to time.

47. Offences and Penalties

Any person who-

- (a) Contravenes or fails to comply with any provisions of these bylaws or of any term, condition, restriction, requirement, notice or order imposed or issued in terms thereof;
- (b) Gives any information required by or in connection with any provisions referred to in paragraph (a) which is false or misleading
- (c) Resists, hinders, obstruct, molests or interferes with any traffic officer or employee of Municipality in the performance of his duties or the exercise of his powers under these by-laws; or
- (d) Causes or permits any other person to commit any of the aforesaid acts; shall be guilty of an offence and shall be liable on conviction to a fine of R1000.00 (one thousand rand) or six (6) months imprisonment.

48. Repeal

The by-laws relating to traffic or Public Transport for the Municipality are hereby repealed and replaced by these by-laws.

49. Application

The Municipality may by Notice in the Provincial Gazette, determine which provisions of these by-laws do not apply in certain areas within its area of jurisdiction from a date specified in the Notice.

50. Short Title and Commencement

These By-Laws are called Traffic By-Laws, 2012 and shall come into operation on the date of publication in the Provincial Gazette.