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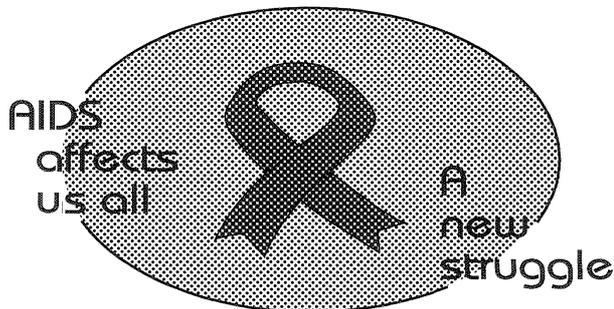
**Vol. 7**

**PIETERMARITZBURG,**

6 DECEMBER 2013  
6 DESEMBER 2013  
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**No. 1063**

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**AIDS  
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DEPARTMENT OF HEALTH

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**MUNICIPAL NOTICES**

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No. 64

6 December 2013

**MPOFANA LOCAL MUNICIPALITY**



**BY-LAWS RELATING TO SUPPLY OF ELECTRICITY**

**By-laws relating to Electricity Supply for Promulgation**

**MPOFANA LOCAL MUNICIPALITY**  
**BY-LAWS RELATING TO ELECTRICITY SUPPLY**

**The Municipal Manager of the Mpofana Local Municipality**

**Hereby, in terms of section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the By-laws relating to Electricity Supply**

**For the Mpofana Local Municipality as approved by its  
Council, as set out hereunder.**

**MPOFANA LOCAL MUNICIPALITY**  
**BY-LAWS RELATING TO ELECTRICITY SUPPLY**

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## CHAPTER 1

### GENERAL

#### 1. Definitions—

In this by-law, unless inconsistent with the context—

<b>“applicable standard specification”</b>	means the standard specifications as listed in Schedule 1 attached to this by-law;
<b>“certificate of compliance”</b>	means a certificate issued in terms of the Regulations in respect of an electrical installation or part of an electrical installation by an registered person;
<b>“civil work permit”</b>	means a permit issued to an applicant for a way leave granting that applicant consent for the civil work to be undertaken;
<b>“consumer”</b>	<p>in relation to premises-</p> <p><b>(a)</b> For supply agreements existing prior to the promulgation of this by-law means—</p> <p><b>(i)</b> Any occupier thereof or any other person with whom the municipality has entered into an agreement to supply or is actually Supplying electricity thereat;</p> <p><b>(ii)</b> If such premises are not occupied, any person who has a valid existing agreement with the municipality for the supply of Electricity to such premises; or</p> <p><b>(iii)</b> If there is no such person or occupier, the owner of the premises;</p> <p><b>(b)</b> For supply agreements entered into after the promulgation of this by-law means the owner of the premises or his or her designated proxy.</p>
<b>“credit meter”</b>	means a meter where an account is issued subsequent to the consumption of electricity;
<b>“Municipal Manager”</b>	means the Municipal Manager of the municipality, any other person lawfully acting in that capacity and any employee of the municipality duly authorized thereto by such Municipal Manager or person so acting;

<b>“effective date”</b>	means the date on which the responsibility for the delivery of the electricity service is transferred to the municipality;
<b>“electrical contractor”</b>	means an electrical contractor as defined in the Regulations;
<b>“electrical installation”</b>	means an electrical installation as defined in the Regulations;
<b>“high voltage”</b>	means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of $44 \text{ kV} < U_n \leq 220 \text{ kV}$ . [SANS 1019]
<b>“low voltage”</b>	means the set of nominal voltage levels that are used for the distribution of electricity and whose upper limit is generally accepted to be an a.c. voltage of 1000V (or a d.c. voltage of 1500 V). [SANS 1019]
<b>“medium voltage”</b>	means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of $1 \text{ kV} < U_n \leq 44 \text{ kV}$ . [SANS 1019]
<b>“meter”</b>	means a device which records the demand and/or the electrical energy consumed and includes conventional and prepayment meters;
<b>“motor load, total connected”</b>	means the sum total of the kW input ratings of all the individual motors connected to an installation;
<b>“motor rating”</b>	means the maximum continuous kW output of a motor as stated on the maker’s rating plate;
<b>“motor starting current”</b>	in relation to alternating current motors means the root mean square value of the symmetrical current taken by a motor when energized at its rated voltage with its starter in the starting position and the rotor locked;
<b>“occupier”</b>	in relation to any premises means— (a) any person in actual occupation of such premises;

**“owner”**

(b) any person legally entitled to occupy such premises;

(c) in the case of such premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants, whether on his own account or as agent for any person entitled thereto or interested therein; or

(c) any person in control of such premises or responsible for the management thereof, and includes the agent of any such person when he/she is absent from the Republic of South Africa or his/her whereabouts are unknown;

in relation to premises, means the person in whom is vested the legal title thereto; provided that—

(a) in the case of immovable property

(i) Leased for a period of not less than 50 years, whether the lease is registered or not, the lessee thereof, or

(ii) Beneficially occupied under a servitude or right analogous thereto, the occupier thereof;

(b) if the owner as hereinbefore defined—

(i) is deceased or insolvent, has assigned his estate for the benefit of his creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be;

(ii) is absent from the Republic of South Africa, or if his address is unknown to the municipality, any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property; and

(iii) if the Municipality is unable to determine who such person is, the person who is entitled to the beneficial use of such property, shall be deemed to be the owner

<b>“point of consumption”</b>	thereof to the exclusion of the person in whom is vested the legal title thereto; means a point of consumption as defined in the Regulations;
<b>“point of metering”</b>	means the point at which the consumer’s consumption of electricity is metered and which may be at the point of supply or at any other point on the distribution system of the Municipality or the electrical installation of the consumer, as specified by the Municipality or any duly authorised official of the Municipality; provided that it shall meter all of, and only, the consumer’s consumption of electricity;
<b>“point of supply”</b>	means the point determined by the Municipality or any duly authorised official of the Municipality at which electricity is supplied to any premises by the Municipality;
<b>“premises”</b>	means any land or any building or structure above or below ground level, or part thereof, and includes any vehicle, aircraft or vessel;
<b>“prepayment meter”</b>	means a meter that can be programmed to allow the flow of pre-purchased amounts of energy in an electrical circuit;
<b>“registered person”</b>	means a person registered in terms of the Regulations as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;
<b>“Regulations”</b>	means Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993);
<b>“retail wheeling”</b>	means the process of moving third party electricity from a point of generation across the distribution systems of the Municipality and selling it to a customer;
<b>“safety standard”</b>	means the Code of Practice for the Wiring of Premises SANS 10142-1 incorporated in the Regulations;
<b>“Service Authority”</b>	means the City of Cape Town, a metropolitan municipality established in terms of the law;

<b>“service connection”</b>	means all cables and equipment, including all metering equipment, load management equipment, all high, medium or low voltage switchgear and cables required to connect the supply mains to the electrical installation of the consumer at the point of supply;
<b>“service protective device”</b>	means any fuse or circuit breaker installed for the purpose of protecting the Municipality’s equipment from overloads or faults occurring on the installation or on the internal service connection;
<b>“Municipality”</b> <b>“standby supply”</b>	means an alternative electricity supply from the Municipality not normally used by the consumer;
<b>“supply mains”</b>	means any part of the Municipality’s electricity distribution network;
<b>“tariff”</b>	means the Municipality’s tariff of charges for the supply of electricity and sundry fees, as approved by the Council;
<b>“temporary supply”</b>	means an electricity supply required by a consumer for a period normally less than one year;
<b>“the law”</b>	means any applicable law, proclamation, ordinance, act of parliament or enactment having force of law;
<b>“token”</b>	means the essential element of a prepayment metering system used to transfer information from a point of sale for electricity credit to a prepayment meter and vice versa;
<b>“voltage”</b>	means the root-mean-square value of electrical potential between two conductors;
<b>“way leave”</b>	means the set of documentation providing information on the location of the supply mains of the Municipality within the physical area covered by an application to undertake civil work within the municipal area and stipulates the conditions applicable to the work to be done in the vicinity of the affected supply mains.

**2. Other terms**

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

**3. Headings and titles**

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

## CHAPTER 2

### GENERAL CONDITIONS OF SUPPLY

#### 4. Provision of Electricity Services

- (1) Only the Municipality shall supply or contract for the supply of electricity within the jurisdiction of the municipality. A third party may supply or contract for the supply of electricity within the jurisdiction of the municipality, subject to the consent of the Council and to the requirements of the Electricity Regulation Act.
- (2) The Municipality may permit the retail wheeling of electricity through its network by another electricity supplier that is licensed for the trading of electricity in terms of the Electricity Regulation Act to the customers of this electricity supplier.

#### 5. Supply by agreement

- (1) No person shall use or be entitled to use an electricity supply from the Municipality unless or until a written agreement has been entered into with the Municipality for such supply, and such agreement together with the provisions of this by-law shall in all respects govern such supply.
- (2) If electricity is consumed without the existence of a supply agreement, the owner of the premises on which the electricity is being used shall be liable for the cost of electricity used as stated in section 44 of this bylaw.
- (3) Any consumer supply agreement concluded with the Council will, subject to national legislation with effect from the effective date, together with all the assets and liabilities attached to the said supply agreement, vest with the Municipality.

#### 6. Service of notice

- (1) Any notice or other document that is served on any person in terms of this by-law is regarded as having been served—
  - (a) when it has been delivered to that person personally;
  - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
  - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
  - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in
  - (e) the manner provided by paragraphs (a), (b) or (c); or
  - (f) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.

- (2) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.
- (3) Any legal process is effectively and sufficiently served on the Municipality when it is delivered to the Municipal Manager or an employee in attendance at the office of the Municipal Manager.

## **7. Compliance with notices**

Any person on whom a notice duly issued or given under this by-law is served shall, within the time specified in such notice, comply with its terms.

## **8. Application for supply**

- (2) Application for the supply of electricity shall be made in writing by the prospective consumer on the prescribed form obtainable at the office of the Municipality, and the notified maximum demand, in KVA, required for the installation, shall be stated therein. Such application shall be made as early as possible before the supply of electricity is required in order to facilitate the work of the Municipality.
- (3) Applicants for the supply of electricity shall submit the following documents with their application:-
  - (a) An identity document or passport, and, in the case of a business, a letter of resolution delegating the authority to the applicant;
  - (b) The consumer shall provide a Deed of Sale or other proof of ownership of the premises for which a supply of electricity is required.
- (4) Applicants for a supply of electricity shall be subject to a credit clearance check as far as debt to the Council is concerned.
- (5) An application for a new temporary supply of electricity shall be considered at the discretion of the Municipal Manager, who may specify any special conditions to be satisfied in such case.

## **9. Processing of requests for supply**

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

## **10. Servitudes on private property**

- (1) The Municipality may refuse to lay or erect a service connection above or below ground on any thoroughfare or land not vested in the Council or on any private property, unless and until the prospective consumer shall have obtained and deposited with the Municipality written permission granted by the owner of the said private property or by

the person in whom is vested the legal title to the land or thoroughfare as aforesaid exists, as the case may be, authorizing the laying or erection of a service connection thereon.

- (2) If such permission is withdrawn at any time or if the aforesaid private property or thoroughfare changes ownership and the new owner refuses to grant or continue such permission, the cost of any alteration required to be made to a service connection in order that the supply of electricity may be continued, and of any removal thereof which may become necessary in the circumstances, shall be borne by the consumer to whose premises the supply of electricity is required to be continued.

## 11. Statutory Servitude

- (2) Subject to the provisions of sub-section (3) the Municipality may within the municipal area :
- (a) provide, establish and maintain electricity services;
  - (b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and destroy electricity supply mains;
  - (c) construct, erect or lay any electricity supply main on, across, through, over or under any street or immovable property and the ownership of any such main shall vest in the Municipality;
  - (d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by paragraphs (a) to(c).
- (3) If the Municipality constructs, erects or lays any electricity supply main on, across, through, over or under any street or immovable property not owned by the municipality or under the control of or management of the municipality , the Municipality shall determine the restrictions to be imposed on the use of the property under a servitude agreement.
- (4) The Municipality and the owner of such street or property shall enter into a servitude agreement which may include an agreed amount for compensation, or, in the absence of agreement, as determined either by arbitration or a court of law.
- (5) The Municipality shall, before commencing any work other than repairs or maintenance on or in connection with any electricity supply main on immovable property not owned by the municipality or under the control or management of the municipality, give the owner or occupier of such property reasonable notice of the proposed work and the date on which it proposes to commence such work.

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

- (1) The Municipality shall, through its employees, contractors and their assistants and advisers, have reasonable access to or over any property for the purposes of—

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

### **13. Refusal or failure to give information**

- (1) No person shall refuse or fail to give such information as may be reasonably required of him/her by any duly authorised official of the Municipality or render any false information to any such official regarding any electrical installation work completed or contemplated.
- (2) The Municipality shall not make any information available concerning the supply or account details for any premises to any third party without the express written permission from the consumer who signed the supply agreement for the supply to the premises concerned except to the owner of a property upon written request to the Municipality.

### **14. Refusal of admittance**

No person shall willfully hinder, obstruct, interfere with or refuse admittance to any duly authorised official of the Municipality in the performance of his duty under this by-law or of any duty connected therewith or relating thereto.

## **15. Improper use**

- (1) If the consumer uses the electricity for any purpose or deals with the electricity in any manner which the Municipality has reasonable grounds for believing interferes in an improper or unsafe manner or is found to interfere in an improper or unsafe manner with the efficient supply of electricity to any other consumer, the Municipality may disconnect the electricity supply but such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed.
- (2) The fee as prescribed by the Municipality for the disconnection and reconnection shall be paid by the consumer before the electricity supply is restored, unless it can be shown that the consumer did not use or deal with the electricity in an improper or unsafe manner.

## **16. Electricity tariffs and fees**

Copies of charges and fees may be obtained free of charge at the offices of the Municipality.

## **17. Deposits**

- (1) The Municipality, in terms of a Tariff Policy approved by the Council, reserves the right to require the consumer to deposit a sum of money as security in payment of any charges which are due or may become due to the Municipality.
- (2) The amount of the deposit in respect of each electricity installation shall be determined by the Municipal Manager. Each such deposit may be increased if the Municipal Manager deems the deposit held to be inadequate, or as a result of non-payment, or as a result of tampering, or as a result of unauthorized connections or unauthorized reconnections.
- (3) Such deposit shall not be regarded as being in payment or part payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff referred to in this by-law.
- (4) On cessation of the supply of electricity, the amount of such deposit, free of any interest, less any payments due to the Municipality shall be refunded to the consumer.
- (5) The payment of interest on deposits, held in terms of supply agreements by any previous supplier of electricity, shall cease on the date of transfer of such supplies to the Municipality.

## **18. Payment of charges**

- (1) The consumer shall be liable for all charges listed in the prescribed tariff for the electricity service as approved by the Council. The consumer may also be required to pay all charges of other services supplied by the municipality to ensure a continued supply of electricity.

