

NORTHERN CAPE PROVINCE

PROFENSI YA KAPA-BOKONE



NOORD-KAAP PROVINSIE

IPHONDO LOMNTLA KOLONI

Provincial Gazette
Kasete ya Profensi

iGazethi YePhondo
Provinsiale Koerant

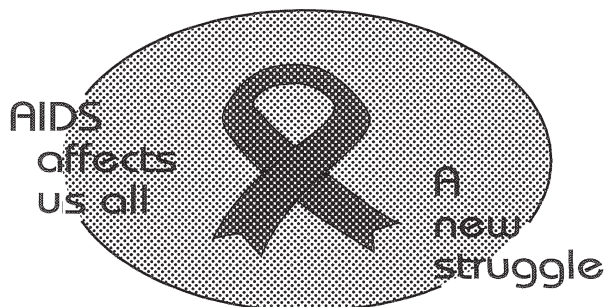
Vol. 24

KIMBERLEY
4 SEPTEMBER 2017
4 SEPTEMBER 2017

No. 2131

PART 1 OF 3

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

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ISSN 1682-4549



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As of **Monday, 04 January 2016**, the **Government Printing Works** has become the custodian of the Northern Cape *Provincial Gazette*.

GPW will start accepting notices from Northern Cape (NC) customers with the following conditions:

- Any submissions received from the NCPL (Northern Cape Provincial Legislature) from the 01 January 2016 will be rejected.
- Any submissions received from NC customers where the proof of payment is made to NCPL will also be rejected.
- Over and above these 2 points, the **GPW** Business rules and Submissions deadlines will apply.

Each province has standard notice types that are published in that specific *Provincial Gazette*.

The valid notice types applicable for the Northern Cape *Provincial Gazette* are:

Proclamations, General Notice, Municipal Notice, Premier's Notice

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

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Closing times for **ORDINARY WEEKLY** 2017

NORTHERN CAPE PROVINCIAL GAZETTE

*The closing time is **15:00** sharp on the following days:*

- **23 December**, Friday, for the issue of Monday **02 January 2017**
- **30 December**, Friday, for the issue of Monday **09 January 2017**
- **09 January**, Monday, for the issue of Monday **16 January 2017**
- **16 January**, Monday, for the issue of Monday **23 January 2017**
- **23 January**, Monday, for the issue of Monday **30 January 2017**
- **30 January**, Monday, for the issue of Monday **06 February 2017**
- **06 February**, Monday, for the issue of Monday **13 February 2017**
- **13 February**, Monday, for the issue of Monday **20 February 2017**
- **20 February**, Monday, for the issue of Monday **27 February 2017**
- **27 February**, Monday, for the issue of Monday **06 March 2017**
- **06 March**, Monday, for the issue of Monday **13 March 2017**
- **13 March**, Monday, for the issue of Monday **20 March 2017**
- **17 March**, Friday, for the issue of Monday **27 March 2017**
- **27 March**, Monday, for the issue of Monday **03 April 2017**
- **03 April**, Monday, for the issue of Monday **10 April 2017**
- **07 April**, Friday, for the issue of Monday **17 April 2017**
- **13 April**, Thursday, for the issue of Monday **24 April 2017**
- **21 April**, Friday, for the issue of Monday **01 May 2017**
- **28 April**, Friday, for the issue of Monday **08 May 2017**
- **08 May**, Monday, for the issue of Monday **15 May 2017**
- **15 May**, Monday, for the issue of Monday **22 May 2017**
- **22 May**, Monday, for the issue of Monday **29 May 2017**
- **29 May**, Monday, for the issue of Monday **05 June 2017**
- **05 June**, Monday, for the issue of Monday **12 June 2017**
- **12 June**, Monday, for the issue of Monday **19 June 2017**
- **19 June**, Monday, for the issue of Monday **26 June 2017**
- **26 June**, Monday, for the issue of Monday **03 July 2017**
- **03 July**, Monday, for the issue of Monday **10 July 2017**
- **10 July**, Monday, for the issue of Monday **17 July 2017**
- **17 July**, Monday, for the issue of Monday **24 July 2017**
- **24 July**, Monday, for the issue of Monday **31 July 2017**
- **31 July**, Monday, for the issue of Monday **07 August 2017**
- **04 August**, Friday, for the issue of Monday **14 August 2017**
- **14 August**, Monday, for the issue of Monday **21 August 2017**
- **21 August**, Monday, for the issue of Monday **28 August 2017**
- **28 August**, Monday, for the issue of Monday **04 September 2017**
- **04 September**, Monday, for the issue of Monday **11 September 2017**
- **11 September**, Monday, for the issue of Monday **18 September 2017**
- **18 September**, Monday, for the issue of Monday **25 September 2017**
- **22 September**, Friday, for the issue of Monday **02 October 2017**
- **02 October**, Monday, for the issue of Monday **09 October 2017**
- **09 October**, Monday, for the issue of Monday **16 October 2017**
- **16 October**, Monday, for the issue of Monday **23 October 2017**
- **23 October**, Monday, for the issue of Monday **30 October 2017**
- **30 October**, Monday, for the issue of Monday **06 November 2017**
- **06 November**, Monday, for the issue of Monday **13 November 2017**
- **13 November**, Monday, for the issue of Monday **20 November 2017**
- **20 November**, Monday, for the issue of Monday **27 November 2017**
- **27 November**, Monday, for the issue of Monday **04 December 2017**
- **04 December**, Monday, for the issue of Monday **11 December 2017**
- **11 December**, Monday, for the issue of Monday **18 December 2017**
- **18 December**, Monday, for the issue of Monday **25 December 2017**

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2016

NATIONAL AND PROVINCIAL

Notice sizes for National, Provincial & Tender gazettes 1/4, 2/4, 3/4, 4/4 per page. Notices submitted will be charged at R1000 per full page, pro-rated based on the above categories.

Pricing for National, Provincial - Variable Priced Notices		
Notice Type	Page Space	New Price (R)
Ordinary National, Provincial	1/4 - Quarter Page	250.00
Ordinary National, Provincial	2/4 - Half Page	500.00
Ordinary National, Provincial	3/4 - Three Quarter Page	750.00
Ordinary National, Provincial	4/4 - Full Page	1000.00

EXTRA-ORDINARY

All Extra-ordinary National and Provincial gazette notices are non-standard notices and attract a variable price based on the number of pages submitted.

The pricing structure for National and Provincial notices which are submitted as **Extra ordinary submissions** will be charged at **R3000** per page.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

The **Government Printing Works (GPW)** has established rules for submitting notices in line with its electronic notice processing system, which requires the use of electronic *Adobe Forms*. Please ensure that you adhere to these guidelines when completing and submitting your notice submission.

CLOSING TIMES FOR ACCEPTANCE OF NOTICES

1. The *Government Gazette* and *Government Tender Bulletin* are weekly publications that are published on Fridays and the closing time for the acceptance of notices is strictly applied according to the scheduled time for each gazette.
2. Please refer to the Submission Notice Deadline schedule in the table below. This schedule is also published online on the Government Printing works website www.gpwonline.co.za

All re-submissions will be subject to the standard cut-off times.

All notices received after the closing time will be rejected.

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00, to be published the following Friday	Tuesday, 15h00 - 3 days prior to publication
Petrol Price Gazette	As required	First Wednesday of the month	One week before publication	3 days prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00, to be published the following Friday	3 days prior to publication
Unclaimed Monies (justice, labour or lawyers)	January / As required 2 per year	Any	15 January / As required	3 days prior to publication
Parliament (acts, white paper, green paper)	As required	Any		3 days prior to publication
Manuals	As required	Any	None	None
State of Budget (National Treasury)	Monthly	Any	7 days prior to publication	3 days prior to publication
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 15h00 - 3 days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 15h00 - 3 days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 days prior to publication
North West	Weekly	Tuesday	One week before publication	3 days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 days prior to publication
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
Mpumalanga Liquor License Gazette	2 per month	Second & Fourth Friday	One week before	3 days prior to publication

GOVERNMENT PRINTING WORKS - BUSINESS RULES

EXTRAORDINARY GAZETTES

3. *Extraordinary Gazettes* can have only one publication date. If multiple publications of an *Extraordinary Gazette* are required, a separate Z95/Z95Prov *Adobe* Forms for each publication date must be submitted.