- (2) All accounts shall be deemed to be payable when issued by the Municipality and each account shall, on its face, reflect the due date and a warning indicating that the supply of electricity may be disconnected should the charges in respect of such supply remain unpaid after the due date.
- (3) An error or omission in any account or failure to render an account shall not relieve the consumer of his obligation to pay the correct amount due for electricity supplied to the premises and the onus shall be on the consumer to satisfy himself/herself that the account rendered is in accordance with the prescribed tariff of charges in respect of electricity supplied to the premises.
- (4) Where a duly authorised official of the Municipality has visited the premises for the purpose of disconnecting the supply of electricity in terms of sub-section (2) and he/she is obstructed or prevented from effecting such disconnection, the prescribed fee shall become payable for each visit necessary for the purpose of such disconnection.
- (5) After disconnection for non-payment of an account, the prescribed fees and any amounts due for electricity consumed shall be paid, or suitable arrangements have been made in terms of the municipality's By-law or Policies, before the electricity supply is re-connected.
- (6) Notwithstanding the fact that an occupier has an agreement for the supply of electricity, should the owner of immovable property apply for a clearance certificate, in terms of section 118, of the Local Government: Municipal Systems Act, 32 of 2000, then such owner will be liable for all charges due to the Municipality, in respect of the said property, in order to obtain such certificate.

#### **18. Interest on overdue accounts**

The Municipality may charge interest on accounts which are not paid by the due date appearing on the account, in terms of an approved Credit Control and Debt Collection Policy and any related indigent support.

#### **19. Principles for the resale of electricity**

- (1) Resellers shall comply with the licensing and registration requirements set out in the Electricity Regulation Act and regulations issued under this act.
- (2) Unless otherwise authorised by the Municipality, no person shall sell or supply electricity, supplied to his/her premises under an agreement with the Municipality, to any other person or persons for use on any other premises, or permit or suffer such resale or supply to take place.
- (3) If electricity is resold for use upon the same premises, the electricity resold shall be measured by a sub meter of a type which has been approved by the South African Bureau of Standards and supplied, installed and programmed in accordance with the standards of the Municipality.

- (4) The tariff, rates and charges at which and the conditions of sale under which electricity is thus resold shall not be less favorable to the purchaser than those that would have been payable and applicable had the purchaser been supplied directly with electricity by the Municipality.
- (5) Every reseller shall furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the Municipality to its electricity consumers.

## **20. Right to disconnect supply**

- (1) The Municipality may, subject to subsection (2), disconnect the supply of electricity to any premises, which could include the restricting and/or allocation of credit purchases for prepayment meters as set out in the Council's Credit Control and Debt Collection Policy—
  - (a) where the person liable to pay for such supply fails to pay any charge due to the Municipality in connection with any supply of electricity which he or she may at any time have received from the Municipality in respect of such premises; or
  - (b) where the Municipality has to disconnect the supply of electricity where there are outstanding municipal service fees, surcharges on fees, property rates and other municipal taxes, levies and duties; or
  - (c) Where tampering with the service connection or supply mains have occurred.
- (2) The Municipality must give a person referred to in subsection (1)(a) and any person residing in the premises notice of—
  - (a) the intention to disconnect electricity supply to the premises of such person;
  - (b) a reasonable opportunity for such person to make representations in respect of the intended disconnection; and
  - (c) all the relevant information including reasons for the intended disconnection and the notice period on or after which the disconnection will be effected.
- (3) The Municipality may disconnect the supply of electricity to any premises without notice under the following circumstances;
  - (a) where there is a case of grave risk to any person or property; or
  - (b) for reasons of community safety or the safety of emergency personnel.
- (4) For circumstances other than listed in sub-section (1) and (2), where any of the provisions of this By-law or the Regulations are being contravened, the Municipality shall give the person concerned fourteen days' notice to remedy his or her default prior to disconnection.

- (5) After the disconnection contemplated in subsection (1), the fee as prescribed by the Municipality for such disconnection or the reconnection of the service shall be paid by the person concerned.
- (6) In the case where an installation has been illegally reconnected on a consumer's the Municipality, or in the case where the Municipality's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the electricity supply may be physically removed from those premises.

## **21. Non-liability of the Municipality**

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

## **22. Leakage of electricity**

Under no circumstances shall any rebate be allowed on the account for electricity supplied and metered in respect of electricity wasted owing to leakage or any other fault in the electrical installation.

## **23. Failure of supply**

- (1) The Municipality does not undertake to attend to a failure of supply of electricity due to a fault in the electrical installation of the consumer, except when such failure is due to the operation of the service protective device of the Municipality.
- (2) When any failure of supply of electricity is found to be due to a fault in the electrical installation of the consumer or to the faulty operation of apparatus used in connection therewith, the Municipality shall have the right to charge the consumer the fee as prescribed by the municipality for each restoration of the supply of electricity in addition to the cost of making good or repairing any damage which may have been done to the service main and meter by such fault or faulty operation as aforesaid.

## **24. Seals of the Municipality**

The meter, service protective devices and all apparatus belonging to the Municipality shall be sealed or locked by a duly authorised official of the Municipality, and no person not being an official of the Municipality duly authorised thereto shall in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with such seals or locks.

## **25. Tampering with service connection or supply mains**

- (1) No person shall in any manner or for any reason whatsoever tamper with, interfere with, vandalize, fix advertising medium to, or deface any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the Municipality or illegally connect into the electricity wiring of any other consumer.

- (2) Where prima facie evidence exists of a consumer and/or any person having contravened sub-section (1), the Municipality may disconnect the supply of electricity to the consumer, and that person shall be liable for all fees and charges levied by the Municipality for such disconnection.
- (3) Where interference or damage is caused by any individual, having contravened sub-section (1), legal action may be instituted against such individual.
- (4) Where a consumer and/or any person has contravened sub-section (1) and such contravention has resulted in the meter recording less than the true consumption, the Municipality shall have the right to recover from the consumer the full cost of his estimated consumption.
- (5) The determination by the Municipality shall be prima facie evidence of such consumption.

## **26. Protection of Municipality's supply mains**

- (1) No person shall, without having in his possession on site a way leave and a civil work Permit issued by the Municipality and subject to such conditions as may be imposed—
  - (a) construct, erect or lay, or permit the construction, erection or laying of any building, structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the supply mains,
  - (b) excavate, open up, remove the ground or alter the ground level, above, next to, under or near any part of the supply mains, or in any area falling under the jurisdiction of the Supply Authority,
  - (c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains,
  - (d) Make any unauthorized connection to any part of the supply mains or divert or cause to be diverted any electricity there from.
- (2) The owner or occupier shall limit the height of trees or length of projecting branches in the proximity of overhead lines or provide a means of protection which in the opinion of the Municipality will adequately prevent the tree from interfering with the conductors should the tree or branch fall or be cut down.
- (3) Should the owner fail to observe this provision the Municipality shall have the right, after prior written notification, or at any time in an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this provision and shall be entitled to enter the property for this purpose.

- (4) The Municipality may subject to obtaining an order of court demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention with this by-law.
- (5) The Municipality may in the case of an emergency or disaster remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.

## **27. Prevention of tampering with service connection or supply mains**

If the Municipal Manager decides that it is necessary or desirable to take special precautions in order to prevent tampering with any portion of the supply mains, service connection or service protective device or meter or metering equipment, the consumer shall either supply and install the necessary protection or pay the costs involved where such protection is supplied by the Municipality.

## **28. Unauthorized connections**

No person other than a person specifically authorised thereto by the Municipal Manager in writing shall directly or indirectly connect, attempt to connect or cause or permit to be connected any electrical installation or part thereof to the supply mains or service connection.

## **29. Unauthorized reconnections**

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

## **31. Temporary disconnection and reconnection**

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

- (2) The Municipality may inspect the service connection and/or require a Certificate of Compliance to be submitted before reconnecting the supply.
- (3) In the event of the necessity arising for the Municipality to effect a temporary disconnection and reconnection of the supply of electricity to a consumer's electrical installation and the consumer is in no way responsible for bringing about this necessity, the Municipality shall waive payment of the fee hereinbefore referred to.
- (4) The Municipality may only under exceptional circumstances temporarily disconnect the supply of electricity to any premises without notice, for the purpose of effecting repairs or carrying out tests or for any other legitimate purpose and in all other instances adequate notice shall be given.

### **32. Temporary supplies**

It shall be a condition of the giving of any temporary supply of electricity, as defined in this by-law, that, if such supply is found to interfere with the efficient and economical supply of electricity to other consumers, the Municipality shall have the right, with notice, or under exceptional circumstances without notice, to terminate such temporary supply at any time and, the Municipality shall not be liable for any loss or damage occasioned by the consumer by such termination.

### **33. Temporary work**

- (1) Electrical installations requiring a temporary supply of electricity shall not be connected directly or indirectly to the supply mains except with the special permission in writing of the Municipal Manager.
- (2) Full information as to the reasons for and nature of such temporary work shall accompany the application for the aforesaid permission, and the Municipal Manager may refuse such permission or may grant the same upon such terms and conditions as it may appear desirable and necessary.

### **34. Load reduction**

- (1) At times of peak load, or in an emergency, or when, in the opinion of the Municipal Manager, it is necessary for any reason to reduce the load on the electricity supply system of the Municipality, the Municipality may without notice interrupt and, for such period as the Municipal Manager may deem necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation.
- (2) The Municipality shall not be liable for any loss or damage directly or consequentially due to or arising from such interruption and discontinuance of the electricity supply.

- (3) The Municipality may install upon the premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of sub-section (1), and any duly authorised official of the Municipality may at any reasonable time enter any premises for the purpose of installing, inspecting, testing adjusting and/or changing such apparatus and equipment.
- (4) Notwithstanding the provisions of sub-section (3), the consumer or the owner, as the case may be, shall, when installing an electrically operated water storage heater, provide such necessary accommodation and wiring as the Municipality may decide to facilitate the later installation of the apparatus and equipment referred to in sub-section (3).

### **35. High, medium and low voltage switchgear and equipment**

- (1) In cases where a supply of electricity is given at high, medium or low voltage, the supply and installation of the switchgear, cables and equipment forming part of the service connection shall, unless otherwise approved by the Municipal Manager, be paid for by the consumer.
- (2) All such equipment installed on the consumer's premises shall be compatible with the Municipality's electrical performance standards.
- (3) No person shall open, close, isolate, link or earth high or medium voltage switchgear or equipment without giving reasonable prior notice to the Municipality's System Control Centre.
- (4) In the case of a high or medium voltage supply of electricity, where the consumer has high or medium voltage switchgear installed, the Service Provider shall be advised of the competent person appointed by the consumer in terms of the Regulations, and of any changes made to such appointments.
- (5) In the case of a low voltage supply of electricity, the consumer shall provide and install a low voltage main switch and/or any other equipment required by the Municipality or any duly authorised official of the Municipality.

### **36. Substation accommodation**

- (1) The Municipality may, on such conditions as may be deemed fit by the Municipal Manager, require the owner to provide and maintain accommodation which shall constitute a substation and which shall consist of a separate room or rooms to be used exclusively for the purpose of housing high voltage cables and switchgear, medium voltage cables and switchgear, transformers, low voltage cables and switchgear and other equipment necessary for the supply of electricity requested by the applicant.
- (2) The Municipality shall have the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the Municipality, such additional accommodation shall be provided by the applicant at the cost of the Municipality.
- (3) The substation accommodation shall comply with specified requirements and dimensions determined by the Municipality and shall incorporate adequate lighting, ventilation, fire prevention and fire extinguishing measures.

- (4) The substation accommodation shall be situated on ground floor level at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.
- (5) Vehicular access to the substation entrance door shall be provided from the adjacent road or driveway.
- (6) Where in the opinion of the Municipal Manager the position of the substation accommodation is no longer readily accessible or has become a danger to life or property or has for justifiable reasons become unsuitable, the consumer shall remove it to a new position to the satisfaction of the Municipal Manager, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.

### **37. Wiring diagram and specification**

- (1) When more than one electrical installation or electricity supply from a common main or more than one distribution board or meter is required for any building or block of buildings, the wiring diagram of the circuits starting from the main switch and a specification shall on request be supplied to the Municipality in duplicate for written consent before the work commences.
- (2) Where an electrical installation is to be supplied from a substation on the same premises on which the current is transformed from high voltage, or from one of the substations of the Municipality through mains separate from the general distribution system, a complete specification and drawings for the plant to be installed by the consumer shall, if so required, be forwarded to the Municipality for written consent before any material in connection therewith is ordered.

### **38. Standby supply**

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

### **39. Consumer's electricity generation equipment**

- (1) No electricity generation equipment provided by a consumer in terms of any Regulations or for his own operational requirements shall be connected to any installation without the prior written consent of the Municipal Manager.
- (2) Application for such consent shall be made in writing and shall include a full specification of the equipment and a wiring diagram.
- (3) The electricity generation equipment shall be so designed and installed that it is impossible for the Municipality's supply mains to be energized by means of a back-feed from such equipment.

- (4) The position of the installed generating equipment shall not interfere with the supply mains the generating equipment must be installed entirely on the consumer's premises.
- (5) The consumer shall be responsible for providing and installing all such protective equipment and for obtaining a Certificate of Compliance issued in terms of the Regulations for the work carried out.
- (6) Whereby special agreement with the Municipality, the consumer's electricity generation equipment is permitted to be electrically coupled to, and run in parallel with the Municipality's supply mains, the consumer shall be responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment required for such safe parallel operation, to the satisfaction of the Municipal Manager.
- (7) Under normal operating conditions, any export of surplus energy from the consumer to the Municipality's network shall be subject to special agreement with the Municipality.
- (8) In the event of a general power failure on the municipality's network protection equipment shall be installed by the consumer, subject to the Municipal Manager's approval, so as to ensure that the consumer's installation is isolated from the Municipality's network until normal operating conditions are restored. The cost of any specialized metering equipment will be for the consumer's account.

#### **40. Technical Standards**

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

## CHAPTER 3

### RESPONSIBILITIES OF CONSUMERS

#### 41. Consumer to erect and maintain electrical installation

Any electrical installation connected or to be connected to the supply mains, and any additions or alterations thereto which may be made from time to time, shall be provided and erected and maintained and kept in good order by the consumer at his own expense and in accordance with this by-law and the Regulations.

#### 42. Fault in electrical installation

- (1) If any fault develops in the electrical installation, which constitutes a hazard to persons, livestock or property, the user of the electrical installation shall immediately disconnect the electricity supply.
- (2) The user of the electrical installation shall without delay give notice thereof to the Municipality and shall immediately take steps to remedy the fault.
- (3) The Municipality may require the consumer to reimburse it for any expense to which it may be put in connection with a fault in the electrical installation.

#### 43. Discontinuance of use of supply

In the event of a consumer desiring to discontinue using the electricity supply, he/she shall give at least two full working days' notice in writing of such intended discontinuance to the Municipality, failing which he/she shall remain liable for all payments due in terms of the tariff for the supply of electricity until the expiration of two full working days after such notice has been given.

#### 44. Change of consumer

- (1) Two full working days' notice in writing shall be given to the Municipality of the intention to discontinue using the electricity supply, failing which the owner shall remain liable for such supply.
- (2) If the person taking over occupation of the premises desires to continue using the electricity supply, the owner of such premises shall make application in accordance with the provisions of section 5 of this by-law, and if the owner fails to make application for an electricity supply within ten working days of the person taking occupation of the premises, the supply of electricity shall be disconnected, and the owner shall be liable to the Municipality for the electricity supply from the date of occupation until such time as the supply is so disconnected.
- (3) Where premises are fitted with pre-payment meters and there is no existing electricity supply agreement, until such time as an application is made by the owner for a supply of electricity, in terms of section 5 of this by-law, the owner shall be liable for all charges and fees owed to the Municipality for that metering point as well as any outstanding charges and fees which have accrued to that metering point.

- (4) The Municipal Manager may impose conditions, which may include the withholding of the electricity supply to premises, in cases where the previous consumer's electricity account at that premises is in arrears.

#### **45. Service apparatus**

- (1) The consumer shall be liable for all costs to the Municipality arising from damage to or loss of any metering equipment, service protective device, service connection or other apparatus on the premises, unless such damage or loss is shown to have been occasioned by an Act of God or an act or omission of an employee of the Municipality or caused by an abnormality in the supply of electricity to the premises.
- (2) If, during a period of disconnection of an installation from the supply mains, the service main, metering equipment or any other service apparatus, being the property of the Municipality and having been previously used, have been removed without its permission or have been damaged so as to render reconnection dangerous, the owner or occupier of the premises, as the case may be, during such period shall bear the cost of overhauling and/or replacing such equipment.
- (3) Where there is a common metering position, the liability detailed in sub-section (1) shall devolve on the owner of the premises.
- (4) The amount due in terms of sub-section (1) shall be evidenced by a certificate from the Municipal Manager which shall be final and binding.

**CHAPTER 4****SPECIFIC CONDITIONS OF SUPPLY****46. Service connection**

- (1) The consumer shall bear the cost of the service connection, as approved by the Municipality.
- (2) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection shall vest in Municipality; the Municipality shall be responsible for the maintenance of such service connection up to the point of supply.
- (3) The consumer shall not be entitled to any compensation from the Municipality in respect of such service connection.
- (4) The work to be carried out by the Municipality at the cost of the consumer for a service connection to the consumer's premises shall be determined by the Municipal Manager.
- (5) The consumer shall provide, fix and/or maintain on his premises such ducts, wire ways, trenches, fastenings and clearance to overhead supply mains as may be required by the Municipal Manager for the installation of the service connection.
- (6) Unless otherwise approved by the Municipal Manager each registered erf shall only be provided with one service connection.
- (7) Where two or more premises belonging to one owner are situated on adjacent erven and the owner operates the properties in a consolidated manner, for safety considerations, only a single bulk supply of electricity shall be made available to such erven.
- (8) Any covers of a wire way carrying the supply circuit from the point of supply to the metering equipment shall be made to accept the seals of the Municipality.
- (9) Within the meter box, the service conductor or cable, as the case may be, shall terminate in an unobscured position and the conductors shall be visible throughout their length when cover plates, if present, are removed.
- (10) In the case of blocks of buildings occupied by a number of individual consumers, separate wire ways and conductors or cables shall be laid from the common metering room or rooms to each individual consumer in the blocks of buildings. Alternatively, if trunking is used, the conductors of the individual circuits shall be clearly identified (tied together every 1,5m) throughout their length.

#### **47. Metering accommodation**

- (1)** The consumer shall, if required by the Municipal Manager, provide accommodation in an approved position, the meter board and adequate conductors for the Municipality's metering equipment, service apparatus and protective devices.
- (2)** Such accommodation and protection shall be provided and maintained, to the satisfaction of the Municipal Manager, at the cost of the consumer or the owner, as the circumstances may demand, and shall be situated, in the case of credit meters, at a point to which free and unrestricted access shall be had at all reasonable hours for the reading of meters but at all times for purposes connected with the operation and maintenance of the service equipment.
- (3)** Access at all reasonable hours shall be afforded for the inspection of prepayment meters.
- (4)** Where sub metering equipment is installed, accommodation separate from the Municipality's metering equipment shall be provided.
- (5)** The consumer or, in the case of a common meter position, the owner of the premises shall provide a distribution board from which to supply adequate electric lighting and power in the space set aside for accommodating the metering equipment and service apparatus.
- (6)** Where in the opinion of the Municipal Manager the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a danger to life or property or in any way becomes unsuitable, the consumer shall remove it to a new position, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.
- (7)** The accommodation for the Municipality's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices.
- (8)** No apparatus other than that used in connection with the supply of electricity and use of electricity shall be installed or stored in such accommodation unless approved.

## CHAPTER 5

### SYSTEMS OF SUPPLY

#### 48. Nominal supply voltage

The nominal supply voltage at which a supply is given shall be determined by the Municipality as necessitated by technical considerations to ensure the efficient operation of the supply mains.

#### 49. Load requirements

Alternating current supplies shall be given as prescribed by the Electricity Regulation Act, 2006 (Act 4 of 2006), and in the absence of a quality of supply agreement, as set out in the applicable standard specification.

#### 50. Load limitations

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

#### 51. Interference with other persons' electrical equipment

- (1) No person shall operate electrical equipment having load characteristics which, singly or collectively, give rise to voltage variations, harmonic currents or voltages, or unbalanced phase currents which fall outside the applicable standard specification.
- (2) The assessment of interference with other persons' electrical equipment shall be carried out by means of measurements taken at the point of common coupling.
- (3) Should it be established that undue interference is in fact occurring, the consumer shall, at his/her own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.

## 52. Supplies to motors

Unless otherwise approved by the Municipal Manager the rating of motors shall be limited as follows:

- (a) Limited size for low voltage motors rating of a low voltage single-phase motor shall be limited to 2kW and/or the starting current shall not exceed 70. All motors exceeding these limits shall be wound for three phases at low voltage or such higher voltage as may be required.
- (b) Maximum starting and accelerating currents of three-phase alternating current motors.— The starting current of three-phase low voltage motors permitted shall be related to the capacity of the consumer's service connection, as follows:
- (c) Consumers supplied at medium voltage— In an installation supplied at medium voltage the starting current of a low voltage motor shall be limited to 1,5 times the rated full-load current of the transformer supplying such a motor. The starting arrangement for medium voltage motors shall be subject to the approval of the Municipal Manager.

## 53. Power factor

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

## 54. Protection

Electrical protective devices for motors shall be of such a design as effectively to prevent sustained over current and single phasing, where applicable.

## CHAPTER 6

### MEASUREMENT OF ELECTRICITY

#### 55. Metering

- (1) The Municipality shall, at the consumer's cost in the form of a direct charge or prescribed fee, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring the electricity supplied.
- (2) Except in the case of prepayment meters, the electricity used by a consumer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the Municipality and read at the end of such period except where the metering equipment is found to be defective, or the Municipality invokes the provisions of section 59(2) of this by-law, in which case the consumption for the period shall be estimated.
- (3) Where the electricity used by a consumer is charged at different tariff rates, the consumption shall be metered separately for each rate.
- (4) The Municipality reserves the right to meter the supply to blocks of shops and flats, tenement-houses and similar buildings for the buildings as a whole, or for individual units, or for groups of units.
- (5) No alterations, repairs or additions or electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the Municipal Manager.

#### 56. Accuracy of metering

- (1) A meter shall be conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in sub-section (5) hereof, is found to be within the limits of error as provided for in the applicable standard specifications.
- (2) The Municipality shall have the right to test its metering equipment. If it is established by test or otherwise that such metering equipment is defective, the Municipality shall –
  - (i) in the case of a credit meter, adjust the account rendered;
  - (ii) in the case of prepayment meters,
    - (a) Render an account where the meter has been under-registering, or
    - (b) Issue a free token where the meter has been over-registering; in accordance with the provisions of sub-section (6).
- (3) The consumer shall be entitled to have the metering equipment tested by the Municipality on payment of the prescribed fee. If the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of sub-sections (2) and (6) shall be made and the aforesaid fee shall be refunded.

- (4) In case of a dispute, the consumer shall have the right at his own cost to have the metering equipment under dispute tested by an approved independent testing authority, and the result of such test shall be final and binding on both parties.
- (5) Meters shall be tested in the manner as provided for in the applicable standard specifications.
- (6) When an adjustment is made to the electricity consumption registered on a meter in terms of sub-section (2) or (3), such adjustment shall either be based on the percentage error of the meter as determined by the test referred to in sub-section (5) or upon a calculation by the Municipality from consumption data in its possession. Where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect the consumption of electricity.
- (7) When an adjustment is made as contemplated in sub-section (6), the adjustment may not exceed a period of three years preceding the date on which the metering equipment was found to be inaccurate. The application of this section does not bar a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.
- (8) Where the actual load of a consumer differs from the initial estimated load provided for under section 8(1) to the extent that the Municipality deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the consumer.
- (9) (a) Prior to the Municipality making any upward adjustment to an account in terms of sub-section (6), the Municipality shall –
- (i) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons thereof;
  - (ii) in such notification provide sufficient particulars to enable the consumer to submit representations thereon, and
  - (iii) call upon the consumer in such notice to provide it with reasons in writing, if any, within 21 days or such longer period as the Municipal Manager may permit why his/her account should not be adjusted as notified.
- (c) Should the consumer fail to make any representations during the period referred to in sub-section 9(a)(iii) the Municipality shall be entitled to adjust the account as notified in sub-section 9(a)(i).
- (d) The Municipal Manager shall consider any reasons provided by the consumer in terms of sub-section (9)(a) and shall, if satisfied that a case has been made out thereof, adjust the account appropriately.
- (e) If the Municipal Manager decides after having considered the representation made by the consumer that such representations do not establish a case warranting an amendment to the monetary value established in terms of sub-section (6), the Municipality shall be entitled to adjust the account as notified in terms of sub-section 9(a)(i), subject to the consumer's right to appeal the decision of the official in terms of section 62 of the Municipal Systems Act, 2000.

## 57. Reading of credit meters

- (1) Unless otherwise prescribed in the applicable standard specification, credit meters shall normally be read at intervals of one month and the fixed or minimum charges due in terms of the tariff shall be assessed accordingly. The Municipality shall not be obliged to effect any adjustments to such charges.
- (2) If for any reason the credit meter cannot be read, the Municipality may render an estimated account. The electrical energy consumed shall be adjusted in a subsequent account in accordance with the electrical energy actually consumed.
- (3) When a consumer vacates a property and a final reading of the meter is not possible, an estimation of the consumption may be made and the final account rendered accordingly.
- (4) If a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed fee.
- (5) If any calculating, reading or metering error is discovered in respect of any account rendered to a consumer, the error shall be corrected in subsequent accounts. Any such correction shall only apply in respect of accounts for a period of three years preceding the date on which the error in the accounts was discovered, and shall be based on the actual tariffs applicable during the period. The application of this section does not prevent a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.

## 58. Prepayment metering

- (1) No refund of the amount tendered for the purchase of electricity credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced.
- (2) Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer.
- (3) When a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer by the Municipality.
- (4) The Municipality shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, prepayment meters and/or tokens.
- (5) Where a consumer is indebted to the Municipality for electricity consumed or for any other service supplied by the Council (including rates) or for any charges previously raised against him/her in connection with any service rendered, the Municipality may deduct a percentage from the amount tendered to offset the amount owing to the Municipality, as set out in the section 5 agreement for the supply of electricity.

- (6) The Municipality may, at its discretion, appoint vendors for the sale of credit for prepayment meters and shall not guarantee the continued operation of any vendor.

## CHAPTER 7

### ELECTRICAL CONTRACTORS

#### 59. Electrical contractors' responsibilities

In addition to the requirements of the Regulations the following requirements shall apply:

- (a) Where an application for a new or increased supply of electricity has been made to the Municipality, the Municipal Manager may at his/her discretion accept notification of the completion of any part of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may, at the discretion of the Municipal Manager, be inspected, tested and connected to the supply mains as though it were a complete installation.
- (b) The examination, test and inspection that may be carried out at the discretion of the Municipal Manager in no way relieves the electrical contractor/ registered person or the user or lessor, as the case may be, from his responsibility for any defect in the installation. Such examination, test and inspection shall not be taken under any circumstances (even where the electrical installation has been connected to the supply mains) as indicating or guaranteeing in any way that the electrical installation has been carried out efficiently with the most suitable materials for the purpose or that it is in accordance with this by-law or the safety standard, and the Municipality shall not be held responsible for any defect or fault in such electrical installation.

#### 60. Work done by electrical contractors

Neither the Service Authority nor the Municipality shall be held responsible for the work done by the electrical contractor/registered person on a consumer's premises and shall not in any way be responsible for any loss or damage which may be occasioned by fire or by any accident arising from the state of the wiring on the premises.

## CHAPTER 8

### COST OF WORK

#### 61. Repair of damage

The Municipality may repair and make good any damage done in contravention of this by-law or resulting from a contravention of this by-law. The cost of any such work carried out by the Municipality which was necessary due to the contravention of this by-law, shall be to the account of the person who acted in contravention of this by-law.

## CHAPTER 9

### PENALTIES

62. (1) Any person who contravenes any of the provisions of sections 5, 7, 13, 14, 20, 25, 26, 27, 29 and 30 of this by-law shall be guilty of an offence.
- (2) Any person who continues to commit an offence after notice has been served on him/her to cease committing such offence or after he/she has been convicted of such offence shall be guilty of a continuing offence.
- (3) Any person convicted of an offence under this by-law for which no penalty is expressly provided shall be liable to a fine not exceeding ten thousand rands or imprisonment for a period not exceed six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and, in the case of a continuing offence, to an additional fine not exceeding two hundred rands or additional imprisonment for a period not exceeding ten days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued.
- (4) Every person committing a breach of the provisions of this by-law shall be liable to recompense the Service Authority and/or the Service Provider for any loss or damage suffered or sustained by it in consequence of such breach.

## CHAPTER 10

### REPEAL OF BY-LAWS

63. The Mpofana Local Municipality Electricity Supply By-law promulgated under Provincial Notice No. ....on ..... is hereby repealed.

**SCHEDULE 1**

- “applicable standard specification”** means:
- SANS 1019 Standard voltages, currents and insulation levels for electricity supply,
  - SANS 1607 Electromechanical watt-hour meters,
  - SANS 1524 -1 Electricity payment systems,
  - SANS IEC 60211 Maximum demand indicators, Class 1.0,
  - SANS IEC 60521 Alternating current electromechanical watt-hour meter (Classes 0.5, 1 & 2),
  - SANS 10142-1 Code of practice for the wiring of premises,
  - NRS 047 Electricity Supply—Quality of Service,
  - NRS 048 Electricity Supply—Quality of Supply, and
  - NRS 057 Electricity Metering: Minimum Requirements

No. 65

6 December 2013

## MPOFANA LOCAL MUNICIPALITY



## BY-LAWS RELATING TO TARIFFS

### By-laws relating to Tariffs for Promulgation

## BY-LAWS RELATING TO TARIFFS

**The Municipal Manager of the Mpfana Local Municipality**  
**Hereby, in terms of section 13(a) of the Local Government: Municipal Systems**  
**Act, 2000 (Act No. 32 of 2000), publishes the By-laws relating to Tariffs**  
**for the Mpfana Local Municipality as approved by its**  
**Council, as set out hereunder.**

### MPOFANA LOCAL MUNICIPALITY BY-LAWS RELATING TO TARIFFS

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**CHAPTER 1**  
**DEFINITIONS**

**Definitions**

1. In these bylaws, unless the context indicates otherwise —

<b>“Municipality”</b>	means the Mpfana Local Municipality;
<b>“Municipality’s tariff policy”</b>	means a tariff policy adopted by the Municipality in terms of this By-Law;
<b>“Constitution”</b>	means the Constitution of the Republic of South Africa;
<b>“Credit Control and Debt Collection By Law”</b>	means the municipality’s credit control and debt collection by-law and policy as required by sections 96(b), 97 and 98 of the Systems Act;
<b>“Systems Act”</b>	means the Local Government: Municipal Systems Act, 32 of 2000; as amended;
<b>“Tariff”</b>	means fees, charges, or any other tariffs levied by the Municipality in respect of function or service provided by the municipality excluding rates levied by the Municipality in terms of the Local Government: Municipal Property Rates Act, 6 of 2004;
<b>"beneficiary" or "beneficiaries"</b>	means the –the owner and the occupiers of a property, where the owner occupies the property with other occupiers; or the occupiers of a property, where the owner does not occupy the property and 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;
<b>"Beneficiary property"</b>	a residential property owned or occupied by a beneficiary or beneficiaries;
<b>“Council”</b>	means the Council of the Mpfana Municipality;

<b>“Consumption”</b>	means the ordinary use of municipal services for domestic or household services;
<b>“Due date”</b>	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;
<b>“Free basic electricity allocation”</b>	means the maximum amount of electricity which will be provided free of charge to indigent persons as reflected in Council's tariffs from time to time;
<b>“Free basic services”</b>	means free basic electricity, and free refuse removal;
<b>“Income level”</b>	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;
<b>“Municipal services”</b>	means domestic electricity, and refuse removal services provided by the Council;
<b>“Municipal value”</b>	means the total combined value of land and the buildings on a beneficiary property, as reflected in the municipal valuation roll;
<b>“Occupier”</b>	means any person in actual occupation of a beneficiary property without regard to the title under which he or she occupies, if any; and
<b>“Owner”</b>	means the person in whose legal title in the beneficiary property is vested.