NOTICE SUBMISSION PROCESS

4. Download the latest *Adobe* form, for the relevant notice to be placed, from the **Government Printing Works** website www.gpwonline.co.za.
5. The *Adobe* form needs to be completed electronically using *Adobe Acrobat / Acrobat Reader*. Only electronically completed *Adobe* forms will be accepted. No printed, handwritten and/or scanned *Adobe* forms will be accepted.
6. The completed electronic *Adobe* form has to be submitted via email to submit.egazette@gpw.gov.za. The form needs to be submitted in its original electronic *Adobe* format to enable the system to extract the completed information from the form for placement in the publication.
7. Every notice submitted **must** be accompanied by an official **GPW** quotation. This must be obtained from the e*Gazette* Contact Centre.
8. Each notice submission should be sent as a single email. The email **must** contain **all documentation relating to a particular notice submission**.
 - 8.1. Each of the following documents must be attached to the email as a separate attachment:
 - 8.1.1. An electronically completed *Adobe* form, specific to the type of notice that is to be placed.
 - 8.1.1.1. For *National Government Gazette* or *Provincial Gazette* notices, the notices must be accompanied by an electronic Z95 or Z95Prov *Adobe* form
 - 8.1.1.2. The notice content (body copy) **MUST** be a separate attachment.
 - 8.1.2. A copy of the official **Government Printing Works** quotation you received for your notice .
(Please see *Quotation* section below for further details)
 - 8.1.3. A valid and legible Proof of Payment / Purchase Order: **Government Printing Works** account customer must include a copy of their Purchase Order. **Non-Government Printing Works** account customer needs to submit the proof of payment for the notice
 - 8.1.4. Where separate notice content is applicable (Z95, Z95 Prov and TForm 3, it should **also** be attached as a separate attachment. (Please see the *Copy Section* below, for the specifications).
 - 8.1.5. Any additional notice information if applicable.
9. The electronic *Adobe* form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered. The information submitted on the electronic *Adobe* form will be published as-is.
10. To avoid duplicated publication of the same notice and double billing, Please submit your notice **ONLY ONCE**.
11. Notices brought to **GPW** by "walk-in" customers on electronic media can only be submitted in *Adobe* electronic form format. All "walk-in" customers with notices that are not on electronic *Adobe* forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format.
12. Should a customer submit a bulk submission of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**QUOTATIONS**

13. Quotations are valid until the next tariff change.
 - 13.1. **Take note:** GPW's annual tariff increase takes place on **1 April** therefore any quotations issued, accepted and submitted for publication up to **31 March** will keep the old tariff. For notices to be published from 1 April, a quotation must be obtained from **GPW** with the new tariffs. Where a tariff increase is implemented during the year, **GPW** endeavours to provide customers with 30 days' notice of such changes.
14. Each quotation has a unique number.
15. Form Content notices must be emailed to the eGazette Contact Centre for a quotation.
 - 15.1. The *Adobe* form supplied is uploaded by the Contact Centre Agent and the system automatically calculates the cost of your notice based on the layout/format of the content supplied.
 - 15.2. It is critical that these *Adobe* Forms are completed correctly and adhere to the guidelines as stipulated by **GPW**.
16. **APPLICABLE ONLY TO GPW ACCOUNT HOLDERS:**
 - 16.1. **GPW** Account Customers must provide a valid **GPW** account number to obtain a quotation.
 - 16.2. Accounts for **GPW** account customers **must** be active with sufficient credit to transact with **GPW** to submit notices.
 - 16.2.1. If you are unsure about or need to resolve the status of your account, please contact the **GPW** Finance Department prior to submitting your notices. (If the account status is not resolved prior to submission of your notice, the notice will be failed during the process).
17. **APPLICABLE ONLY TO CASH CUSTOMERS:**
 - 17.1. Cash customers doing **bulk payments** must use a **single email address** in order to use the **same proof of payment** for submitting multiple notices.
18. The responsibility lies with you, the customer, to ensure that the payment made for your notice(s) to be published is sufficient to cover the cost of the notice(s).
19. Each quotation will be associated with one proof of payment / purchase order / cash receipt.
 - 19.1. This means that **the quotation number can only be used once to make a payment.**

GOVERNMENT PRINTING WORKS - BUSINESS RULES**COPY (SEPARATE NOTICE CONTENT DOCUMENT)**

20. Where the copy is part of a separate attachment document for Z95, Z95Prov and TForm03

- 20.1. Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.

The content document should contain only one notice. (You may include the different translations of the same notice in the same document).

- 20.2. The notice should be set on an A4 page, with margins and fonts set as follows:

Page size = A4 Portrait with page margins: Top = 40mm, LH/RH = 16mm, Bottom = 40mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

Page size = A4 Landscape with page margins: Top = 16mm, LH/RH = 40mm, Bottom = 16mm;
Use font size: Arial or Helvetica 10pt with 11pt line spacing;

CANCELLATIONS

21. Cancellation of notice submissions are accepted by **GPW** according to the deadlines stated in the table above in point 2. Non-compliance to these deadlines will result in your request being failed. Please pay special attention to the different deadlines for each gazette. Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.
22. Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

AMENDMENTS TO NOTICES

23. With effect from 01 October 2015, **GPW** will not longer accept amendments to notices. The cancellation process will need to be followed according to the deadline and a new notice submitted thereafter for the next available publication date.

REJECTIONS

24. All notices not meeting the submission rules will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za). Reasons for rejections include the following:
- 24.1. Incorrectly completed forms and notices submitted in the wrong format, will be rejected.
- 24.2. Any notice submissions not on the correct *Adobe* electronic form, will be rejected.
- 24.3. Any notice submissions not accompanied by the proof of payment / purchase order will be rejected and the notice will not be processed.
- 24.4. Any submissions or re-submissions that miss the submission cut-off times will be rejected to the customer. The Notice needs to be re-submitted with a new publication date.

GOVERNMENT PRINTING WORKS - BUSINESS RULES**APPROVAL OF NOTICES**

25. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.
26. No amendments will be accepted in respect to separate notice content that was sent with a Z95 or Z95Prov notice submissions. The copy of notice in layout format (previously known as proof-out) is only provided where requested, for Advertiser to see the notice in final Gazette layout. Should they find that the information submitted was incorrect, they should request for a notice cancellation and resubmit the corrected notice, subject to standard submission deadlines. The cancellation is also subject to the stages in the publishing process, i.e. If cancellation is received when production (printing process) has commenced, then the notice cannot be cancelled.

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

27. The Government Printer will assume no liability in respect of—
 - 27.1. any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;
 - 27.2. erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
 - 27.3. any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

28. Advertisers will be held liable for any compensation and costs arising from any action which may be instituted against the Government Printer in consequence of the publication of any notice.

CUSTOMER INQUIRIES

Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While **GPW** deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a 2-working day turnaround time for processing notices received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

29. Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
30. Requests for Quotations (RFQs) should be received by the Contact Centre at least **2 working days** before the submission deadline for that specific publication.

GOVERNMENT PRINTING WORKS - BUSINESS RULES

PAYMENT OF COST

31. The Request for Quotation for placement of the notice should be sent to the Gazette Contact Centre as indicated above, prior to submission of notice for advertising.
32. Payment should then be made, or Purchase Order prepared based on the received quotation, prior to the submission of the notice for advertising as these documents i.e. proof of payment or Purchase order will be required as part of the notice submission, as indicated earlier.
33. Every proof of payment must have a valid **GPW** quotation number as a reference on the proof of payment document.
34. Where there is any doubt about the cost of publication of a notice, and in the case of copy, an enquiry, accompanied by the relevant copy, should be addressed to the Gazette Contact Centre, **Government Printing Works**, Private Bag X85, Pretoria, 0001 email: info.egazette@gpw.gov.za before publication.
35. Overpayment resulting from miscalculation on the part of the advertiser of the cost of publication of a notice will not be refunded, unless the advertiser furnishes adequate reasons why such miscalculation occurred. In the event of underpayments, the difference will be recovered from the advertiser, and future notice(s) will not be published until such time as the full cost of such publication has been duly paid in cash or electronic funds transfer into the **Government Printing Works** banking account.
36. In the event of a notice being cancelled, a refund will be made only if no cost regarding the placing of the notice has been incurred by the **Government Printing Works**.
37. The **Government Printing Works** reserves the right to levy an additional charge in cases where notices, the cost of which has been calculated in accordance with the List of Fixed Tariff Rates, are subsequently found to be excessively lengthy or to contain overmuch or complicated tabulation.

PROOF OF PUBLICATION

38. Copies of any of the *Government Gazette* or *Provincial Gazette* can be downloaded from the **Government Printing Works** website www.gpwonline.co.za free of charge, should a proof of publication be required.
39. Printed copies may be ordered from the Publications department at the ruling price. The **Government Printing Works** will assume no liability for any failure to post or for any delay in despatching of such *Government Gazette(s)*.

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works
149 Bosman Street
Pretoria

Postal Address:

Private Bag X85
Pretoria
0001

GPW Banking Details:

Bank: ABSA Bosman Street
Account No.: 405 7114 016
Branch Code: 632-005

For Gazette and Notice submissions: Gazette Submissions:

For queries and quotations, contact: Gazette Contact Centre:

E-mail: submit.egazette@gpw.gov.za

E-mail: info.egazette@gpw.gov.za

Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 110 OF 2017

NORTHERN CAPE

**DEPARTMENT OF COOPERATIVE
GOVERNANCE, HUMAN SETTLEMENTS
AND TRADITIONAL AFFAIRS**



NORTHERN CAPE CO-OPERATIVE GOVERNANCE, HUMAN SETTLEMENTS AND TRADITIONAL AFFAIRS

The Member of the Executive Council responsible for Department of Co-Operative Governance, Human Settlements and Traditional Affairs, is inviting nominations of persons to serve as members of the Northern Cape Housing Advisory Panel in terms of the Housing Act, 1997 (Act of 107 of 1997).

All nominations must be supported by a comprehensive curriculum vitae and supporting documents of the nominee containing information of the nominee's knowledge and experience which makes the nominee's contribution valuable to housing development in the province.

The panel shall consist of not more than six members who must have knowledge, qualifications or experience in the field of housing development. A member of the panel must have one or more of the following skills:

- a. Sufficient knowledge of national and provincial housing-
 - (i) Legislation (ii) Policy; and (iii) Strategy
- b. Expertise in low income housing finance;
- c. Technical knowledge of residential township development and housing construction relating to standards and planning;
- d. Legal expertise regarding contracts and conveyancing aspects of housing development;
- e. Practical experience regarding project implementation, planning, township establishment, engineering service, provisioning and costing of housing product;
- f. Experience in community development and communication of the community's interest in housing development; and

Functions of the Panel are:

- a. Advise the MEC on the-
 - (i) Provincial Housing Policy and Strategy; (ii) viability of all housing development plans
- b. Serve as a consultative forum for external role-players to be involved in the policy formulation process for the purpose of informed decision-making;
- c. Conduct and manage investigations requested by the MEC for the purpose of informed decision-making; and
- d. Perform any other function concerning housing matters which the MEC refers to the Panel.