## CHAPTER 2

### ADOPTION, CONTENTS & ENFORCEMENT OF TARIFF POLICY

#### Adoption

**2.(1)** The municipality shall adopt and implement a tariff policy on the levying of fees for a municipal service provided by the municipality or by a way of service delivery agreements which complies with the provisions of the Systems Act, the Local Government: Municipal Finance Management Act, 53 of 2003 and any other applicable legislation.

**(2)** Municipality shall not be entitled to impose tariffs other than in terms of a **valid tariff policy**.

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**3.** The Municipality's tariff policy shall, inter alia:

- (1)** Apply to all tariffs imposed by the Municipality pursuant to the adoption of the municipal's annual budget;
- (2)** Reflect the principles referred to in section 4(2) of the Systems Act and Specify an further principles for the imposition of tariffs which the municipality may wish to adopt;
- (3)** Specify in the manner in which the principles referred to in section 4(2) are to implemented in terms of the tariff policy;
- (4)** Specify the basis of differentiation , if any , for tariff purposes between different categories of users, debtors, service providers, services, service standards and geographical areas as long as such differentiation does not amount to unfair discrimination;
- (5)** Include such further enforcement mechanisms, if any as the City may wish to impose in addition to those contained in the Credit Control and Debt collection By-Law and Policy.

#### 4. Enforcement of the Tariff Policy

- (1)** The Municipality's tariff Policy shall be enforced through the Credit Control and Debt Collection by-Law and Policy and any further enforcement mechanisms in the Municipality's tariff policy.

**CHAPTER 3****FREE BASIC SERVICES****Qualification**

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

**Excess consumption**

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

**Voluntary restriction**

7. 1) A beneficiary may request the Council to install a variable flow-restricting device to electricity supply to the beneficiary property in order to ensure that consumption does not exceed the free electricity allocation.

(2) There shall be no charge for the installation of a variable flow-restricting device in terms of subsection (1).

**Non-payment**

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

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

## CHAPTER 4

### GENERAL

#### Appeals

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

#### Repeal of existing By-laws

10. The Council's existing ..... By-laws are hereby repealed.

#### Short title and commencement

11. These by-laws shall be called the "Tariff Policy By-Laws for Indigent Persons, 2012", and shall come into operation on January 2012.

# MPOFANA LOCAL MUNICIPALITY



## BY-LAWS RELATING TO ADVERTISING

### By-laws relating to Advertising for Promulgation

**MPOFANA LOCAL MUNICIPALITY  
BY-LAWS RELATING TO ADVERTISING**

**The Municipal Manager of the Mpofana Local Municipality  
Hereby, in terms of section 13(a) of the Local Government: Municipal Systems  
Act, 2000 (Act No. 32 of 2000), publishes the By-laws relating to Advertising  
For the Mpofana Local Municipality as approved by its  
Council, as set out hereunder.**

**MPOFANA LOCAL MUNICIPALITY  
BY-LAWS RELATING TO DVERTISING**

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## CHAPTER 1

### DEFINITIONS

#### Definitions

1. In this Bylaw, unless the context otherwise indicates

- "Advertisement"** means any visible representation of a word, name, and object or of an abbreviation of a word or name or of any sign or symbol which is not intended solely for illumination or as a warning against any danger;
- "Authorised official"** means any official of the Council who has been authorised by the Council to administer, implement or enforce the provisions of these bylaws;
- "building control officer"** means any person appointed or deemed to be appointed as a building control officer by the Council in terms of **section 5 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977)**;
- "Council"** means the council of the Mpfana Municipality and it's any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;
- "Display"** means, in relation to an advertisement, to display the advertisement within public view;
- "Flat sign-board-board"** means any sign-board affixed to a wall and which at no point projects more than 230 mm from the surface of the wall;

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<b>“Ground sign-board”</b>	means any sign which is affixed to the ground and is not attached to a building;
<b>“Projecting sign-board”</b>	means any sign-board affixed to a wall and which at any point projects more than 230 mm from the surface of the wall;
<b>“Roof”</b>	means any roof of a building but does not include that portion of a roof which is the roof of a verandah or balcony;
<b>“sign-board”</b>	means any structure or device used or intended or adapted for the display thereon of an advertisement;
<b>“Sky sign-board”</b>	means any sign-board affixed to a roof or the top of a parapet of a roof; and
<b>“Wall”</b>	means any external wall of a building, but does not include a parapet balustrade or railing of a verandah or balcony.

## CHAPTER 2

### APPLICATION

#### Application of regulations

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

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

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

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

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

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

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

(3) the name or address of such building; (numbering)

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

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

(6) the hours of attendance or business; and

- (7)** the telephone number of such business;
- (a)** provided that such advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m<sup>2</sup> in area and does not project more than 100 mm from the surface to which it is affixed;
  - (b)** an advertisement affixed to or painted on any part of any building used as a dwelling-house which merely indicates –
- (8)** the name or address of the dwelling-house; and
- (9)** the name of the owner or occupier the dwelling house;
- (a)** provided that such advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m<sup>2</sup> in area and does not project more than 100 mm from the surface to which it is attached;
- (10)** an advertisement designed solely for the issuing of any direction, request or warning to any person entering upon an erf or premises on the erf;
- (a)** provided that such advertisement is displayed within the boundaries of the erf and
  - (b)** provided that the advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m<sup>2</sup> in area;
- (11)** an advertisement advertising the sale or lease of any erf, or the fact that such erf has been sold;
- (a)** provided that such advertisement is displayed within the boundaries of the erf and
  - (b)** provided that the advertisement, including any sign-board on which it is displayed, does not exceed 0,8 m<sup>2</sup> in area; and
- (12)** An advertisement displayed from the interior of any building enclosed by walls, windows and doors.

## CHAPTER 3

### TYPES OF ADVERTISEMENTS

#### Temporary and portable advertisements

3. (1) Any advertisement -

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

(b) Displayed on any sign-board intended or adapted to be carried or conveyed, shall only be displayed with the prior written consent of the authorised official and subject to the requirements of **sub-section (2)** and any other conditions which the authorised official may impose.

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

(a) not exceed 0,8 m<sup>2</sup> in area; and

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

(3) Every application for permission in terms of **sub-section (1)** shall be accompanied by a fee and a deposit prescribed by the Council, the deposit being refundable when all advertisements concerned have been removed to the satisfaction of the authorised official.

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

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

**Display of permanent advertisements prohibited**

4. No person shall display or cause to be displayed any permanent advertisement, in the area of jurisdiction of the Council unless any such advertisement was approved in writing by the Council and is displayed in accordance with this by-law.

**Application for display of permanent advertisements**

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

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

- (a) A full specification showing the dimensions of such sign, its location or proposed location on a building or other supporting structure, the materials of construction, the name and address of the manufacturer, and where applicable, the number of electric lights and electrical details in regard thereto;
- (b) a drawing indicating –
  - (i) The position of such sign on the site at a scale of not less than 1: 50;
  - (ii) the full text of the advertisement;
  - (iii) the colour of the material;
  - (iv) the construction;
  - (v) the overall dimensions;
  - (vi) the method of attachment, suspension or support; and
  - (vii) any other details required by the Council;
- (c) in the case of ground signs, information in regard to all calculations upon which such size is based;
- (d) The prescribed application fee R30.00.

- (3) The Council may refuse or grant such application subject to such conditions as it may think proper.

**Consideration of application of display of permanent advertisements**

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

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

....such advertisement will detract from or disfigure the appearance of the building or premises concerned or neighboring properties, or otherwise be unsightly. (give final solution)

**Sign-boards affixed to buildings**

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

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

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

- (a) extend above the top or beyond either side of the wall to which it is affixed;
- (b) Project in any part more than 100 mm from the wall to which it is affixed;
- (c) Exceed 15% of the height of the building to the eaves or 15% of the area of the wall to which it is affixed.

(3) No projecting sign-board shall -

- (a) be affixed otherwise than at right angles to the road line;
- (b) be affixed at a clear height of less than 2,5 m;
- (c) exceed 225 mm in thickness;
- (d) Extend beyond the top of the wall to which it is affixed;
- (e) project in any part more than 1,5 m from the wall to which it is affixed;
- (f) Extend over or nearer than 1,2 m to any overhead electricity wires or cables; or
- (g) Be affixed otherwise than in a vertical plane.

### Advertisement painted on buildings

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

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

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

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

### Ground sign-boards

9. Every ground sign-board shall -

(1) be supported by poles or standards or pylons the bases of which are firmly embedded and fixed in the ground and which are entirely self-supporting, rigid and inflexible;

(a) not exceed 2 m x 0,3 m (300 mm);

(b) not extend or project beyond the road line; and

(c) not exceed 6,5m in height.

### Flashing advertisements

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

### General prohibitions relating to advertisements

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

No person shall display any advertisement –

- (a) in a position which obscures, obstructs or otherwise interferes with any road traffic sign or is likely to so obscure, obstruct or otherwise interfere;
- (b) which is illuminated and contains the colours, red, green or amber or any one or more of such colours, unless such sign has a clear height of 6 m or unless such sign is more than 15 m (measured horizontally) from the vertical line of the road line at the corner of a public road; or
- (c) Which is of such intense illumination so as to disturb the residents or occupants of adjacent or nearby residential buildings.

## 12. Directional Signs

- (a) Directional signs may not be erected on road reserves other than on directional signboard frames erected by the Council, and on payment of the prescribed fee. Such directional signs shall be either 2m long and 0,3 (300 mm) high or 1 m long and 0,3m (300 mm) high and be constructed to the satisfaction of the Council.
- (b) A directional signboard frame shall not exceed 4m in height from ground level save with the express approval of the Council in writing.

## Construction of sign-boards

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

- (a) Every sign-board attached to a building or wall shall be rigidly and securely attached thereto so that it is safe and that movement in any direction is prevented.
- (b) The method of attachment shall be such that it is capable of effectively securing, supporting and maintaining not less than twice the mass of the sign-board in question with the addition of any force to which the sign may be subjected.
- (c) The use of nails or staples for the purpose of the anchorage and sign-board is prohibited.

- (3) Every projecting sign-board shall, unless the building control officer otherwise approves, have not fewer than four supports –
- (a) which shall be of metal/similar strength ;
  - (b) Any two of which shall be capable of supporting the mass of the sign board;
  - (c) The designed strength of which acting together shall be calculated on a mass equal to twice the mass of the sign-board with a superimposed horizontal wind pressure of 1.5 kPa; and
  - (d) This shall be neatly constructed as an integral part of the design of the sign-board or otherwise concealed from view.
- (4) (a) All sign-boards which are attached to brickwork, masonry or concrete shall be securely and effectively attached thereto by means of bolts securely embedded in such brickwork, masonry or concrete or passing through the same and secured on the opposite side.
- (b) Such bolts shall be of such a size and strength as will ensure effective compliance with **sub-section (2) or (3)**.
- (5) Every illuminated sign-board and every sign-board in which electricity is used shall -
- (a) be constructed of a material which is not combustible;
  - (b) be provided with an external switch in an accessible position approved by the building control officer whereby the electricity supply to such sign-board may be switched off; and
  - (c) be wired and constructed to the satisfaction of the building control officer.
- (6) All exposed metalwork of a sign-board shall be painted or otherwise treated to prevent rust, decay and insect attack and thereafter painted.

#### **Maintenance of permanent advertisements**

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

#### **Alterations of and additions to permanent advertisements**

15. (1) Any person wishing to alter or add to any permanent advertisement, including any sign-board

on which it is displayed, shall first apply to the Council in writing for its approval.

- (2) An application referred to in **sub-section (1)** shall specify the nature and extent of the proposed alteration or addition.
- (4) A person who has applied in terms of **sub-section (2)** for the Council's approval shall furnish such additional particulars in connection with his application as the Council may require.

### Removal of permanent advertisements

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

- (a) for which no approval was granted under **section 4**; or
- (b) which is displayed in contravention of this by-law,

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

(2) If a person to whom a notice has been given in terms of **subsection (1)** fails to comply with a direction contained in that notice within the period therein specified, the Council may, at any time after the expiration of that period, through the agency of any person authorised thereto by the Council, enter upon the land upon which the advertisement to which the notice relates and remove the advertisement or effect the alterations prescribed in the notice. (address the paintings)

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

### Delegation of Council's powers

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

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

**CHAPTER 4**

**GENERAL PROVISIONS**

**Offences**

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

**Repeal of existing By-laws**

19. The Council's existing ..... By-laws are hereby repealed.

**Short title and commencement**

20. These by-laws shall be called the Outdoor Advertising By-laws, 200..., and shall come into operation on .....

## MPOFANA LOCAL MUNICIPALITY



### BY-LAWS RELATING TO CREDIT CONTROL AND DEBT COLLECTION

**By-laws relating to Credit Control and Debt Collection for Promulgation**

**MPOFANA MUNICIPALITY**  
**BY-LAWS RELATING TO CREDIT CONTROL AND DEBT COLLECTION**

The Municipal Manager of the Mpopfana Local Municipality hereby, in terms of  
Section 13(a) of the  
Municipal Systems Act No 32 of 2000,  
publishes the By-laws relating to  
Credit Control and Debt Collection  
for the Mpopfana Local Municipality as approved by its Council, as set out hereunder.

**MPOFANA LOCAL MUNICIPALITY**  
**BY-LAWS RELATING TO CREDIT CONTROL AND DEBT COLLECTION**

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## CHAPTER 1

### DEFINITIONS

#### Definitions

1. In these bylaws, unless the context indicates otherwise —

<b>“Municipality”</b>	means the Mpofana Local Municipality;
<b>“Constitution”</b>	means the Constitution of the Republic of South Africa;
<b>“Credit Control and Debt Collection By Law”</b>	means the municipality’s credit control and debt collection by-law and policy as required by sections 96(b), 97 and 98 of the Systems Act;
<b>“Council”</b>	means the Council of the Mpofana Municipality;
<b>“Consumption”</b>	means the ordinary use of municipal services for domestic or household services;
<b>“Due date”</b>	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;
<b>“Municipal services”</b>	means <b>domestic electricity</b> , and <b>refuse removal</b> services provided by the Council;
<b>“Municipal value”</b>	means the total combined <b>value of land and the buildings</b> on a beneficiary property, as reflected in the municipal valuation roll;
<b>“Occupier”</b>	means any <b>person in actual occupation</b> of a beneficiary property without regard to the title under which he or she occupies, if any; and
<b>“Owner”</b>	means the person in whose legal title in the beneficiary property is vested.

<b>“Arrangement”</b>	means a written agreement entered into between the Municipal Manager and a debtor where specific terms and conditions for the payment of a debt are agreed to;
<b>“Arrears”</b>	Means any amount due and payable to the Municipality and not paid by the due date;
<b>“Municipal Manager”</b>	means the person appointed by the Council as the municipal manager in terms of Section 82 of the Local Government Municipal Structures Act, No 117 of 1998, and who also is the accounting officer in term of the Local Government: Municipal Finance Management Act, No 56 of 2003, or any other official delegated by him or her;
<b>“Councilor”</b>	Means a member of the Council;
<b>“Debt”</b>	Means any monies owing to the Municipality in respect of the rendering of municipal services, and includes monies owing in regard to : <ul style="list-style-type: none"> <li>• <b>property rates;</b></li> <li>• <b>housing;</b></li> <li>• <b>levies;</b></li> <li>• <b>motor vehicle registration;</b></li> <li>• <b>licensing;</b></li> <li>• <b>terminated leases, and</b></li> <li>• <b>any other outstanding amounts, inclusive of interest</b> thereon, owing to the municipality;</li> </ul>
<b>“Debtor” means</b>	means any person who owes a debt to the municipality;
<b>“Due Date”</b>	means the final date on which a payment as shown on the debtor’s municipal account, is due and payable;
<b>“Indigent Debtor”</b>	means a debtor who meets criteria, as determined by the municipality from time to time;
<b>“Interest”</b>	means a rate of interest , charged on overdue

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	accounts, which is one percent higher than the prime rate, which is obtained from any commercial bank on request, unless determined otherwise by the municipality, on capital, based on a full month and part of a month must be deemed to be a full month;
<b>“Official”</b>	means an official as defined in terms of the Local Government: Municipal Finance Management Act, no 56 of 2003;
<b>“Policy”</b>	means the municipality’s <b>credit control and debt collection policy</b> ;
<b>“service”</b>	means <b>municipal service</b> as defined in section 1 of the Systems Act, and includes a function listed in Schedule 4 B and 5B of the constitution of the Republic of South Africa, 1996 and any other service rendered by the Municipality;
<b>“Systems Act”</b>	means the Local Government: Municipal Systems Act, No 32 of 2000;
<b>“Third Party Debt Collector”</b>	means any <b>person authorized to collect monies</b> or institute legal proceedings against debtors, on behalf of the municipality;
<b>“This By-Law”</b>	includes the <b>Credit Control and Debt Collection Policy</b> ;
<b>“Total Household Income” or “Household income”</b>	means the <b>total formal and informal gross income</b> of all people living permanently or temporarily on the property on which the account is based; and
<b>“User”</b>	means a person who has applied for and entered into an agreement with the municipality for the supply of a service.

## **2. Duty to collect debt**

All debt owing to the Municipality must be collected in accordance with this By-Law and policy.

## **3. Provision of Services**

New applications for services and the provision of new services must be dealt with as prescribed in this By-Law and the policy.

## **4. Service Agreement**

Except as otherwise determined in terms of this By-law and the policy, no services may be supplied until an agreement has been entered into between the Municipality and the user for the supply of a service.

## **5. Deposits**

The municipality may require the payment of deposits for the provision of new services and the reconnection of services, or may adjust the amount of any existing deposit, as prescribed in this By-law and the policy.

## **6. Interest Charged**

The municipality may charge and recover interest in respect of any arrear debt, as prescribed in this By-law and the policy.

## **7. Arrangements to pay arrears**

- (1) The municipal manager may make arrangements with a debtor to pay any arrear debt under conditions as prescribed in terms of this By-law and the policy.
- (2) Should any dispute arise as to the amount of the arrear debt, the debtor must nevertheless continue to make regular payments, in terms of the arrangement, until such time as the dispute has been resolved.

## **8. Agreements with the debtor's employer**

The municipal manager may-

- (1) With the consent of a debtor, enter into an agreement with that person's employer to deduct from the salary or wages of that debtor-
  - (a) Any outstanding amounts due by the debtor to the Municipality;
  - (b) Regular monthly amounts as may be agreed; and

- (2) Provide special incentives for;
- (i) Employers to enter into such agreements; and
  - (ii) Debtors to consent to such agreements.

#### 9. Power to Restrict or disconnect supply of service

- (1) The Municipal Manager may restrict or disconnect the supply of any service to the premises of any user whenever such user of a service –
- (a) Fails to make payment on the due date;
  - (b) Fails to comply with an arrangement; or
  - (c) Fails to comply with a condition of supply imposed by the Municipality;
  - (d) Tenders a negotiable instrument which is dishonoured by the bank when presented for payment
- (2) The Municipal Manager may reconnect and restore full levels of supply of any of the restricted or discontinued services only-
- (a) After the arrear debt, including the costs of disconnection or reconnection, if any, have been paid in full and any other conditions has been complied with; or
  - (b) After an arrangement with the debtor has been concluded.
- (3) The Municipal Manager may restrict, disconnect or discontinue any service in respect of any arrear debt.

#### 10. Recovery of debt

- (1) Subject to section 9, Municipal Manager, must with regards to rates, and may, with regards to other debt-
- (a) By legal action recover any debt from any person; and
  - (b) Recover debt from any organ of state with due consideration of the provisions of Chapter 3 of the Constitution of the Republic of South Africa, 1996 and

May refer a debtor to a third party debt collection agency and have such debtor placed on the National credit Rating list.

#### 11. Recovery of costs

The Municipal Manager may recover the following costs, in instances where such costs are incurred by or on behalf of the municipality:

- (a) **Costs and administration fees** where payments made to the municipality by negotiable instruments are dishonoured by banks when presented for payment;

- (b) **Legal and administration costs**, including attorney and client costs and tracing fees incurred in the recovery of debts;
- (c) **Restriction, disconnection and reconnection fees**, where any service has been restricted or disconnected as a result of non-compliance with this By-Law;
- (d) **Any losses the municipality may suffer** as a result of tampering with municipal equipment or meters and
- (e) **Any collection commission** incurred.

## 12. Attachment

The Municipal Manager may in order to recover the debt, and as a last resort, **approach a competent court** for an order to attach a debtor's immovable property.

## 13. Claim on rental for outstanding debt

The Municipal Manager may in terms of section 28 of the Municipal Property Rates Act, No 6 of 2004, attach any rent due in respect of any rateable property, to cover in part or in full any amount in respect of outstanding rates after the due date.

## 14. Full and Final Settlement Payments

- (1) Any amount tendered in defrayment of a debt, will be accepted at any cash receiving office of the Municipality.
- (2) No offer of payment in full and final settlement of a debt when such amount is less than the outstanding amount must be accepted, unless confirmed in writing by the Municipal Manager;
- (3) Notwithstanding subsection (2), the payment so offered must nevertheless be credited against the debtor's account, without prejudice to the Municipality's rights.

## 15. Consolidation of a debtor's accounts

- (1) The Municipal Manager may-
  - (a) Consolidate any separate accounts of a debtor;
  - (b) Credit a payment by a debtor against any account of that debtor; and
  - (c) Implement any of the measures provided for in this By- law and the policy in relation to any arrears on any of the accounts of such a debtor.
- (2) Subsection (1) does not apply where there is a dispute between the Municipality and a debtor referred to in that subsection concerning any specific amount claimed by the municipality from that person.

## 16. Indigents

A debtor, who can prove indigence, will be dealt with as prescribed in the policy

## 17. Delegation

The Municipal manager may delegate any of his or her powers in terms of this By-Law or the Policy to any employee or official of the Municipality subject to the powers of delegations and any applicable legislation.

## 18. Offences and Penalties

Any person who-

- (a) Obstructs or hinders any Councillor or Official of the municipality in the execution of his or her duties under this By-Law or the policy;
- (b) Unlawfully uses or interferes with the Municipal Equipment or consumption of services supplied;
- (c) Tampers with any Municipal Equipment or breaks any seal on a meter;
- (d) Contravenes or fails to comply with the provisions of this by-law or the policy or
- (e) Fails to comply with a notice served in terms of this By-law or the policy,

Is guilty of an offence is liable on conviction to a penalty.

## 19. 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).

(a) 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.

(b) When the appeal is against a decision taken by –

- (i) a staff member other than the municipal manager, the municipal manager is the appeal authority; or
- (ii) The municipal manager, the mayor is the appeal authority.

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

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

**20. Repeal of existing By-laws**

The Council's existing credit control and debt collection By-laws published in..... under....., dated..... are hereby repealed.

**21. Short title and commencement**

These by-laws shall be called the 'Mpofana Municipality: "Credit Control and Debt Collection By-Law 2012"', and shall come into operation on January 2012.

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No. 68

6 December 2013

## MPOFANA LOCAL MUNICIPALITY



## BY-LAWS RELATING TO ENCROACHMENT

**By-laws relating to Encroachment for Promulgation**

**MPOFANA LOCAL MUNICIPALITY  
BY-LAWS RELATING TO ENCROACHMENT**

**The Municipal Manager of the Mpofana Local Municipality  
Hereby, in terms of section 13(a) of the Local Government: Municipal Systems  
Act, 2000 (Act No. 32 of 2000), publishes the By-laws relating to Encroachment  
For the Mpofana Local Municipality as approved by its  
Council, as set out hereunder.**

**MPOFANA LOCAL MUNICIPALITY  
BY-LAWS RELATING TO ENCROACHMENT**

**PROPERTY ENCROACHMENT BYLAWS****INDEX**

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## CHAPTER 1

### DEFINITIONS

#### Definitions

1. In these By-laws, any word or expression that has been defined in the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977) has that meaning and, unless the context otherwise indicates –

- “Council”** means the Council of the Mpofana Municipality;
- “Council property”** means any property, including but not limited to public roads
- (a) which is owned by the Council;
  - (b) over which the Council has control over; or
  - (c) in respect of which a servitude or other property right has been registered in favour of the Council;
- “Encroachment”** means any **physical object which intrudes** on Council property;
- “Prescribed”** means determined by resolution of the Council made from time to time;
- “Prescribed fee”** means a **fee determined by the Council** by resolution from time to time;
- “Public road”** means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes –
- (a) the verge of any such road, street or thoroughfare;
  - (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare; and
  - (c) Any other work or object forming part of or connected with or belonging to such road, street or thoroughfare.

### **Council permission required**

2. (1) No person may, without prior written permission, make or construct any encroachment into, over or under any Council property.

(2) The Council may -

(a) refuse the permission required in terms of **subsection (1)**; or

(b) Grant such permission either unconditionally or upon the conditions and subject to the payment of the prescribed fee annually or the performance of the works or services determined by the Council in each case.

(3) The prescribed fees mentioned in **subsection (2)** are payable in advance at the beginning of each year which is calculated from date of approval or the period determined by the Council, and the owner is liable for the payment of prescribed fees in terms of these by-laws for each encroachment.

(4) The owner of any existing encroachment must **within three months** after the date of commencement of these by-laws make application to the Council on the prescribed form for permission for the existence of the encroachment in terms of these by-laws.

### **Rules for the construction of encroachments**

3.(1) The design, arrangement and construction of verandas, balconies, bay windows and other encroachments over Council property, as well as the paving, kerb and gutter thereof, must be to the satisfaction of and to the levels approved by the Council.

(2) If corrugated iron is used for covering a veranda, its exposed surfaces must be painted.

(3) A veranda over a public road must correspond in line, height and detail with existing adjoining verandas.

### **Columns**

4. (1) The Council may determine areas within the municipal boundary where no person is permitted to place veranda columns over any public road or pavement.

- (2)** No person may place any veranda column -
- (a)** over any pavement where such pavement is less than 2,6 m wide;
  - (b)** more than 3 m from the building line measured to the outside of the column or at less than 3 m centre to centre;
  - (c)** over any pavement at the corner of a public road that is beyond the alignment of the building lines; and
  - (d)** at a distance lesser than 600 mm back from the front edge of any kerb.
- (3)** No person may place a twin or double veranda column over any public road or pavement.
- (4)** Where verandas are supported on columns-
- (a)** the columns may not have square arras;
  - (b)** no base may project more than 50 mm beyond the bottom diameter of the column; and
  - (c)** the maximum horizontal axial dimensions of such base may not exceed 350 mm.
- (5)** Where the form of a column is classic in character, the shaft must have suitable entasis and cap and base in due proportions.
- (6)** Columns, including cap and base, may not be less than 3 m or more than 3,6 m in height and not more than 4,5 m including plinth.
- (7)** The minimum height from the footway or sidewalk to the underside of each cantilever or fascia girder is 3 m.
- (8)** A coping, blocking course or balustrade, if any, may not extend less than 750 mm nor more than 1,05 m above the floor of a balcony.
- (9)** Nothing in these by-laws prohibits –
- (a)** the erection and use of a party column common to two adjoining verandas if the column stands partly on the extended boundary lines of two properties or adjoins the same; or
  - (b)** in the case of adjoining verandas, the placement of any column upon a plinth if this is necessary for alignment and all the other provisions of these by-laws are observed.

**Balconies and bay windows**

5. (1) Balconies, bay windows or other similar encroachments may not –

- (a) overhang a public road if they are at a height of less than 3 m above the pavement;
- (b) encroach more than 1,35 m over any public road; or
- (c) Encroach more than 900 mm over any public road.

(2) The aggregate horizontal length of bay windows at any level over a public road may not exceed one-third of the length of the building frontage to that road.

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

(4) No part of any balcony that is attached to any veranda, may be carried up to a height greater than two storeys above the pavement level except that, where the top portion of the balcony is roofed with a concrete flat roof forming a floor, a balustrade not exceeding 1 m in height is allowed above the level of the floor.

(5) Any dividing wall across a balcony over a public road may not exceed 1 m in height or 225 mm in thickness.

(6) A balcony over any public road may not be the sole means of access to any room or apartment.

(7) No person may place or permit or cause to be placed any article upon any balcony over a public road, except ornamental plants, tables, chairs, canvas blinds and awnings not used for signs or advertisements.

(8) Where any floor of a building is used solely for the parking of a motor vehicle, bay windows at the level of the floor may not project over any public road for more than 1,35 m for the full length of the building frontage to that road.

**Plinths, pilasters, corbels and cornices**

6.(1) No plinths, pilasters or other encroachments beyond building lines carried up from ground level are permitted to encroach on a public road.

(2) Any pilaster, cornice, corbel or similar architectural feature that is at least 3 m above the ground may not exceed the following level of encroachment over a public road:

(a) a pilaster: 450 mm the total aggregate frontage length of the pilaster may not exceed one-fifth of the building frontage and bay windows in the same storey must be included in the calculation of the maximum aggregate length for bay windows;

(b) a fire-resisting ornamental hood or pediment over a door: 600 mm and in any part not less than 2,75 m in height above the footway or pavement;

(c) a cornice: 1,05 m where not exceeding 10,5 m above the footway or pavement and one-tenth of the height from the footway or pavement if exceeding 10,5 m with a maximum of 1,8 m.