Nominations must within 30 days from the date of publication of this notice, be addressed to the following address:

The Head of Department

Co-operative Governance, Human Settlements and Traditional Affairs

Postal: Private Bag X5005, Kimberley, 8300

Physical: 9 Cecil Sussman Road

JS du Plooy Building

Kimberley

8301

For Attention: Mr GA. Booysen

Tel No: 053 830 9401 or 9531

Email: gbooyesen@ncpg.gov.za

NOTICE 111 OF 2017**DAWID KRUIPER MUNICIPALITY****NOTICE****Spatial Planning and Land Use Management Act [Act 16 of 2013]**

Applicant: Macroplan

Notice is given in terms of the provisions of Spatial Planning and Land Use Management Act (Act 16 of 2013) that the Council of Dawid Kruiper has, with effect from **23 August 2017**, per Council's resolution 2017/08/04/595/01 (TP), approved the removal of the restrictive Title conditions in Title Deed T2118/2017, Section B.3. (i), (ii), (iii) en (iv) in order to make the rezoning of Erf 595, Uppington, possible.

KENNISGEWING 111 VAN 2017**MUNISIPALITEIT DAWID KRUIPER****KENNISGEWING****Ruimtelike Beplanning en Grondgebruikbestuur Wet [Wet 16 van 2013]**

Aansoeker: Macroplan

Hierby word ooreenkomstig die bepalings van Ruimtelike Beplanning en Grondgebruikbestuur Wet (Wet 16 van 2013) bekend gemaak dat die Dawid Kruiper Raad per besluit 2017/08/04/595/01 (TP), met ingang van **23 Augustus 2017**, goedgekeur het dat die beperkende Titellovoorwaardes opgehef word, soos uiteengesit in T2118/2017, Afdeling B.3. (i), (ii), (iii) en (iv) ten einde die hersonering op Erf 595, Uppington, moontlik te maak.

NOTICE 112 OF 2017

CARAVAN PARKS BY-LAW, 2012

By-law No.3, 2012

BY-LAW**As Amended by the Caravan Parks Amendment By-Law 2017**

To provide for the establishment of caravan parks in the Dawid Kruiper Municipality; and for matters connected therewith.

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control caravan parks in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:

Definitions

1. In this By-law, unless the context otherwise indicates -

"caravan" means any vehicle fitted out for use by persons for living and sleeping purposes, whether or not such vehicle is a trailer and shall include its towing vehicle;

"caravan park" means a caravan park established or deemed to be established under section 2;

"caretaker" means an officer appointed by the Municipality in terms of section 3 as caretaker of a caravan park;

"Municipality" means the Dawid Kruiper Municipality;

"municipal land" means land Situated inside the area of jurisdiction of the Municipality of which the Municipality is the owner, or of which the control, to the entire exclusion of the owner, is vested in the Municipality; and

"site" means the land set aside within a caravan park for -

- (i) the parking of a caravan; or
- (ii) the pitching of a tent and the parking of the vehicle of its inhabitants.

Establishment of caravan parks

- 2. (1) The Municipality may on municipal land establishes, maintain and administer caravan parks.
- (2) Any caravan park situated on municipal land, administered by the Municipality when this By-law comes into operation, shall, for all purposes, be deemed to have been established in accordance with subsection (1).
- (3) The Municipality shall divide a caravan park into sites and provide the necessary ablution and other facilities that may be needed by visitors.

Appointment of caretaker and other officers

- 3. (1) The Municipality shall appoint a caretaker and such other officers as may be necessary for the administration of each caravan park.
- (2) The caretaker appointed for a caravan park in term of subsection (1), shall be responsible for -
 - (a) collecting the charges for the use of the caravan park and its facilities as determined by the Municipality;
 - (b) the upkeep of the ablution and other facilities of the caravan park;
 - (c) making reservations for visitors who wish to make bookings in advance;
 - (d) the allocation of sites to visitors; and
 - (e) any other matter connected with the day-to-day administration of the caravan park.

Charges

- 4. The charges for the use of the caravan park shall be determined by the Municipality. Such charges shall be payable to the caretaker in advance, and a receipt therefore shall be issued by him or her.

Permission to stay longer than 30 days

- 5. Any person desiring to stay at the caravan park for a period of more than 30 days shall apply in writing to the Municipality for permission to do so.

Rules to be observed by users of caravan parks

6. (1) No person shall -
- (i) park a caravan or pitch a tent in a caravan park, except on a site allocated to him or her by the caretaker;
 - (ii) damage or climb over or through any wire fences or any other fences within or enclosing the caravan park;
 - (iii) kindle a fire in a caravan park, except in the grates provided for the purpose;
 - (iv) create any disturbance, nuisance, impediment or hindrance, which may be offensive to any other person within the caravan park;
 - (v) keep any pet or other animal in a caravan park, except a dog and then only on condition that it is kept on a leash at all times;
 - (vi) wash or hang out to dry any article of clothing elsewhere in the caravan park than in the area provided therefore;
 - (vii) dispose of refuse elsewhere in a caravan park than in the refuse bins provided for such purpose;
 - (viii) damage, destroy or deface any natural object or remove from the caravan park any flora, fauna, nest, object of historical, archaeological or scientific interest or any property therein belonging to the Municipality.
- (2) Any person who contravenes or fails to comply with the provisions of subsection (1) -
- (a) may be directed by the caretaker to leave the caravan park forthwith; and
 - (b) may be prohibited by the Municipality from entering and using the facilities of the caravan park for a specified period of time or, in a case of severe or continuous contravention, permanently.

Short title

7. This By-law shall be called the Caravan Parks By-law, 2012.

DAWID KRUIPER MUNICIPALITY

CARAVAN PARKS AMENDMENT BY-LAW, 2017

GENERAL EXPLANATORY NOTE

[] Words in bold type and square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Caravan Parks By-Law, 2012; to provide for the substitution of the name "//Khara Hais", wherever it appears; to provide for the insertion of a preamble; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kruiper Municipality, as follows: -

Insertion of a preamble of the Dawid Kruiper Municipality: Caravan Parks By-law, 2012:

1. The Dawid Kruiper Municipality: Caravan Parks By-Law, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

"WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control caravan parks in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:"

Amendment of section 1 of the Dawid Kruiper Municipality: Caravan Parks By-Law, 2012.

2. Section 1 of the principal By-Law is hereby amended:
 - (a) by the substitution for the definition of "Municipality" of the following definition:
""Municipality" means the [//Khara Hais] Dawid Kruiper M[m]unicipality";

Amendment of section 7 of the Dawid Kruiper Municipality: Caravan Parks By-Law, 2012:

3. The following section is hereby substituted for section 7 of the principal By-Law:
"7. This By-Law is called Dawid Kruiper Municipality: Caravan Parks Amendment By-Law, [2012] 2017".

NOTICE 113 OF 2017**STREET TRADING CONTROL BY-LAW, 2012**

By-law No. 17, 2012

BY-LAW**As Amended by the Street Trading Control Amendment By-Law 2017**

To provide for the control of street trading in the Dawid Kruiper Municipality; and for matters connected therewith.

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control street trading in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:

Definitions

1. In this By-law, unless the context otherwise indicates -

"authorised officer" means an officer in the employ of the Municipality authorised by the Municipality to enforce this By-law;

"designated area" means an area listed in the Schedule in which street trading is allowed, subject to this By-law;

"do business" means to buy, sell or barter any goods or to provide or offer to provide any service for remuneration;

"Municipal Manager" means the person appointed as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal Systems Act, 2000;

"Municipality" means the Dawid Kruiper Municipality;

"property" means, with regard to a person doing business as a street trader, any article, receptacle, vehicle or structure used or intended to be used in connection with such business;

"**public place**" includes any land, park or open space, road, street, sanitary passage or thoroughfare, bridge, building or structure which is commonly used by the public and is the property of the Municipality or, of which the control, to the entire exclusion of the owner, is vested in the Municipality or to which the inhabitants of the Municipality have a common right or access;

"**street trader**" means a person who does business in, at or from a public place, but shall not include a person selling newspapers, and "**street trade**" or any like words shall have a corresponding meaning;

"**verge**" means that part of any road, street, sanitary passage or thoroughfare, including a sidewalk, that is or forms part of a public place, which is not improved, constructed or intended for the use of vehicular traffic.

Street trading restricted

2. (1) No person shall do business as a street trader -
 - (a) except with the prior written permission of the Municipality and in accordance with the conditions set out in the permission;
 - (b) unless he or she is a South African citizen or has been granted the right of permanent residency or a work permit by the immigration authorities;
 - (c) outside a designated area; and
 - (d) at any time, other than during the hours specified in this By-law.
- (2) Any person who does business as a street trader must have the written permission referred to in subsection (1)(a) in his or her possession and produce it on request to an authorised officer.
- (3) The Municipality may, in writing, for the duration of a specific event and subject to any conditions determined by the Municipality, exempt any person, or group of persons, from compliance with any or all of the provisions of subsection (1).

Application for and issue of written permissions

3. (1) An application for permission to do business as a street trader must -
 - (a) be directed to the Municipal Manager;
 - (b) be in the form determined by the Municipality; and
 - (c) be accompanied by the fees determined by the Municipality, as well as fees for services or structures provided by the Municipality at the designated area, where applicable.
- (2) The Municipal Manager must consider the application and grant or refuse the permission within 30 days after receipt of the application.
- (3) If the application is successful, the Municipal Manager must forthwith issue the written permission setting out the conditions subject to which it is issued.

- (4) If the application is unsuccessful, the Municipal Manager must forthwith notify the applicant accordingly and provide written reasons for his or her decision.
- (5) The provisions of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), shall *mutatis mutandis* apply to an appeal against a decision of the Municipal Manager contemplated in subsection (4).

Duration, renewal, lapse and withdrawal of written permissions

- 4. (1) A written permission to do business as a street trader shall -
 - (a) be granted for a period not exceeding 12 months;
 - (b) be extended for a period of 12 months at a time if payment of the fees determined by the Municipality is made by the street trader concerned before the end of the initial period of 12 months or each further period of 12 months, as the case may be;
 - (c) lapse if the fees contemplated in paragraph (b) is not paid on time.
- (2) The Municipality may withdraw its permission to a person to do business as a street trader if the street trader -
 - (a) does not comply with or acts contrary to any condition set out in the permission;
 - (b) contravenes or fails to comply with any provision of this By-law or any other law;
 - (c) fails to obey or comply with a lawful direction or request given or made by an authorised officer;
 - (d) ignores or contravenes the provisions of a sign or notice displayed by the Municipality in terms of this By-law.

Designated areas and hours of trade

- 5. (1) The areas listed in Part 1 of the Schedule shall, subject to the provisions of this By-law and any other law, be designated as areas in which a street trader may do business.
- (2) No person shall do business as a street trader, except during the hours 06:00 to 20:00.

General conduct of street traders

- 6. No person who does business as a street trader shall -
 - (a) place his or her property or goods in a public place that is not a designated area;
 - (b) allow his or her property or goods to cover a larger area than his or her allocated lot or stand in a designated area listed in Part 2 of the Schedule, if applicable;

- (c) place or stack his or her property or goods in such a manner that it constitutes a danger to any person or property or is likely to injure any person or damage property;
- (d) erect any structure for the purpose of providing shelter at the designated area without the prior written approval of the authorised officer;
- (e) obstruct access to a fire hydrant or area demarcated solely for the use of emergency vehicles or services;
- (f) leave his or her property or goods at the designated area before or after trading hours, except in a permanent structure provided by the Municipality for that purpose;
- (g) when requested by an employee or agent of the Municipality or any supplier of telecommunication, electricity or other services, omit or neglect to move his or her property or goods so as to permit the carrying out of any work with regard to a public place or any such service;
- (h) attach any object or goods by any means to any building, structure, pavement, tree, parking meter, lamp post, electricity pole, telephone booth, post box, traffic sign, fence, bench or any other street furniture in, on or at a public place;
- (i) make an open fire at the designated area or in circumstances where it could harm a person or damage a building or vehicle;
- (j) do anything or keep combustibles in quantities contrary to the provisions of any law regarding the prevention or fighting of fires;
- (k) disregard a reasonable requirement put by any officer of the Municipality commissioned with the prevention or fighting of fires, regarding his or her trade;
- (l) store his or her property or goods in a manhole, storm water drain, bus shelter, public toilet or tree;
- (m) sell his or her goods by using a megaphone, radio, loudspeaker, or by constant shouting or singing in a manner which may constitute a nuisance or disturbance;
- (n) sell any property or goods and/or any fake which are dangerous or hazardous to the public health;
- (o) sell or handle food if he or she is not in possession of a certificate of competency issued by an environmental health practitioner of the Municipality.

Cleanliness

7. (1) A person doing business as a street trader shall -
- (a) keep his or her property or goods and the designated area in a clean and sanitary condition;

- (b) dispose of litter generated by his or her business in whatever receptacles provided therefor by the Municipality, including recycling and dumping sites, and not dispose of litter in any manhole, storm water drains or any other place not intended for the disposal of litter;
 - (c) ensure that on completion of business for the day the designated area is free of litter and any other waste material;
 - (d) take such precautions as may be necessary or prescribed by the Municipality to prevent the spilling onto a public place of any fat, oil, grease or any hazardous substances which might be generated in the course of conducting his or her business and to prevent that any smoke, fume, odour or noise emanating from his or her activities become a nuisance.
 - (2) The Municipality shall -
 - (a) provide receptacles at designated areas in order to facilitate the disposal of litter by street traders;
 - (b) ensure that the receptacles at designated areas are emptied, cleaned and sanitised on a regular basis.
- Obstruction created by street trading prohibited**
8. (1) No person shall do business as a street trader at a place where such business -
- (a) obstructs access to or the use of a street facility such as a bus stop, shelter or queuing line, refuse disposal bin or other facility intended for public use;
 - (b) obstructs the visibility of a display window, signboard or premises;
 - (c) obstructs access to a building, automatic bank teller machine or queuing line, pedestrian crossing or vehicle;
 - (d) leaves less than 2 metre in width of a sidewalk clear for pedestrian use, or in any other manner obstructs pedestrians in their use of a sidewalk;
 - (e) obscures or impedes the view of any user of the road;
 - (f) causes an obstruction on a roadway;
 - (g) limits access to parking or loading bays or other facilities for vehicular traffic;
 - (h) obscures any road traffic sign or any marking, notice or sign displayed or made in terms of this By-law or any other law; or
 - (i) interferes in any way with any vehicle that may be parked alongside such place.

Street trading may not compete with existing businesses

9. No person shall do business as a street trader on a verge contiguous to that part of a building in which business is being carried on by another person, other than the business of a department store, supermarket or wholesaler, where the goods or services that the street trader sells or provides are of the same nature or similar to the goods being sold or services provided by the other person.

Street trading restricted to allocated lots or stands in certain designated areas

10. (1) The Municipal Manager may, when granting permission to an applicant to do business as a street trader, allocate a specific lot or stand demarcated in a designated area to the applicant, and no other person, except his or her assistant or employee, may do business on or from such lot or stand.
- (2) A street trader to whom a specific lot or stand was allocated shall -
- (a) do business only on or from such *lot* or stand;
 - (b) not sub-let or transfer to any other person the right to do business on or from such lot or stand;
 - (c) be in possession of proof that permission was granted to him or her to do business on or from the lot or stand concerned and, on request, produce such proof to an authorised officer.
- (3) The designated areas in which street trading may *only* be done from a specific demarcated lot or stand are listed in Part 2 of the Schedule.

Street trading prohibited near places of worship, monuments and certain buildings

11. No person shall do business as a street trader on a verge contiguous to -
- (a) a place of worship of any faith or denomination;
 - (b) a historical monument;
 - (c) a building used for public purposes;
 - (d) a building, used exclusively for residential purposes, if-
 - (i) the owner, person in control or occupier of any part of the building facing onto such verge has objected in writing against such trading to the Municipality; and
 - (ii) the fact that such objection was made, has been made known in writing by the Municipality to the street trader concerned.

Display of signs by the Municipality

12. The Municipality may display any sign or notice to give effect to the provisions of this By-law.

Street trading from mobile stands

13. Notwithstanding the provisions of this By-law, the Municipality may allot tenders to persons to trade from mobile stalls, subject to the conditions determined by the Municipality.

Removal and impoundment

14. (1) An authorised officer may remove and impound any article, receptacle, vehicle, structure, object, product or waste -
- (a) which he or she reasonably suspects are being used or has been used for or in connection with street trading; and
 - (b) which he or she finds at a place where street trading is restricted or prohibited in terms of this By-law, which, in his or her opinion, constitutes an infringement of this By-law.
- (2) An authorised officer acting in terms of this By-law shall -
- (a) keep proper record of any property so removed and must inform the person apparently in control of such property (if there is such a person), of the procedure to be followed for reclaiming such property and the venue where such property will be impounded; and
 - (b) forthwith deliver any such property to the pound referred to in paragraph (a).
- (3) Any property removed and impounded as contemplated in subsection (1) -
- (a) may, in the case of perishable property, be sold or destroyed within a reasonable time after the impoundment thereof:
- Provided that such property shall, subject to the provisions of subsection (4), at any time prior to the disposal or selling thereof, be returned on proof of ownership and:
- Provided further, that such perishables are still fit for human consumption; (b) shall, subject to the provisions of subsection (4), in the case of property other than perishable property, be returned on proof of ownership within a period of 1 month of the date of impoundment.
- (4) The Municipality shall be entitled to keep the property concerned until all expenses have been paid, failing which the property may be sold by public auction upon 14 days' notice:
- Provided that where the property attached is perishable, the authorised officer may reduce the period of 14 days to such an extent as he or she may think fit, or destroy the perishable property, whichever is the most cost-effective.
- (5) In the case of a sale of impounded property by the Municipality, the proceeds of such sale, less the reasonable expenses incurred by the Municipality in connection with the removal, impoundment or disposal of such property, shall be paid to the person who was the owner of such property when such property was impounded, but if such former owner fails to claim the said proceeds within 3 months of the date on which such property was sold, such proceeds shall be forfeited to the

Municipality and shall be paid into a special fund created by the Municipality dedicated to the development of the informal sector and matters ancillary thereto.

- (6) The owner of property which has been removed, impounded, sold or disposed of as contemplated in this section, shall be liable for all expenses incurred by the Municipality in connection with such removal, impoundment, sale or disposal.

Offences

15. Any person who -

- (a) contravenes or fails to comply with any provision of this By-law;
- (b) ignores, disregards or disobeys any notice, sign or marking displayed or erected in terms of this By-law;
- (c) contravenes or fails to comply with any approval granted or condition imposed in terms of this By-law;
- (d) fails to comply with a lawful written instruction by the Municipality to move or remove his or her property;
- (e) deliberately furnishes false or misleading information to an officer or an employee of the Municipality; or
- (f) threatens, resists, interferes with or obstructs an officer or employee of the Municipality in the performance of his or her powers, duties or functions under this By-law, shall be guilty of an offence.