#### **Verandas around corners**

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

#### **Pavement openings**

8. (1) No pavement opening may –

(a) be the sole means of access to any vault or cellar; and

(b) Extend more than 1,2 m beyond the building line.

(2) Where flaps are permitted in pavement openings each flap may not exceed 0,75 square metres in area and must open upwards and while open, must be provided with stout iron guard rails and stanchions.

(3) Flap openings may be opened and used only for the purpose of lowering and raising goods and must be kept closed except when lowering and raising operations are in progress.

(4) The front wall or wall parallel to the kerb in every opening must be built with a suitable **batter** to the satisfaction of the Council.

(5) No pavement opening may be covered with metal bar gratings or with metal plates or with wood.

**Encroachment erected in front of building**

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

(1) pave the whole of the footway or pavement under the encroachment or in front of the building in which the pavement opening is fixed; and

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

**Maintenance, removal and tenancy of projections**

10. (1) the owner of any encroachment must maintain the encroachment in good order and repair.

(2) Pavement openings, pavement lights, walls thereof and basement walls must be made and kept water-tight by the owner.

(3) The owner of any encroachment on, under or over any public road or pavement, or sign or other fixture on or over any public road, is regarded a tenant in respect of the encroachment, sign or fixture and, if called upon by the Council to remove any or all of them and restore the public road or pavement to its former conditions, and must do so within a reasonable time.

**Encroachments**

11.(1)(a) Any person other than the owner wishing to erect or construct an encroachment or any other fixture on, under or over any public road, or any immovable property owned by or vested in the Council, must apply to the Building Control Officer on a form provided by the Council for that purpose.

(b) Where in the opinion of the Building Control Officer drawings are required for the conclusion of an encroachment agreement, the prescribed charge in addition to any other prescribed charge is payable to the Council.

(2) The owner of the building in connection with which any encroachment or fixture exists, or is proposed –

(a) Must defray any cost incurred in connection with wires or property of the Council;

(b) Must allow the Council to erect on, or attach to the encroachment or fixture or anything required in connection with electrical or other activities.

**Offences and penalties**

12. A person who contravenes any of these by-laws is guilty of an offence and be liable on conviction to a fine not exceeding R500.00 or to imprisonment not exceeding 6 months or to both that fine and that imprisonment.

**Repeal of existing By-laws**

13. The Council's existing ..... By-laws are hereby repealed.

**Short title and commencement**



# MPOFANA LOCAL MUNICIPALITY



## BY-LAWS RELATING TO POUNDS

### By-laws relating to Pounds for Promulgation

**MPOFANA LOCAL MUNICIPALITY  
BY-LAWS RELATING TO POUNDS**

**The Municipal Manager of the Mpofana Local Municipality  
Hereby, in terms of section 13(a) of the Local Government: Municipal Systems  
Act, 2000 (Act No. 32 of 2000), publishes the By-laws relating to Pounds  
for the Mpofana Local Municipality as approved by its  
Council, as set out hereunder.**

**MPOFANA LOCAL MUNICIPALITY****BY-LAWS RELATING TO POUNDS****TABLE OF CONTENTS**

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## Definitions

1. In these bylaws, unless inconsistent with the context –

<b>"Animal"</b>	means any equine or bovine animal or any donkey, sheep, goat, pig or domesticated ostrich, or any hybrid of such animals, or any poultry;
<b>"Council"</b>	means the council of the Mpofana Local Municipality;
<b>"Impounded animal"</b>	means any animal received into a pound as contemplated in <b>section 5</b> ;
<b>"Owner"</b>	in relation to any animal includes the agent of the owner or any other person having lawful custody of the animal;
<b>"Owner"</b>	in relation to any land includes the registered owner, the lessee and any lawful occupier of such animal;
<b>"Pound"</b>	means any premises on which a pound has been established by or on behalf of the Council for the impounding of animals under these bylaws; and
<b>"Pound manager"</b>	means the person appointed from time to time by the Council to manage a pound established by the Council and any other person appointed by such person to act in his or her stead during his absence from the pound.
<b>"public place"</b>	any place to which the public has access including, without limiting the generality of the foregoing, any square, park, recreation ground, sports ground, open space, beach, shopping centre on municipal land, unused/vacant municipal land or cemetery; and
<b>"Public road"</b>	shall mean a public road as described under Section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996).

**Application**

2. Nothing prevents any animal detained in terms of these bylaws from being impounded in a pound or any similar facility established by any other municipality, the provincial government or other lawful authority.

**Establishment of pound**

3. (1) The Council may establish a pound at any convenient place within its area of jurisdiction and, whenever the Council deems it necessary, may disestablish such pound.

(2) The Council shall give notice of the establishment of a pound, or the disestablishment thereof, by publishing a notice in at least two newspapers circulating in the area of jurisdiction of the Council.

**Detention and removal of animals**

4. (1) Any animal –

- (a) found trespassing on land; or
- (b) straying or wandering unattended in a public road or other public place,
- (c) May be detained and removed to a pound by the owner of such land, an official of the Council, a member of the South African Police Services or the pound manager.

(2) Any person who has detained an animal for the purpose of impounding shall -

- (a) remove such animals to a pound within 24 hours after seizure; and
- (b) ensure that proper care is taken of the seized animal until the animal is received at the pound.

**Receipt of animals**

5. (1) Any person removing an animal to a pound shall provide the pound manager with-

- (a) his or her name and permanent residential address;
- (b) the time and place of detention of the animal; and
- (c) the capacity in which he or she detained the animal.

(2) The pound manager shall, upon receipt of a detained animal -

- (a) record the particulars furnished in terms of **section 5(1)** and enter the same in a book maintained for the purpose;
  - (b) furnish the person delivering the animal with a receipt reflecting –
    - (i) his or her name;
    - (ii) a description of the animal; and
    - (iii) the date and time of receipt of the animal at the pound; and
  - (c) Keep a copy of each receipt issued in terms of **section 5(2)(b)**.
- (3) No person shall release or attempt to release, otherwise than in accordance with these bylaws, any animal which has been received at a pound.

#### **Care of animals**

6. 1) The pound manager shall take proper care of any animal impounded in terms of these bylaws.
- (2) The pound manager shall not use or cause or permit to be used any animal impounded in terms of these bylaws.
- (3) In the event of the injury or death of any impounded animal, the pound manager shall record the cause of such injury or death and shall retain any veterinary certificate issued.
- (4) The pound manager shall keep records of any expense incurred in respect of an impounded animal including, but not limited to, the feeding and veterinary care of the animal.

#### **Release of animals**

7. The pound manager shall release an impounded animal to any person who has –
- (1) satisfied the pound manager that he or she is the owner of the impounded animal;
  - (2) paid the conveyance and pound fees prescribed by resolution of the council of the Council from time to time; and
  - (3) Paid any veterinary or other expenses incurred in the impounding of the animal.

#### **Disposal of animals**

8. (1) The pound manager may sell by public auction and for cash any impounded animal which has not been claimed within 30 days of being impounded, and in respect of which –

- (a) the Council has taken all reasonable steps to locate and notify the owner;
  - (b) the owner has been located or, despite having been given 10 days notice, has failed to remove the impounded animal; and
  - (c) 10 day's prior notice of the proposed sale has been given in terms of **section (8)(2)**
- (2) The sale of an impounded animal shall be advertised by placing a notice on a public notice board at a place designated by the Council for that purpose –
- (a) describing the animal, its sex, its approximate age and any particular brands or marks; and
  - (b) Stating that the animal will be sold by public auction if not claimed within 10 days.
- (3) The proceeds of any sale shall be applied in defraying the fees and expenses referred to in **section 7** and the balance, if any, shall be forfeited to the Council if not claimed within three months by a person who establishes to the satisfaction of the pound manager that he or she is the owner of the impounded animal.
- (4) If the pound manager is for any reason unable to sell any impounded animal or if, in the opinion of the pound manager the animal is so dangerous, vicious, diseased or severely ill or in such a physical condition that it ought to be destroyed, the pound manager may cause the animal to be destroyed subject to any applicable law relating to the protection of animals or otherwise dispose of the animal in a manner approved by the Council.
- (5) Any shortfall between the proceeds of sale, if any, and the fees and expenses referred to in **section 7**, or the costs of destruction as contemplated in clause **8(4)**, may be claimed by the Council from the owner.

#### **Indemnity**

9. The Council, the pound manager and any officer, employee, agent or councillor of the Council shall not be liable for the death of or injury to any animal arising as a result of its detention, impounding or release, or arising during its impoundment.

#### **Offences and penalties**

10. Any person who contravenes or fails to comply with any provision of these by-laws shall be guilty of an offence and liable for a fine not exceeding R2 000 or imprisonment for a period not exceeding two months or for both such fine and imprisonment.

**Repeal of existing By-laws**

11. The Council's existing ..... by-laws are hereby repealed.

**Short title and commencement**

12. These by-laws shall be called the **Pound By-laws, 2011**, and shall come into operation on **1<sup>st</sup> March 2012** ( After proper consultation with the owners of animals)

No. 70

6 December 2013

## MPOFANA LOCAL MUNICIPALITY



## BY-LAWS RELATING TO STREET TRADING

**By-laws relating to Street Trading for Promulgation**

**MPOFANA LOCAL MUNICIPALITY  
BY-LAWS RELATING TO STREET TRADING**

**The Municipal Manager of the Mpofana Local Municipality  
Hereby, in terms of section 13(a) of the Local Government: Municipal Systems  
Act, 2000 (Act No. 32 of 2000), publishes the By-laws relating to Street Trading  
for the Mpofana Local Municipality as approved by its  
Council, as set out hereunder.**

**MPOFANA LOCAL MUNICIPALITY**

**BY-LAWS RELATING TO STREET TRADING**

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## CHAPTER 1

### DEFINITIONS

#### 1. Definitions

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

<b>"Approval"</b>	means approval by an authorized official and "approve" has a corresponding meaning;
<b>"authorised official"</b>	means an official of the Council to whom it has delegated a duty, function or power under this bylaw, in relation to the exercise or performance of that duty, function or power and includes any employee acting under the control and direction of such official;
<b>"Council"</b>	means the Council of the Mpofana Municipality and in relations to the exercise of a power, the performance of a duty or the carrying out of a function includes any committee or official of the Council to whom such power, duty or function has been delegated;
<b>"demarcated stand"</b>	means stand demarcated by Council for the purposes of street trading in terms of section 6(A)(3)(b) of the Act;
<b>"goods"</b>	means any movable property used in connection with street trading and, without limiting the generality of the foregoing, includes products for sale, display tables, stands, receptacles, vehicles, structures or animals;

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<b>"Public place"</b>	means a public place as defined in section 1 of the Local Authorities Ordinance No. 25 of 1974;
<b>"Public road"</b>	means a public road as defined in section 1 of the National Road Traffic Act No. 93 of 1996;
<b>"Roadway"</b>	means a roadway as defined in section 1 of the National Road Traffic Act No. 93 of 1996 but excludes a public place;
<b>"Sidewalk"</b>	means a sidewalk as defined in section 1 of the National Road Traffic Act No. 93 of 1996;
<b>"street trader"</b>	means a person who sells, barter, exchanges, hires out, displays, exposes, offers or prepares for sale, barter, exchange or hire any goods or who provides or offers any service for reward as a street vendor, hawker or pedlar in a public road or in a public place, but does not include any person who sells newspapers only;
<b>"The Act"</b>	means the Businesses Act No. 71 of 1991 and includes the regulations made there under; and
<b>"Verge"</b>	means a verge as defined in section 1 of the Road National Traffic Act No. 93 of 1996.

## CHAPTER 2 PROHIBITIONS

### 2. Prohibition

No street trader shall carry on or undertake street trading –

- (1) On a verge contiguous to -
  - (i) a building belonging to or occupied solely by the state or the Council;
  - (ii) a church or other place of worship, or
  - (iii) a building declared to be a national monument in terms of the National Monuments Act No. 28 of 1969;
  
- (2) on any verge contiguous to a building in which business is being carried on by any person who sells goods of the same nature as, or of similar nature to, goods being sold by the street trader or who offers services of the same nature as, or of a similar nature to, a service offered by the street trader concerned without the consent of such person;
  
- (3) on that half of a public road contiguous to a building used for residential purposes, if the owner or person in control or any occupier of the building objects thereto;
  
- (4) at any place where the carrying on of such business causes an obstruction to-
  - (a) The entrance to or exit from a building, or
  - (b) A fire hydrant;
  
- (5) in any declared area identified as such in terms of section 6A (2) of the Act in respect of which the carrying on of the business of street trader has been –
  - (a) Prohibited by the Council, or
  - (b) Restricted by the Council, unless such business is carried on in accordance with such restrictions;
  
- (6) at any place which has been set apart and demarcated as stands or areas by the Council in terms of section 6A (3) (b) of the Act for the purposes of the carrying on of the business of street trader, unless such business is carried on in accordance with -
  - (a) An agreement with the Council, or
  - (b) The allocation by the Council to the street trader of any area or stand; and
  
- (7) in any public garden or park except with prior written consent of the Council.

**CHAPTER 3****RESTRICTIONS****3. Restrictions**

No person engaging in street trading shall -

- (1) sleep overnight at the business site;
- (2) erect any permanent structure in a public place or public road for the purpose of providing shelter, or
- (3) place or store any goods in such a manner or position as to constitute a danger to any person;
- (4) carry on such business in such a manner as to-
  - (a) Create a nuisance;
  - (b) Damage or deface any public road or public place or any public or private property; or
  - (c) Create a traffic hazard;
- (5) obstruct access to a service or to service works of the Council or of the State or any statutory body;
- (6) Interfere with the ability of persons using a sidewalk to view the goods displayed behind a shop display window or obscure such goods from view;
- (7) obstruct access to a pedestrian arcade or mall;
- (8) Carry on such business in a place or area in contravention of any restriction imposed by Council resolution in terms of section 6A (2)(a) of the Act;
- (9) Place or store his or her goods on or in a building, without the consent of the owner, lawful occupier, or person in control of such building or property;

**(10)** attach any of his or her goods by any means to the building structure, pavement, tree, parking meter, lamp, pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or a public road or public place;

**(11)** make an open fire on a public road or public place;

**(12)** Interfere with the ability of a person using a sidewalk to view the goods displayed behind a shop displayed window, or obscure such goods from view;

**(13)** obstruct access to a pedestrian crossing, a parking or loading bay or other facility for vehicular or pedestrian traffic; and

**(14)** Obstruct or inhibit the use of street furniture and any other facility designed for the use of the general public.

## CHAPTER 4

### GENERAL DUTIES OF STREET TRADERS

#### 4. Cleanliness

Every street trader shall-

- (1) keep the area used by him or her for the purposes of street trading, as well as any goods used by him or her, in a clean and sanitary condition;
- (2) at the request of any authorised official of the Council, move or remove his or her goods so as to permit the cleansing of the area where he or she is trading, or for the purpose of effecting Council services;
- (3) if his or her activities involve the cooking or other preparation of food, take steps to ensure that no fat, oil or other substance drops or overflows onto the surface of a sidewalk or splashes against a building or other structure; and
- (4) Not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter.

#### 5. Display of goods

A street trader shall ensure that any structure, container, surface or other object used by him or her for the preparation, display, storage or transportation of goods-

- (1) Is maintained in a good state of repair and in a clean and sanitary condition; and
- (2) Is not so placed or stored so as to constitute a danger to any person.