Penalty clause

16. Any person convicted of an offence under this By-law shall be liable to a fine or imprisonment for a period not exceeding 1 year, or to both a fine and such imprisonment.

Vicarious responsibility of persons doing business as street traders

17. (1) When an employee or assistant of a person doing business as a street trader, does or omits to do any act which would be an offence in terms of this By-law, that person shall be deemed himself or herself to have done or omitted to do the act, unless he or she satisfies the court that

- (a) he or she neither connived at nor permitted the act or omission by the employee or assistant concerned; and
- (b) he or she took all reasonable steps to prevent the act or omission.

(2) The fact that the street trader alleges that he or she issued instructions whereby an act or omission is prohibited shall not in itself be sufficient proof that he or she took all reasonable steps to prevent the act or omission.

Vicarious responsibility of employees and assistants

18. When a person doing business as a street trader is, in terms of section 17, liable for an act or omission by an employee or assistant, that employee or assistant shall also be liable as if he or she were the person carrying on the business concerned.

Short title

19. This By-law shall be called the Street Trading Control By-law, 2012.

SCHEDULE**Part 1**

(Section 5(1)

Areas designated for street trading:

None.

Part 2

(Section 10(3)»

Designated areas in which street trading may only be done from specific demarcated lots or stands:

Areas per town

DAWID KRUIPER MUNICIPALITY

STREET TRADING CONTROL AMENDMENT BY-LAW, 2017

GENERAL EXPLANATORY NOTE

- [] Words in bold type and square brackets indicate omissions from existing enactments.
____ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Street Trading Control By-Law, 2012; to provide for the substitution of the name "//Khara Hais", wherever it appears; to provide for the insertion of a preamble; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kruiper Municipality, as follows: -

Insertion of a preamble of the Dawid Kruiper Municipality Street Trading Control By-law, 2012:

1. The Dawid Kruiper Municipality: Street Trading Control By-Law, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

"WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control street trading in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:"

Amendment of section 1 of the Dawid Kruiper Municipality: Street Trading Control By-Law, 2012

2. Section 1 of the principal By-Law is hereby amended:
(a) by the deletion of the definition of "Municipality";

- (b) by the substitution for the definition of "Municipal Manager" of the following definition:
""Municipal Manager" means the [P]erson appointed [in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act no. 117 of 1998)] as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal Systems Act, 2000";
- (c) by the insertion before the definition of "property" of the following definition:
""Municipality" means the Dawid Kruiper Municipality".

Amendment of section 19 of the Dawid Kruiper Municipality: Street Trading Control By-Law, 2012:

3. The following section is hereby substituted for section 19 of the principal By-Law:
"19. This By-Law is called Dawid Kruiper Municipality: Street Trading Amendment By-Law, [2012] 2017"

NOTICE 114 OF 2017

AERIAL SYSTEMS BY-LAW, 2012

By-Law No. 16, 2012

BY-LAW**As Amended by the Aerial Systems Amendment By-Law 2017**

To provide for the regulation of the erection of aerial systems in the Dawid Kruiper Municipality; and for matters connected therewith.

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control aerial systems in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:

Definitions

1. In this By-Law, unless the context otherwise indicates -

"aerial system" means any device used or designed to assist radio or television broadcast or reception and shall include a dish aerial system;

"Municipal Manager" means the person appointed as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal Systems Act, 2000; and

"Municipality" means the Dawid Kruiper Municipality.

Permission for certain antennae systems

2. (1) No person may, erect a standard aerial for cellular communication of allows it to be erected.
- (a) without prior written consent of the municipality and subject to conditions determined in such notice, including any other conditions set relating to the size of the aerial, place to be erected ad the type of structure;
- (b) unless, the permission to erect has been preceded by a public participation process relating to the intended erection of the aerial;
- (2) Application for permission must be made to the Municipality on the form provided by the Municipality for that purpose and must be accompanied by the fees determined by the Municipality.
- (3) Any person who does not comply with the provisions of subsection (1) must, within 12 months after this By-Law has come into operation, comply with the said provisions.

Penalty clause

3. (1) Any person who contravenes or fails to comply with any provision of section 2(1) or any requirement or condition there under, shall be guilty of an offence.
- (2) Any person convicted of an offence in terms of subsection (1) shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

Short title

4. This By-Law shall be called the Aerial Systems By-Law, 2012.

DAWID KRUIPER MUNICIPALITY

AERIAL SYSTEMS AMENDMENT BY-LAW, 2017

GENERAL EXPLANATORY NOTE

[] Words in bold type and square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Aerial Systems By-Law, 2012; to provide for the substitution of the name "//Khara Hais", wherever it appears; to provide for the insertion of a preamble; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kruiper Municipality, as follows: -

Insertion of a preamble of the Dawid Kruiper Municipality Aerial Systems By-Law, 2012:

1. The Dawid Kruiper Municipality: Aerial Systems By-Law, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

"WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control aerial systems in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:"

Amendment of section 1 of the Dawid Kruiper Municipality: Aerial Systems By-Law, 2012

2. Section 1 of the principal By-Law is hereby amended:
 - (a) by the substitution for the definition of "Municipal Manager" of the following definition:

"Municipal Manager" means the [P]erson appointed [in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)] as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal Systems Act, 2000";
 - (b) by the substitution of the definition of "Municipality" of the following definition:

““Municipality” means the [//Khara Hais] Dawid Kruiper Municipality”.

Amendment of section 4 of the Dawid Kruiper Municipality: Aerial Systems By-Law, 2012:

3. The following section is hereby substituted for section 4 of the principal By-Law:

"4. This By-Law is called Dawid Kruiper Municipality: Aerial Systems Amendment By-Law, [2012] 2017 "

NOTICE 115 OF 2017**WATER SERVICES BY-LAW, 2012**

By-Law No. 14.2012

BY-LAW**As Amended by the Water Services Amendment By-Law 2017**

To provide for the provision of water services for the Dawid Kruiper Municipality; and for matters connected therewith.

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control water services in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:

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**PART 2
PROVISION OF WATER SERVICES**

2. Application for water services
3. Special agreements for water services

**PART 3
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4. Prescribed tariffs and charges for water services
5. Fixed charges for water services

**PART 4
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6. Payment of deposit
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9. Queries or complaints in respect of account
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14. Limitation or discontinuation of water services provided
15. Restoration of water services

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CHAPTER I GENERAL PROVISIONS

PART 1 DEFINITIONS

1. (1) In this By-Law, unless the context otherwise indicates -

"**accommodation unit**" in relation to any premises, means a building or section of a building occupied or used or intended for occupation or use for any purpose;

"**Act**" means the Water Services Act, 1997 (Act No. 108 of 1997), as amended from time to time;

"**adequate**" means adequate in the opinion of the Municipality;

"**approved**" means approved by an authorised officer;

"**authorised agent**" means a person authorised by the Municipality to perform any act, function or duty in terms of, or exercise any power under this By-Law;

"**borehole**" means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water and includes a spring;

"**Building Regulations**" means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);

"**communal water services work**" means a consumer connection through which water services are supplied to more than one person;

"**connecting point**" means the point at which the drainage installation joins the connecting sewer;

"**connecting sewer**" means a pipe owned by the Municipality and installed by it for the purpose of conveying sewage from a drainage installation on a premise to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a way-leave or by agreement;

"**connection pipe**" means a pipe, the ownership of which is vested in the Municipality and installed by it for the purpose of conveying water from a main to a water installation, and includes a "**communication pipe**" referred to in SABS 0252, Part I;

"**consumer**" means -

- (a) any occupier of any premises to which or on which the Municipality has agreed to provide water services or is actually providing water services, or if there be no occupier, then any person who has entered into a current agreement with the Municipality for the provision of water services to or on such premises, or, if there be no such person, then the owner of the

premises: Provided that where a water service is provided through a single connection to a number of occupiers, it shall mean the occupier, or person, to whom the Municipality has agreed to provide a water service; or

- (b) a person that obtains access to water services that are provided through a communal water services work;

"device" means any structure, chamber, tank, trap, meter or gauge erected or installed in terms of this By-Law;

"drain" means that portion of the drainage installation that conveys sewage within any premises;

"drainage Installation" means a system situated on any premises and vested in the owner thereof and is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage on that premises to the connecting point and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping installations forming part of or ancillary to such systems;

"drainage work" includes any drain, sanitary fitting, water supplying apparatus, waste or other pipe or any work connected with the discharge of liquid or solid matter into any drain or sewer or otherwise connected with the drainage of any premises;

"effluent" means any liquid whether or not containing matter in solution or suspension;

"emergency" means any situation that poses a risk or potential risk to life, health, the environment or property;

"environmental cost" means the full cost of all measures necessary to restore the environment to its condition prior to a damaging incident;

"fire hydrant" means a potable water installation that conveys water for firefighting purposes only;

"fixed quantity water delivery system" means a water installation, which delivers a fixed quantity of water to a consumer in any single day;

"flood level (1 in 50 years)" means that level reached by floodwaters resulting from a storm of a frequency of 1 in 50 years;

"flood plain (1 in 50 years)" means the area subject to inundation by flood waters from a storm of a frequency of 1 in 50 years;

"industrial effluent" means effluent emanating from industrial use of water and includes effluent other than standard domestic effluent or storm water;

"installation work" means work in respect of the construction of, or carried out on a water installation;

"main" means a pipe, other than a connection pipe, vesting in the Municipality and used by it for the purpose of conveying water to a consumer;

"measuring device" means any method, procedure, process, device, apparatus, or installation that enables the quantity of water services provided to be quantified and includes a method, procedure or process whereby quantity is estimated or assumed;

"meter" means a water meter as defined by the regulations published in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973), or, in the case of water meters of a size greater than 100 mm, a device which measures the quantity of water passing through it;

"Municipal Manager" means the person appointed as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal Systems Act, 2000;

"Municipality" means the Dawid Kruiper Municipality or its authorised agent, as the case may be, being the water services authority as defined in the Act

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

"owner" means -

- (a) the person in whom, from time to time, is vested the legal title to premises;
- (b) in a case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability Whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in any case where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;
- (d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;
- (e) in relation to-
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property; or
 - (ii) a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;

"person" means any natural person, local government body or like authority, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;

"pollution" means the introduction of any substance into the water supply system, a water installation or a water resource that may directly or indirectly alter the physical, chemical or biological properties of the water found therein so as to make it -

- (a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or
- (b) harmful or potentially harmful-
 - (i) to the welfare, health or safety of human beings;
 - (ii) to any aquatic or non-aquatic organism;

"premises" means any piece of land, the external surface boundaries of which are delineated on -

- (a) a general plan or diagram registered in terms of the Land Survey Act, 1997 (Act No. 8 of 1997), or in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937);
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986); or
- (c) a register held by a tribal authority;

"prescribed tariff or charge" means a charge prescribed by the Municipality;

"public notice" means a notice in the *Provincial Gazette*, and, where practicable, in a newspaper in at least two of the official languages in general use within the Province or area in question, and, where possible, the notice shall be published in a newspaper appearing predominantly in the language utilised in the publication of the notice;

"public water" means any river, watercourse, bay, estuary, the sea and any other water to which the public has the right of use or to which the public has the right of access;

"sanitation services" has the meaning assigned to it in terms of the Act and includes water for industrial purposes and the disposal of industrial effluent;

"service pipe" means a pipe which is part of a water installation provided and installed on any premises by the owner or occupier and which is connected or to be connected to a connection pipe to serve the water installation on the premises;

"sewage" means waste water, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but shall not include storm water;

"sewage disposal system" means the structures, pipes, valves, pumps, meters or other apparatus used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the Municipality and which may be used by it in connection with the disposal of sewage and includes sea outfall;

"sewer" means any pipe or conduit which is the property of or is vested in the Municipality and which may be used for the conveyance of sewage from the connecting sewer, but not a drain as defined;

"standard domestic effluent" means domestic effluent with prescribed strength characteristics in respect of chemical oxygen demand and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the Municipality, but not industrial effluent;

"storm water" means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;

"tariff sample" means a sample taken in accordance with section 74;

"terminal water fitting" means a water fitting at an outlet of a water installation that controls the discharge of water from a water installation;

"waste water" means used water which is not polluted by soil water or industrial effluent and does not include storm water;

"water fitting" means a component of a water installation, other than a pipe, through which water passes or in which it is stored;

"water installation" means the pipes and water fittings which are situated on any premises and vested in the owner thereof and used or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the Municipality;

"water services" has the meaning assigned to it in terms of the Act and includes water for industrial purposes and the disposal of industrial effluent;

"water supply services" has the meaning assigned to it in terms of the Act and includes for purposes of this By-Law, water for industrial purposes and the disposal of industrial effluent;

"water supply system" means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto, which are vested in the Municipality and are used or intended to be used by it in connection with the supply of water, and includes any part of the system;

"**working day**" means a day other than a Saturday, Sunday or public holiday.

- (2) Subject to subsection (1), any word or expression used in this By-Law to which a meaning has been assigned in -
 - (a) the Act, shall bear that meaning; and
 - (b) the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and the Building Regulations published in terms of that Act, shall in respect of Chapter III, bear that meaning, unless the context indicates otherwise.
- (3) Any reference in Chapter I of this By-Law to water services or services must be interpreted as referring to water supply services or sanitation services depending on the services to which they are applicable.

PART 2

PROVISION OF WATER SERVICES

Application for water services

- 2. (1) No person shall gain access to water services from the water supply system, sewage disposal system or through any other sanitation services, unless he or she has applied to the Municipality on the prescribed form for such services for a specific purpose and to which such application has been agreed.
- (2) Where a premises or person (hereinafter referred to as "*the consumer*") is provided with water services, it shall be deemed that an agreement in terms of subsection (1) exists.
- (3) The Municipality must on application for the provision of water services by a consumer inform that consumer of the different levels of services available and the tariffs or charges associated with each level of services.
- (4) A consumer must elect the available level of services to be provided to him or her.
- (5) A consumer may at any time apply to alter the level of services elected in terms of the agreement entered into: Provided that such services are available and that any costs and expenditure associated with altering the level of services shall be payable by the consumer.
- (6) An application agreed to by the Municipality shall constitute an agreement between the Municipality and the applicant, and such agreement shall take effect on the date referred to or stipulated in such agreement.
- (7) A consumer shall be liable for all the prescribed tariffs or charges in respect of water services rendered to him or her until the agreement has been terminated in accordance with this By-Law or until such time as any arrears have been paid.
- (8) (a) In preparing an application form for water services the Municipality shall ensure that the document and the process of interaction with the owner,

consumer or any person making application are understood by that owner, consumer or other person.

- (b) In the case of illiterate or similarly disadvantaged persons, the Municipality shall take reasonable steps to ensure that the person is aware of and understands the contents of the application form.
- (9) An application form shall require -
- (a) certification by an authorised agent that the applicant is aware of and understands the contents of the form;
 - (b) acceptance by the consumer of the provisions of this By-Law and acceptance of liability for the cost of water services rendered until the agreement is terminated or until such time as any arrears have been paid;
 - (c) the name of the consumer;
 - (d) the address or stand number of the premises to or on which water services are to be rendered or the communal water services work where water services will be used;
 - (e) the address where accounts will be sent;
 - (f) the source of income of the applicant;
 - (g) the name and address of the applicant's employer, where applicable;
 - (h) if water will be supplied, the purpose for which the water is to be used; and
 - (i) the agreed date on which the provision of water services will commence.
- (10) Water services rendered to a consumer are subject to the provisions of this By-Law and the conditions contained in the relevant agreement.
- (11) If the Municipality refuses an application for the provision of water services because it is unable to render such water services on the date requested for such provision of water services to commence or is unable to render the water services, the Municipality shall inform the consumer of such refusal or inability, the reasons therefor and, if applicable, when the Municipality will be able to provide such water services.

Special agreements for water services

3. The Municipality may enter into a special agreement for the provision of water services to -
- (a) an applicant inside its area of jurisdiction, if the services applied for necessitates the imposition of conditions not contained in the prescribed form; and
 - (b) an applicant outside its area of jurisdiction, if such application has been approved by the municipality having jurisdiction in the area in which the premises is situated.

PART 3 TARIFFS AND CHARGES

Prescribed tariffs and charges for water services

4. All tariffs or charges payable in respect of water services rendered by the Municipality in terms of this By-Law, including but not limited to the payment of connection charges, fixed charges or any additional charges or interest in respect of failure to pay such tariffs or charges on the specified date shall be set by the Municipality in accordance with -
- (a) its tariff policy;
 - (b) any By-Law in respect thereof; and
 - (c) any regulations in terms of section 10 of the Act.

Fixed charges for water services

5. (1) The Council of the Municipality may, in addition to the tariffs or charges prescribed for water services actually provided, levy a monthly fixed charge, annual fixed charge or once-off fixed charge in respect of the provision of water services in accordance with -
- (a) its tariff policy;
 - (b) any By-Law in respect thereof; and
 - (c) any regulations in terms of section 10 of the Act.
- (2) Where a fixed charge is levied in terms of subsection (1), it shall be payable by every owner or consumer in respect of water services provided by the Municipality to him or her, whether or not water services are used by him or her.

PART 4 PAYMENT

Payment of deposit

6. (1) Every consumer shall on application for the provision of water service and before such water services shall be provided by the Municipality, deposit with the Municipality, a sum of money equal to the estimated tariff or charge for an average month's water services as determined by the Municipality, except in the case of a pre-payment measuring device being used by the Municipality.
- (2) The Municipality may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within a specified period.
- (3) The Municipality may from time to time review the sum of money deposited by a consumer in terms of subsection (1) and, in accordance with such review-
- (a) require that an additional amount be deposited by the consumer; or
 - (b) refund to the consumer such amount as may be held by the Municipality in excess of the reviewed deposit.

- (4) Subject to subsection (5), an amount deposited with the Municipality in terms of subsections (1) or (2), shall not be regarded as being in payment or part payment of an account due for water services rendered.
- (5) If, upon the termination of the agreement for the provision of water services, an amount remains due to the Municipality in respect of water services rendered to the consumer, the Municipality may apply the deposit in payment or part payment of the outstanding amount and refund any balance to the consumer.
- (6) No interest shall be payable by the Municipality on the amount of a deposit held by it in terms of this section.
- (7) An agreement for the provision of water services may contain a condition that a deposit shall be forfeited to the Municipality if it has not been claimed within twelve months of the termination of the agreement.