**CHAPTER 5****REMOVAL AND IMPOUNDMENT****6. Removal and impoundment**

**(1)** An inspector may remove and impound any goods -

**(a)** which he reasonably suspects are being used or intended to be used or have been used in or connection with the carrying on of the business of a street trader, and

**(b)** Which he finds at a place where the carrying on of such business is prohibited or restricted in terms of these bylaws, whether or not such goods are in the possessions or under the control of any person at the time of such removal and impoundment.

**(2)** An inspector removing and impounding any goods shall -

**(a)** except in the case of goods which appear to have been abandoned or in respect of which the owner or person having control thereof cannot be found, issue to the owner or person having control of such goods a receipt for the removal and impoundment thereof and stating-

**(i)** the place where the goods shall be kept;

**(ii)** the amount payable in respect of expenses incurred by the Council in impounding and removing the goods; and

**(iii)** the date on or after which the goods will be sold or destroyed unless claimed; and

**(b)** Forthwith place such goods in safe custody.

**(3)** Neither the Council nor any inspector, officer or employee of the Council shall be liable for any loss or theft of nor damage to any goods removed and impounded in terms of these bylaws

## **7. Disposal of impounded goods**

**(1)** Any goods impounded in terms of these by-laws shall be dealt with as follows -

**(a)** if the goods are claimed, the street trader shall pay the expenses incurred by the Council for impoundment; and

**(b)** if the goods are not claimed within the period specified on the receipt issued in terms of these by-laws, the goods shall be sold to defray expenses incurred by Council in impounding and removing the goods.

**(2)** In the event that the goods-

**(a)** are not capable of being sold, they shall be destroyed after the proper time specified on the receipt issued in terms of these by-laws;

**(b)** any perishable goods may be sold or destroyed as soon as may be necessary.

**(3)** If the proceeds contemplated by this section are insufficient to pay expenses incurred by Council, the owner shall be liable for any excess.

## CHAPTER 6

### GENERAL OFFENCES AND PENALTIES

#### 8. General offences and penalties

(1) Any person who-

- (a) Contravenes any provision of these by-laws;
- (b) ignores, disregards or disobeys any notice, sign or marking displayed or erected for the purposes of these by-laws;
- (c) for the purposes of these by-laws, makes a false statement knowing it to be false or deliberately furnishes false or misleading information to an authorised official; or
- (d) threatens, resists, interferes with or obstructs an authorised official, officer or employee of the Council in the performance of his or her powers, duties or functions under these by-laws,

Shall be liable on conviction to a fine not exceeding R 1000-00 or imprisonment for a period not exceeding three months.

## CHAPTER 7

### GENERAL PROVISIONS

#### Repeal of existing By-laws

9. The Council's existing ..... by-laws are hereby repealed.

#### Short title and commencement

10. These by-laws shall be called the Street Trading By-laws, 200.., and shall come into operation on .....

## MPOFANA LOCAL MUNICIPALITY



### BY-LAWS RELATING TO KEEPING OF ANIMALS

#### By-laws relating to Keeping Of Animals for Promulgation

**MPOFANA LOCAL MUNICIPALITY**

**BY-LAWS RELATING TO KEEPING OF ANIMALS**

**The Municipal Manager of the Mpofana Local Municipality**

**Hereby, in terms of section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), publishes the By-laws relating to keeping of animals for the Mpofana Local Municipality as approved by its Council, as set out hereunder.**

**MPOFANA LOCAL MUNICIPALITY**  
**BY-LAWS RELATING TO KEEPING OF ANIMALS**

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## CHAPTER 1

### INTERPRETATION

#### Definitions

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

- “Aviary”** : means an enclosure used for the keeping of birds, other than poultry but does not include a portable cage;
- “Authorised official”** : means any official of the Council who has been authorised by the Council to administer, implement and enforce the provisions of these By-laws;
- “Battery System”** : means the method of keeping poultry or rabbits in cages either single rows or tier information within a building or structure;
- “Cattery”** : means premises in or upon which –
- (a) Boarding facilities for cats are provided; or
  - (b) Cats are bred for commercial purposes;
- “Council”** : means – (a) the Municipality of the Mpofana Local Municipality established by Provincial Notice No. ... of ... dated ..., as amended, exercising its legislative and executive authority through its municipal Council ; or
- (b) Its successor in title; or
  - (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these By-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or
  - (d) Except for the purposes of sections 3 and 4, and the prescribing of a fee –
    - (i) A service provider fulfilling a responsibility under these By-laws assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000, or any other law; and
    - (ii) Any person or body to whom the Council is leasing a pound as contemplated in section 71 of the Local

Government Ordinance, 1939 (Ordinance No. 17 of 1939), as the case may be;

- “Enclosure”** : In relation to animals, means any kraal, pen, paddock, cage or other fenced or enclosed area erected to confine an animal from escaping or roaming freely on the remainder of the premises;
- “Dwelling house”** : means a single building designed for use as a residence for a single family situated on premises containing not more than two such buildings;
- “Dwelling unit”** : means an inter-connected suite of rooms which must include a kitchen or scullery, designed for occupation by a single family, other than a dwelling house, irrespective of whether such unit is a single building or forms part of a building containing two or more such units;
- “Environmental health officer”** : means an official appointed by the Council, and who is duly registered as an environmental health officer, or environmental health practitioner, with the Health Professions Council of South Africa in terms of section 17 of the Health Professions Act, 1974 (Act No. 56 of 1974);
- “Keeper”** : **(a)** in relation to any animal the owner of the animal or any other person responsible for feeding and caring for the animal; and
- (b)** in relation to a battery system, cattery, kennels, pet, parlour or pet shop means the person who owns the business which it forms part of or the person in charge of the premises in which the animals are kept;
- “Kennels”** : means premises in or upon which –
- (a)** Boarding facilities for dogs are provided;
- (b)** Dogs are bred for commercial purposes;
- (c)** Dogs are kept for the purposes of being trained or hired out with or without handlers; or
- (d)** Dogs are kept for commercial security purposes;
- “Owner”** : in relation to animals, means any person who keeps a animals or has a animals in his or her possession or care or under his or her control or, in relation to a animals, on whose private premises animals are present;

<b>“Pound”</b>	: means a place designated by the Council in terms of any law for the impounding, sale and destruction of animals ;
<b>“Pound master”</b>	: means the person who has been appointed by the Council to be in charge of a pound;
<b>“Premises”</b>	: means any unit of land, whether built on or not and whether public or private;
<b>“Prescribed”</b>	: means prescribed by the Council from time to time by resolution;
<b>“Public Health By-laws”</b>	: means the Public Health By-laws of the Council published under Notice ... in Provincial Gazette No. .. dated ...;
<b>“Public health hazard”</b>	: means a public health hazard as defined in the Council's Public Health By-laws; and
<b>“Public place”</b>	: 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 Council and includes any road, place or thoroughfare which is in the undisturbed use of the public or which the public have the right to use.
<b>“Livestock”</b>	: means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry;
<b>“Pet”</b>	: means a tame animal kept in a household for companionship or amusement;
<b>“Pet parlour”</b>	: means a any premises where beauty treatment is given to pets by washing , drying, brushing, clipping, trimming or by attending to their nails or teeth;
<b>“Pet Shop”</b>	: means any premises where the business of keeping or selling pets is carried out;
<b>“Poultry”</b>	: means fowls, ducks, muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea-fowls;
<b>“Poultry house”</b>	: means any roofed-over building or structure in which poultry is kept other than one in which a battery system is operated;

- “Poultry run”** : means any unroofed wire mesh or other enclosure in which poultry is kept, whether or not it is attached to a poultry house;
- “Rabbit run”** : means any roofed wire mesh or other enclosure in which rabbits are kept whether or not it is attached to a rabbit hutch;
- “Stable”** : means any building or structure used to accommodate livestock other than poultry; and
- “Wild Animal”** : means an animal of a species that is not generally domesticated and without limitation includes all animals indigenous to South Africa other than domesticated guinea-fowls.

(2) If any provision in these By-laws vests or imposes any power, function or duty of the Council in or on any employee of the Council and such power, function or duty has in terms of section **81(2) of the Local Government : Municipal Systems Act, 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.

## CHAPTER 2

### GENERAL PROVISIONS RELATING TO THE KEEPING OF ANIMALS

#### Application of by-laws

2. (1) These by-laws, within the exception of section 28, do not apply to-
- (a) Any agricultural show where animals are kept on a temporary basis; or
  - (b) Any laboratory where animals are lawfully kept for research purposes;

## CHAPTER 3

### KEEPING OF CATTLE, HORSES, MULES AND DONKEYS

#### Requirements for premises

3. (1) No person may keep any cattle, horse, mule or donkey in a stable or other enclosure that does not comply with the following requirements –
- (a) Every wall and partition of the enclosure must be constructed of brick, stone, concrete or other durable material;
  - (b) The internal wall surfaces of the enclosure must be constructed of smooth brick or other durable surface brought to a smooth finish;
  - (c) The height of the walls to the wall plates of the enclosure must-
    - i) if the roof is a pitched roof be 2.4 metres;
    - ii) If the roof is flat roof be 2,7 metres;
    - iii) If the roof is lean to roof be a mean height of 3 metres with a minimum of 2.4 metres on the lowest side;
    - iv) In the case of a stable which has an opening along the entire length of one of its long sides be not less than 2 metres;
  - (d) The enclosure must have a floor area of at least 9m<sup>2</sup> for each head of cattle, horse, mule or donkey accommodated in it;
  - (e) Lighting and ventilation must be provided by openings or glazed opening windows or louvers totaling at least 0.3 m<sup>2</sup> for each animal to be accommodated in it except in the case of an enclosure open along the entire length of one of its long sides;
  - (f) The lowest point of every opening, window or louvers must be at least 1.8 metres above floor level;

- (g) The floor of the enclosure must be constructed to concrete or other durable and impervious material brought to a smooth finish graded to a channel;
- (h) No enclosure may be situated within-
  - i) 15 metres of the boundary of any land, property, dwelling or other structure used for human habitation; or
  - ii) 50 metres of any water resource or water supply intended or used for human consumption;
- (i) There must be a water supply adequate for drinking and cleaning purposes next to every enclosure.

#### **Duties of keepers of cattle, horses, mules and donkeys**

4. (1) Any person who keeps any cattle, horse, mule or donkey must–
- (a) Maintain the premises, and any equipment, apparatus, container or receptacle used in connection with keeping the animal in a clean and sanitary condition and in good repair,
  - (b) Provide portable manure storage receptacles of an impervious material and with close fitting lids;
  - (c) Keep every manure storage receptacles on a platform constructed of concrete or other durable and impervious material near the enclosure;
  - (d) If there is so much manure and bedding that storage receptacles are impractical, provide a manure heap complying with the following requirements.
    - i) The heap must be enclosed by three walls constructed of brick, concrete or other durable material plastered to a smooth finish; and
    - ii) The floor must be a smoothly finished concrete that is inclined so that it drains to a water channel along the full length of the open side, which is at least 150mm in diameter and is kept filled with water
  - (e) Remove all the manure storage receptacles or heap from the premises at least once every second day and dispose of the manure in a way which will not create a public health nuisance;
  - (f) Remove all bedding from the enclosures at least once a week and store it in the manure receptacles or heap until it is removed from the premises; and
  - (g) Store all feed in a rodent proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids.

## CHAPTER 4

### KEEPING OF GOATS AND SHEEP

#### Requirements for premises

5. (1) No person may keep sheep or goats in an enclosure that does not comply with the following requirements
- (a) A minimum overall floor area must be 30m<sup>2</sup>;
  - (b) At least 1.5m<sup>2</sup> of floor space must be provided for every goat or sheep accommodated in it;
  - (c) Every wall must be constructed of brick, stone, concrete;
  - (d) Every wall must be at least 2 metres in height and have a smooth internal finish;
  - (e) The floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel;
  - (f) At least 1.5 m of floor space must be provided for every goat or sheep accommodated in it with an overall minimum floor area of 6m<sup>2</sup>; and
  - (g) Lighting and ventilation openings totaling at least 0.15m<sup>2</sup> per goat or sheep must be provided.
- (2) No person may keep sheep or goats in an enclosure within-
- (a) 15 metres of any boundary of any land, dwelling, building or other structure used for human habitation; or
  - (b) 50 metres of any water resource or water supply intended or used for human consumption.
- (3) Every person must provide a water supply adequate for drinking and cleaning purposes situated next to or in a every enclosure used to accommodate sheep and goats

#### Duties of keeper of goats and sheep

6. Any person who keeps goats or sheep must-
- (1) Maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the animal in a clean and sanitary condition and in good repair;
  - (2) Provide portable manure storage receptacles of an impervious material and with close fitting lids;
  - (3) Keep every manure storage receptacle on a platform that enables the surface underneath the receptacle to be cleaned;
  - (4) Remove all manure the enclosure, building or shed at least once every seven days and place it in the manure storage receptacles;

- (5)** Remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way that will not create a public health nuisance; and
- (6)** Store all feed in a rodent-proof storeroom and all loose feed in rodent-proof receptacles with close fitting lids in the storeroom.

## CHAPTER 5

### KEEPING OF POULTRY

#### Application

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

#### Permit requirements for poultry

8. No persons may keep more than poultry birds on an erf in a proclaimed township or 100 poultry birds on premises zoned for agriculture except in terms of a permit issued by the Council.

#### Requirements for premises

9. No persons may keep poultry in premises that do not comply with the following requirements:
- (1) In relation to a poultry house-
    - (a) Every wall must be constructed of brick, stone, concrete or other impervious material brought to a smooth internal surface;
    - (b) The floor must be constructed of concrete or other impervious material brought to a smooth finish;
    - (c) The upper floor of a two or more storey structure must be constructed of an impervious and easily cleanable material;
    - (d) The minimum floor area must be-
      - i) 0.20 m<sup>2</sup> for each grown fowl, duck, muscovy duck or guinea fowl;
      - ii) 0.5 m<sup>2</sup> for each grown goose, turkey, peacock, and
      - iii) 0.14m<sup>2</sup> for each grown pigeon;
    - (e) The minimum aggregate floor area must be 4m<sup>2</sup>;
  - (2) In relation to a poultry run, the run must be enclosed with wire mesh or other durable material;
  - (3) In relation to buildings or structure housing a battery system-
    - (a) Every wall, if provided must be at least 2.4 m high, must be constructed of concrete, stone, brick or other impervious material and must have a smooth internal surface;

- (b) If walls are provided, the building must be ventilated and lighted by means of a mechanical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area not less than 15% of the floor area of the building;
  - (c) The floor must be constructed of concrete or other impervious material brought to a smooth finish and if required by the environmental health officer, the floor surface must be graded and drained by means of a channel;
  - (d) If no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150mm high around its edges;
  - (e) The cages of the battery system must be made of an impervious material; and
  - (f) If required by an environmental health officer, a tray of an impervious material must be fitted under every cage for the collection of manure;
- (4) A water supply adequate for drinking and cleaning must be provided in a or next to every poultry hutch or building or structure housing a battery system;
- (5) No poultry house, poultry run, or building or structure housing a battery system may be constructed with 3 metres of-
- (a) Any dwelling, other building or structure used for human habitation;
  - (b) Any place where foodstuffs are stored or prepared for human consumption; or
  - (c) The nearest boundary of any land;
- (6) Feed must be stored in an adequate rodent-proof storeroom;
- (7) Adequate washing facilities must be provided for the cleaning of the cages
- (8) If required by an environmental health officer due to the amount of manure stored on the premises awaiting removal, a storage area complying with the following requirements must be provided:
- (a) A roofed platform constructed of concrete or other impervious material;
  - (b) The platform outside edges must have a minimum curb of 100 mm high;
  - (c) The platform must be graded and drained; and
  - (d) The roof of the platform must extend a minimum of 1 metre beyond the edges of the base of the platform.