Payment for water services provided

- 7. (1) Water services provided by the Municipality to a consumer shall be paid for by the consumer at the prescribed tariff or charge set in accordance with sections 4 and 5 for the particular category of water services provided.
- (2) A consumer shall be responsible for payment for all water services provided to the consumer from the date of an agreement until the date of termination thereof.
- (3) The Municipality may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements and may render an account to a consumer for the services so estimated.
- (4) If a consumer uses water supply services for a category of use other than that for which it is provided by the Municipality in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the Municipality may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the tariffs and charges payable in accordance with such adjustment.
- (5) If amendments to the prescribed tariffs or charges for water services provided become operative on a date between measurements for the purpose of rendering an account in respect of the tariffs or charges -
 - (a) it shall be deemed that the same quantity of water services was provided in each period of twenty-four hours during the interval between the measurements; and
 - (b) any fixed charge shall be calculated on a *pro rata* basis in accordance with the charge that applied immediately before such amendment and such amended charge.
- (6) (a) A consumer shall pay his or her account at the offices of the Municipality, or that of an approved agent of the Municipality, as the case may be.

- (b) A consumer shall remain liable for the payment of an account not paid with the Municipality, its authorised agent or approved agent.
- (7) The Municipality must inform a consumer as to who the approved agents for payment of accounts are, if applicable.

PART 5 ACCOUNTS

Accounts

- 8. (1) Monthly accounts shall be rendered to consumers for the amount due and payable, at the address last recorded with the Municipality.
- (2) Failure by the Municipality to render an account does not relieve a consumer of the obligation to pay any amount due and payable.
- (3) An account rendered by the Municipality for water services provided to a consumer shall be paid not later than the last date for payment specified in such account, which date shall be at least twenty-one days after the date of the account.
- (4) If payment of an account is received after the date referred to in subsection (3), a late payment charge or interest as may be prescribed must be paid by the consumer to the Municipality.
- (5) Accounts shall-
 - (a) show-
 - (i) the consumption or estimated consumption or assumed consumption as determined for the measuring or consumption period;
 - (ii) the measuring or consumption period;
 - (iii) the applicable tariff;
 - (iv) the amount due in terms of the actual, estimated or assumed consumption;
 - (v) the amount due and payable for any other service rendered by the Municipality;
 - (vi) the amount in arrears, if any;
 - (vii) the interest payable on arrears, if any;
 - (viii) the final date for payment;
 - (ix) the methods, places or approved agents where payment may be made; and
 - (b) state that-
 - (i) the consumer may conclude an agreement with the Municipality for payment of the arrears amount in instalments, at the Municipality's offices before the final date for payment, if a consumer is unable to pay the full amount due and payable;
 - (ii) if no such agreement is entered into, the Municipality shall limit the water services after sending a final demand notice to the consumer;

- (iii) the defaulting consumer's name may be listed with a credit bureau or any other equivalent body as a defaulter;
- (iv) the account may be handed over to a debt collector for collection;
- (v) legal action may be instituted against any consumer for the recovery of any amount 60 days in arrears;
- (vi) proof of registration as an indigent consumer in terms of the Municipality's indigent policy must be handed in before the final date for payment, if applicable; and
- (vii) an indigent consumer is only entitled to basic water services and that an indigent consumer shall be liable for payment in respect of water services used in excess of the quantity of basic services.

Queries or complaints in respect of account

9. (1) A consumer may lodge a query or complaint in respect of the accuracy of the amount due and payable in terms of an account rendered to him or her.
- (2) A query or complaint must be lodged with the Municipal Manager before or on the due date for payment of the account or as soon as reasonably possible thereafter.
- (3) Where a query or complaint is lodged after the due date of the account queried or complained about, such query or complaint must be accompanied by the payment of at least an amount equal to the average amount that was due and payable during the preceding three months.
- (4) The Municipal Manager shall register the query or complaint and provide the consumer with a reference number.
- (5) The Municipal Manager shall -
- (a) investigate or cause the query or complaint to be investigated within 14 days after the query or complaint was registered; and
 - (b) within 30 days after the query or complaint was registered, inform the consumer, in writing, of his or her finding and, if the query or complaint is turned down, state the reasons for his or her finding.

Appeals against finding of Municipal Manager in respect of queries or complaints

10. (1) A consumer may, in writing, appeal to the Municipality against a finding of the Municipal Manager contemplated in section 9.
- (2) An appeal in terms of subsection (1) must be made in writing and lodged with the Municipality within 21 days after the consumer became aware of the finding referred to in section 9 and must -
- (a) set out the reasons for the appeal;
 - (b) be accompanied by any deposit determined for the testing of a measuring device, if applicable.
- (3) The Municipality may on appeal by a consumer request him or her to pay the full amount due and payable in terms of the account appealed against, pending the outcome of the appeal.

- (4) The consumer is liable for all other amounts, other than that appealed against, falling due and payable during the adjudication of the appeal.
- (5) An appeal must be decided by the Municipality within 21 days after an appeal was lodged and the consumer must forthwith be informed of the outcome in writing.
- (6) The decision of the Municipality is final and the consumer must pay any amounts due and payable in terms of the decision within 14 days of him or her being informed of the outcome of the appeal.
- (7) The Municipality may condone the late lodging of an appeal.
- (8)
 - (a) If it is alleged in an appeal that a measuring device is inaccurate, the device must be subjected to a standard industry test to establish its accuracy.
 - (b) The consumer must be informed of the possible cost implications including the estimated amount of such test, as set out in subsection (9)(a) below, prior to such test being undertaken.
- (9) If the outcome of any test shows that a measuring device is -
 - (a) within a prescribed range of accuracy, the consumer shall be liable for the costs of such test and any other amounts outstanding and such costs shall be debited against the consumer's account;
 - (b) is outside a prescribed range of accuracy, the Municipality shall be liable for the costs of such test and the consumer must be informed of the amount of any credit to which he or she is entitled.
- (10) The prescribed charge referred to in subsection (2)(b), if applicable-
 - (a) may be retained by the Municipality if the measuring device is found not to be defective; or
 - (b) shall be refunded to the applicant if the measuring device is found to be defective.
- (11) A measuring device shall be deemed to be defective if, when tested in accordance with a standard industry test or if the measuring device is a meter, the regulations published under section 9 of the Act, it does not meet generally accepted specifications or the specifications as set out in the regulations.
- (12) The Municipality shall, if the measuring device is found to be defective-
 - (a) repair the measuring device or install another device which is in good working order, without charge to the consumer, unless the costs thereof are recoverable from the consumer due to a contravention of section 37(6); and

- (b) determine the quantity of water for which the consumer shall be charged in lieu of the quantity measured by the defective measuring device by taking as basis for such determination, and as the Municipality may decide-
 - (i) the quantity representing the average monthly consumption of the consumer during the 3 months preceding the month in respect of which the measurement is disputed and adjusting such quantity in accordance with the degree of error found in the reading of the defective water meter;
 - (ii) the average consumption of the consumer during the succeeding 3 metered periods after the defective water meter has been repaired or replaced; or
 - (iii) the consumption of water on the premises recorded for the corresponding period in the previous year.

Arrears

- 11. (1) If a consumer fails to pay the amount due and payable on or before the final date for payment, the unpaid amount is in arrears and a final demand notice may be hand delivered or sent, per registered mail, to the most recent recorded address of the consumer, within 7 working days.
- (2) Failure to deliver or send a final demand notice within 7 working days does not relieve a consumer from paying such arrears.
- (3) The final demand notice shall state -
 - (a) the amount in arrears and any interest payable;
 - (b) that the consumer may conclude an agreement with the Municipality for payment of the arrear amount in instalments within 14 days of the date of the final demand notice;
 - (c) that if no such agreement is entered into within the stated period that the water services may be limited and that legal action may be instituted against any consumer for the recovery of any amounts 60 days in arrears;
 - (d) that the defaulting consumer's name may be listed with a credit bureau or any other equivalent body as a defaulter;
 - (e) that the account may be handed over to a debt collector for collection;
 - (f) that proof of registration, as an indigent consumer, in terms of the Municipality's indigent policy must be handed in before the final date of the final demand notice;
 - (g) that an indigent consumer is only entitled to basic water services and that an indigent consumer will be liable for payment in respect of water services used in excess of the quantity of basic services.
- (4) Interest may be levied on all arrears at a rate determined by the Municipality from time to time.

- (5) The amount due and payable by a consumer constitutes a consolidated debt, and any payment made by a consumer of an amount less than the total amount due, shall be allocated in reduction of the consolidated debt -
- (a) towards payment of the current account;
 - (b) towards payment of arrears; and
 - (c) towards payment of interest.
- (6) The Municipality shall, within 7 working days after the expiry of the 14-day period allowed for payment in terms of the final demand notice -
- (a) limit the provision of water services to the defaulter; and
 - (b) hand deliver or send, per registered mail, to the last recorded address of the consumer, a discontinuation notice informing him or her that the provision of water services will be disconnected within 14 days of the date of the discontinuation notice if -
 - (i) no payment was received within the allowed period;
 - (ii) no agreement was entered into for the payment of arrears in instalments;
 - (iii) no proof of registration as indigent was handed in within the 14-day period allowed; or
 - (iv) no payment was received in accordance with an agreement for payment of arrears.
- (7) A discontinuation notice shall contain -
- (a) the amount in arrears and any interest payable;
 - (b) a statement that the consumer may conclude an agreement with the Municipality for payment of the arrear amount in instalments, within 14 days of the date of the discontinuation notice;
 - (c) that if no such agreement is entered into within the stated period, the Municipality may discontinue the provision of water services with immediate effect, notwithstanding any legal action instituted or in the process of being instituted against the consumer for the recovery of the arrears amount; and
 - (d) proof of registration, as an indigent consumer, must be handed in within 14 days of the date of the discontinuation notice.
- (8) The Municipality may, within 10 working days after the expiry of the 14-day period allowed for payment in terms of the discontinuation notice, discontinue water services to the defaulting consumer, if -
- (a) no payment of the outstanding amount was received within the allowed period;