#### Duties of keeper of poultry

#### 10. Any person who keeps poultry must-

- (1) Ensure that all poultry is kept within the poultry house, poultry or building or structure housing a battery system;
- (2) Maintain the premises and any equipment, apparatus, container or receptacle used in connection with keeping the poultry in a clean, sanitary condition and in good repair;
- (3) Maintain the premises free from offensive odours and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from pests;
- (4) Ensure that the poultry do not disturb or hinder the comfort, convenience, peace or quiet of the public;
- (5) Provide portable manure storage receptacles of an impervious material and with close fitting lids and keep the manure storage receptacles on a platform;
- (6) Remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every four days from a building or structure housing a battery system;
- (7) Place the manure and other waste matter in manure storage receptacles;
- (8) Remove the contents of the manure storage receptacles from the premises at least once every seven days and dispose of the manure in a way which will not create a public health nuisance; and
- (9) Take adequate measures to keep the premises free of flies, cockroaches and rodents to prevent offensive odours arising from the keeping of poultry on the premises.

## CHAPTER 6

### KEEPING OF RABBITS

#### Application

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

#### Permit requirements for rabbits

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

#### Requirements for the premises

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

(1) In relation to a rabbit hutch-

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

(b) The floor surface but be-

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

ii) Situated at least 150mm above ground level; and

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

(c) Adequate ventilation must be provided;

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

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

(a) Any wall must be

i) Be a minimum of least 2.4 metres high;

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

iii) Must have a smooth internal surface;

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

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

- (d) If no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150mm high around its outside edges; and
  - (e) If no walls are provided, or the walls are made of metal, the floor must be provided with a curb at least 150mm high around its outside edges; and
  - (f) Every cage must be constructed of an impervious material and fitted with trays of an impervious material for the reception of manure;
- (4) A water supply adequate for drinking and cleaning purposes must be provided in or next to every rabbit hutch or building or structure housing a battery system;
- (5) No person may erect a rabbit hutch, rabbit run or building or structure housing a battery system within five metres of-
- (a) Any dwelling, building or other structure used for human habitation
  - (b) Any place where foodstuffs are stored or prepared for human consumption; or
  - (c) Nearest boundary of any land;
- (6) An adequate rodent-proof storeroom must be provided for the storage of feed; and
- (7) Adequate washing facilities must be provided for the cleaning of the cages.

#### **Duties of the keeper of rabbits**

14. (1) keep all rabbits within the rabbit hutch, rabbit run, or building or structure housing a battery system;
- (2) Maintain the premises and any equipment, apparatus, container or receptacles used in connection with keeping rabbits, in a clean, sanitary condition and in good repair,
- (3) Maintain the premises free from offensive odours and every rabbit hutch, rabbit run building or structure housing a battery system and all cages clean and free from pests;
- (4) provide portable manure storage receptacles of an impervious material with close-fitting lids; and every receptacle shall be kept on a platform;
- (5) remove all manure and any other waste matter from the rabbit hutch, rabbit run or building or structure housing a battery system, at least once every 48 hours;
- (6) Keep the manure and waste in manure storage receptacles until it is removed from the premises; and

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

## CHAPTER 7

### KEEPING OF BIRDS OTHER THAN POULTRY

#### Requirements for the premises

15. No person may keep any bird in premises that do not comply with the following requirements:

- (1) The aviary must be constructed of durable rodent-proof materials
- (2) Adequate access must be provided for cleaning purposes;
- (3) If the aviary is constructed above ground level, its base must be constructed of an impervious and durable material and must be situated a minimum of 300mm above ground level;
- (4) The aviary may not be situated within three metres of any building or structure, boundary fence or boundary wall; and
- (5) A water supply adequate for drinking and cleaning purposes must be situated in or next to every aviary.

#### Duties of the keeper of an aviary

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

- (1) Ensure that the aviary and the premises are kept in a clean condition and free from pests;
- (2) Provide and use rodent-proof facilities for the storage of bird food; and
- (3) Ensure that the birds do not disturb the comfort, convenience, peace or quiet of the public;

**CHAPTER 8****DOG KENNELS AND CATTERIES****Requirements for the premises**

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

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

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

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

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

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

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

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

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

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

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

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

(b) The kennel must be movable;

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

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

(5) A concrete apron extending at least one metre wide around the edges of the enclosure must be provided;

- (6) The apron must be graded and drained in a way that drains storm water away from the enclosure;
- (7) A potable water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the enclosure;
- (8) Any cages in which cats are kept must be constructed of durable impervious material and in a manner that they may be easily cleaned;
- (8) Any shelter, enclosure or kennel may not be situated within five metres of any ;
  - (c) Dwelling or other building or structure used for human habitation;
  - (d) Place where food is stored and prepared for human consumption or
  - (e) The boundary of the premises.

### **Food Preparation area**

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

- (1) The floor of the room or roofed area must be constructed of concrete or other impervious material brought to a smooth finish;
- (2) The internal wall surfaces of the room or roofed area must be smooth and easily cleanable;
- (3) Adequate washing facilities for food bowls and utensils must be provided and
- (4) A rodent-proof storeroom must be provided for the storage of food.

### **Duties of a keeper of kennels or catteries**

19. Any person operating a kennel or cattery must-

- (1) Maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;
- (2) Provide portable storage receptacles, of an impervious material with close fitting lids for the storage of dog and cat faeces;

- (3)** Remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in subsection (2)
- (4)** Remove the contents of the storage receptacles from the premises at least twice every seven days and dispose of it in a manner that will not create a public health nuisance;
- (5)** Store all loose food in receptacles, with close fitting lids, in the food store;
- (6)** Provide adequate refrigeration facilities to store perishables foods on the premises;
- (7)** Provide adequate separate refuse receptacles, with close fitting lids, on the premises for refuse other than faeces;
- (8)** Keep any sick dog or cat isolated from any other animals; and
- (9)** Maintain the premises free from offensive odours and every enclosure, shelter, kennel, cage or food store clean and free pests.

**CHAPTER 9****PET SHOPS AND PET PARLOURS****Requirements for premises**

**20.** No persons may operate as pet shop or pet parlour in or on any premises that does not comply with the following requirements

**(1)** No person may operate a pet shop or pet parlour in or on any premises that does not comply with the following requirements:

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

**(b)** Have a smooth and easily cleanable internal surface; and

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

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

**(3)** All ceilings must be dust proof and easily cleanable.

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

**(5)** The wash hand basis, referred to in subsection (4) must be drained;

**(6)** Adequate storage facilities must be provided;

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

**(a)** A curbed and roofed over platform with a minimum surface area of 1,5 m<sup>2</sup>, raised at least 100mm above the floor and constructed of concrete or other impervious material brought to a smooth finish, which platform must be provided with a supply of running potable water; or

**(b)** A stainless steel sink or through of adequate size with a drainage board and provided with a supply of running potable water.

**(8)** The platform, sink or through referred to in subsection (7) must be drained;

**(9)** Any wall surface within 0,5 metres of the platform, sink or through referred to in subsection (7), must be permanently covered with waterproof material to a minimum height of 1.4 metres above the floor;

- (10) A clearly designated change room must be provided if more than six persons are employed on the premises and every change room must-
- (a) Have a floor area providing at least 0.5 m<sup>2</sup> for each employee;
  - (b) Have a minimum overall floor area of 6m<sup>2</sup> and width of two metres; and
  - (c) Be equipped with an adequate metal locker for each employee;
- (11) Where no change room is required in terms of subsection (10) each employee must be provided with an adequate metal locker;
- (12) For the purposes of washing, clipping or grooming of pets-
- (a) A bathroom fitted with a bath, or similar fitting, and a wash had basin supplied with running potable water must be provided;
  - (b) A clipping and grooming room fitted with impervious topped tables and an adequate number of portable storage receptacles of an impervious durable material with close fitting lids, for the storage of cut hair pending removal, must be provided;
  - (c) At least 50% of the floor area of the rooms referred in subsection (a) and
  - (d) Must be unobstructed; and
  - (e) The floors of the rooms referred to in subsection (a) and (b) must be graded to a drainage channel;
- (13) All buildings, including storage areas, must be rodent- proof; and
- (14) The premises may not have direct internal access with any room or place
- (a) Used for human habitation;
  - (b) Where clothing is stored or sold or
  - (c) Where food is prepared, stored or sold for human consumption.

#### **Duties of pet shop or pet parlour keeper**

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

- (1) Provide cages for housing the pets complying with the following requirements:
- (a) The cages must be constructed of metal or other impervious material and fitted with a removable metal floor-tray to facilitate cleaning;
  - (b) The exterior cavity of any tubular or hollow material used to construct a cage must be sealed;
  - (c) The cages must be able to be moved easily;
  - (d) Where rabbits are kept in a cage, the metal floor-tray referred to in subsection (a), must be drained to a removable receptacle;
  - (e) The cages must be fitted with drinking vessel filled with water;
  - (f) The distance from any cage to the nearest wall must be a minimum of 150mm;
  - (g) The cages must be kept a minimum of 450mm above floor level; and

- (h)** The space below every cage must be unobstructed;
- (2)** Provide rodent-proof receptacles, of an impervious material and with close fitting lids for the storage of all loose pet food in the store room;
- (3)** Provide adequate refrigeration facilities to store all perishable pet food on the premises;
- (4)** Ensure that in any room in which the pets are kept-
  - (a)** 50% of the floor space is unobstructed; and
  - (b)** The cages are placed a minimum of 800mm from one another;
- (5)** Maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment or appliances used connection with the pet shop, in a clean and sanitary condition, free from pests and in good repair;
- (6)** Provide overalls or other protective clothing for employees and ensure that the employees wear them when on duty;
- (7)** Provide isolation facilities in which every pet which is or appears to be , sick must be kept while on the premises;
- (8)** Provide adequate ventilation to ensure the comfort and survival of the pets; and
- (9)** Ensure that the number of pets contained in each page does not impede their free movement.

**CHAPTER 10****KEEPING OF WILD ANIMALS****Requirements for the premises**

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

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

**Duties of keeper of wild animals****23. Any person that keeps wild animals must-**

- (1) Maintain the premises in a clean and sanitary conditions at all times;
- (2) Clean all manure and food scraps from any enclosure at adequate intervals; and
- (3) Prevent the soil beneath or around any enclosure from becoming saturate with urine.

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

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

**(1)** Every wall must-

- (a)** Be constructed of brick, stone, concrete or other durable material;
- (b)** Have a minimum height of 1.5 metres; and
- (c)** Have a smooth, impervious internal surface;

**(2)** The floor area must provide at least 3m<sup>2</sup> for each pig accommodated in the pigsty, with an overall minimum floor area of 6 m<sup>2</sup>

**(3)** The roof over any portion of pigsty must have a minimum height of 1.5 metres

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

- (a)** be situated opposite one another in the external walls; and
- (b)** provide a minimum of 0.15m<sup>2</sup> for each pig;

**(5)** The floor must be-

- (a)** At least 150mm above the surrounding ground level;
- (b)** Constructed of concrete or other durable and impervious material brought to a smooth finish; and
- (c)** Graded for the run-off liquids into an open channel outside the pigsty;

**(6)** The open channel referred to in subsection (5)(c) must-

- (a)** Be constructed of concrete or other durable and impervious material;
- (b)** Be a minimum of 100mm in diameter; and
- (c)** Be adequately drained;

**(7)** The pigsty must be strong enough to prevent the pigs from breaking out;

**(8)** the pigsty may not be situated within 100 metres of-

- (a)** the boundary of the premises;
- (b)** any dwelling, building or structure used for human habitation;
- (c)** any dwelling, building or structure in which food is prepared, stored or sold for human consumption;
- (d)** any water resource intended for domestic consumption,

- (9) A roofed over concrete platform must be provided for-
- (a) The storage of all swill in containers; and
  - (b) The preparation of pig feed;
- (10) The platform referred to in subsection (9) must comply with the provisions subsection (5) and in addition, must have a curbing of minimum height of 100mm on each edge; and
- (11) A potable water supply, adequate for drinking and cleaning purposes, must be provided in or adjacent to the pigsty.

#### **Duties of keeper of pigs**

25. Every person keeping pigs must-

- (1) Ensure that every pig is kept within a pigsty
- (2) Maintain the premises and any equipment, apparatus, container or receptacle in a clean and sanitary condition and in good repair;
- (3) Provide portable storage receptacles, of impervious material and with close fitting lids, to store manure;
- (4) Keep all manure storage receptacle on a platform that complies with section 24(9);
- (5) Remove all manure from the pigsty at least once every 24 hours and place it in the manure storage receptacles;
- (6) Remove the contents of the manure storage receptacles from the premises at least once every second day and dispose of the manure in a manner that will not create public health nuisance;
- (7) Provide a rodent-proof store-room in which all feed, other than swill, must be stored,
- (8) Provide rodent-proof receptacles, with close fitting lids, in which to store all loose feed.

**CHAPTER 12****MISCELLANEOUS PROVISIONS****Drainage**

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

**Dangerous animals**

**27. (1)** No person may without a permit issued by an environmental health officer, keep any wild animal of a species that is so dangerous to humans, including without limitation, large carnivores, venomous snakes, spiders or scorpions.

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

**Requirements for keeping of bees**

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

**(2)** The bee hive is situated-

**(a)** A minimum of ten metres from any public place or building used for human habitation.

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

**(4)** The bees are kept in an approved bee hive; and

**(5)** The bee hive is-

**(a)** Kept in an area inaccessible to children and animals;

**(b)** Kept in the shade

**(c)** Supplied with a source of drinking water within five metres of the hive.

**(6)** No person may dump or deposit any garbage, compost, grass cuttings or manure within five metres of any bee hive;

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**Keeping and slaughtering animals for religious and ceremonial purposes**

- 29. (1)** Any person who keeps an animal prior to slaughtering it for religious or ceremonial purposes, or slaughters an animal for such purposes, must comply with the provisions of these by-laws.
- (2)** A person intending to slaughter an animal for religious or ceremonial purposes in any place other than in a recognized abattoir must:
- (a)** Notify the Council in writing, fourteen days prior to the event;
  - (b)** Notify all neighbours in writing, seven days prior to the event;
  - (c)** Screen the slaughtering process from the public;
  - (d)** Use the meat derived from the slaughtered animal solely for the purposes of the religious or ceremonial feast;
  - (e)** Handle the meat in a hygienic manner at all times; and
  - (f)** Dispose of any portions of the animal that are not used or consumed, in the manner prescribed by the environmental health officer.

## CHAPTER 13

### APPEALS

#### Appeals

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

**CHAPTER 14****GENERAL****Offences**

**31.** A person who-

- (a) Contravenes or fails to comply with any provisions of these by- laws;
- (b) Fails to comply with any lawful instruction given in terms of these by-laws; or
- (c) Obstructs or hinders any authorized official in the execution of his or her duties under these by-laws-

Shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R5000 or imprisonment for a period not exceeding 3 months or both.

**Repeal of existing By-laws**

**32.** The Council's existing .....by –laws are hereby repealed.

**Short title and commencement**

**33.** These by-laws shall be called the Keeping of Animals By-laws ,2011 and shall come into operation on...





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