- (b) no agreement was entered into for the payment of arrears in instalments;
 - (c) no proof of registration as an indigent consumer was furnished within the 14-day period allowed; or
 - (d) no payment was received in accordance with an agreement for payment of arrears.
- (9) Where an account rendered to a consumer remains outstanding for more than 60 days -
- (a) the defaulting consumer's name may be listed with a credit bureau or any other equivalent body as a defaulter: Provided that the agreement for the provision of water services provides therefore; and
 - (b) may be handed over to a debt collector or an attorney for collection.
- (10) A consumer shall be liable for any administration fees, costs incurred in taking action for recovery of arrears and any penalties, including the payment of a higher deposit.
- (11) Where a body corporate is responsible for the payment of any arrears amount to the Municipality in respect of a sectional title development, the liability of the body corporate shall be extended to the members thereof, jointly and severally.
- (12) No action taken in terms of this section due to non-payment may be suspended or withdrawn, unless the arrears, any interest thereon, administration fees, additional charges, costs incurred in taking relevant action and any penalties, including the payment of a higher deposit, payable, are paid in full.
- (13) The Municipality shall not be liable for any loss or damage suffered by a consumer due to his or her water services being disconnected.
- (14) An agreement for payment of the arrear amount in instalments, entered into after the water service was discontinued, shall not result in the water service being restored until the arrears, any interest thereon, administration fees, costs incurred in taking relevant action and any penalties, including payment of a higher deposit, are paid in full.
- Agreement for the payment of arrears in instalments**
12. (1) Only a consumer with positive proof of identity or a person authorised, in writing, by that consumer, shall be allowed to enter into an agreement for the payment of arrears in instalments.
- (2) The amount due and payable by a consumer constitutes a consolidated debt, and any payment made by a consumer of an amount less than the total amount due, shall be allocated in reduction of the consolidated debt -
- (a) towards payment of the current account;
 - (b) towards payment of arrears;
 - (c) towards payment of interest; and

- (d) towards costs incurred in taking relevant action to collect amounts due and payable.
- (3) A consumer may be required to complete a debit order for the payment of arrears.
- (4) No agreement for the payment of arrears shall be longer than 24 months, unless the circumstances referred to in subsection (5) prevail.
- (5) The Municipality may, on an individual basis, allow a longer period than 36 months for the payment of arrears if special circumstances prevail, that in the opinion of the Municipality, warrants such an extension and which the consumer reasonably could not prevent or avoid, and documentary proof of such special circumstances must be furnished by the consumer on request by the Municipality.
- (6) The Municipality may, in exercising its discretion under subsection (5), have regard to a consumer's -
 - (a) credit record;
 - (b) consumption;
 - (c) level of service;
 - (d) previous breaches of agreements for the payment of arrears in instalments (if any); and
 - (e) any other relevant factors.
- (7) A copy of the agreement shall, on request, be made available by the Municipality to the consumer.
- (8) If a consumer fails to comply with an agreement for the payment of arrears in instalments, the total of all outstanding amounts, including the arrears, any interest thereon, administration fees, costs incurred in taking relevant action, and penalties, including payment of a higher deposit, will immediately be due and payable, without further notice or correspondence.
- (9) If a consumer fails to comply with an agreement for the payment of arrears in instalments entered into after receipt of a discontinuation notice, access to services may be discontinued without further notice or correspondence in addition to any other actions taken against or that may be taken against such a consumer.
- (10) No consumer shall be allowed to enter into an agreement for the payment of arrears in instalments where that consumer failed to honour a previous agreement for the payment of arrears in instalments, entered into after the receipt of a discontinuation notice.

PART 6
TERMINATION, LIMITATION AND DISCONTINUATION OF WATER SERVICES

Termination of agreement for the provision of water services

13. (1) A consumer may terminate an agreement for the provision of water services by giving to the Municipality not less than 30 working days' notice in writing of his or her intention to do so.
- (2) The Municipality may, by notice in writing of not less than 30 working days, advise a consumer of the termination of his or her agreement for the provision of water services if -
- (a) he or she has not used the water services during the preceding 6 months and has not made arrangements to the satisfaction of the Municipality for the continuation of the agreement;
 - (b) he or she has failed to comply with the provisions of this By-Law and has failed to rectify such failure to comply on notice in terms of section 23 or to pay any tariffs or charges due and payable after the procedure set out in section 11 was applied;
 - (c) in terms of an arrangement made by it with another water services institution to provide water services to the consumer.
- (3) The Municipality may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.

Limitation or discontinuation of water services provided

14. (1) The Municipality may limit or discontinue water services provided in terms of this By-Law-
- (a) on failure to pay the prescribed tariffs or charges on the date specified, after the provisions of section 11 were applied;
 - (b) on failure to comply with any other provisions of this By-Law, after notice in terms of section 23 was given;
 - (c) at the written request of a consumer;
 - (d) if the agreement for the provision of services has been terminated in terms of section 13 and it has not received an application for subsequent services to the premises within a period of 90 days of such termination;
 - (e) the building on the premises to which services were provided has been demolished;
 - (f) if the consumer has interfered with a limited or discontinued service; or
 - (g) in an emergency.

- (2) The Municipality shall not be liable for any damages or claims that may arise from the limitation or discontinuation of water services provided in terms of subsection (1).

Restoration of water services

15. When a consumer enters into an agreement for the payment of the arrear amount in instalments after the receipt of a final demand notice or a discontinuation notice, the water services shall be restored to the type of service the consumer elected in terms of the agreement for the provision of water services, within 7 working days.

**PART 7
GENERAL**

Responsibility for compliance with this By-Law

16. (1) The owner of premises is responsible for ensuring compliance with this Bylaw in respect of all or any matters relating to any installation.
- (2) The consumer is responsible for compliance with this By-Law in respect of matters relating to the use of any installation.

Exemption

17. (1) The Municipality may, in writing, exempt an owner, consumer, any other person or category of owners, consumers or other persons from complying with a provision of this By-Law, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable: Provided that the Municipality shall not grant exemption from any section of this By-Law that may result in -
- (a) the wastage or excessive consumption of water;
 - (b) the evasion or avoidance of water restrictions;
 - (c) significant negative effects on public health, safety or the environment;
 - (d) the non-payment for services;
 - (e) the installation of pipes and fittings which are not approved in terms of this By-Law;
 - (f) unfair discrimination; and
 - (g) the Act or any regulations made in terms thereof, not being complied with.
- (2) The Municipality may at any time after giving written notice of at least 30 days, withdraw any exemption given in terms of subsection (1).

Unauthorised use of water services

18. (1) No person may gain access to water services from the water supply system, sewage disposal system or any other sanitation services, unless an agreement has been entered into with the Municipality for the rendering of these services.

- (2) The Municipality may, irrespective of any other action it may take against such person in terms of this By-Law, by written notice order a person who has gained access to water services from the water supply system, sewage disposal system or any other sanitation services without an agreement with the Municipality for the rendering of those services -
- (a) to apply for such services in terms of section 2 or 3; and
 - (b) to undertake such work as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of this By-Law.
- (3) The provisions of section 23 shall apply to a notice in terms of subsection (2).

Change In purpose for which water services are used

19. Where the purpose or extent for which water services are used is changed, the consumer shall enter into a new agreement with the Municipality.

Interference with water supply system or any sanitation services

20. (1) No person other than the Municipality shall manage, operate or maintain the water supply system or any sanitation system, unless authorised by this By-Law.
- (2) No person other than the Municipality shall affect a connection to the water supply system or sewage disposal system or render any other sanitation services.

Obstruction of access to water supply system or any sanitation services

21. (1) No person shall prevent or restrict physical access to the water supply system or sewage disposal system.
- (2) If a person contravenes subsection (1), the Municipality may -
- (a) by written notice, require such person to restore access at his or her own expense within a specified period; or
 - (b) if it is of the opinion that the situation is a matter of urgency, without prior notice, restore access and recover the cost from such person.

Notices and documents

22. (1) A notice or document issued by the Municipality in terms of this By-Law shall be deemed to be duly authorised if the Municipal Manager signs it.
- (2) If a notice or document is to be served on an owner, consumer or any other person in terms of this By-Law, such service shall be effected by -
- (a) delivering it to him or her personally or to his or her duly authorised agent;
 - (b) delivering it at his or her residence, village or place of business or employment to a person not less than 16 years of age and apparently residing or employed there;

- (c) if he or she has nominated an address for legal purposes, delivering it to such an address;
 - (d) if he or she has not nominated an address for legal purposes, delivering it to the address given by him or her in his or her application for the provision of water services, for the reception of an account for the provision of water services;
 - (e) sending by prepaid registered or certified post addressed to his or her last known address;
 - (f) in the case of a legal person, by delivering it at the registered office or business premises of such legal person; or
 - (g) if service cannot be effected in terms of subsections (a) to (f), by affixing it to a principal door of entry to the premises concerned.
- (3) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of delivery or sending of such notice.

Power to serve and compliance with notices

23. (1) The Municipality may, by written notice, order an owner, consumer or any other person who fails, by act or omission, to comply with the provisions of this By-Law, or of any condition imposed thereunder to remedy such breach within a period specified in the notice, which period shall not be less than 30 days.
- (2) If a person fails to comply with a written notice served on him or her by the Municipality in terms of this By-Law within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including -
- (a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
 - (b) limiting or discontinuing the provision of services; and
 - (c) instituting legal proceedings.
- (3) A notice in terms of subsection (1) shall-
- (a) refer to the provision of this By-Law not complied with;
 - (b) give the owner, consumer or other person a reasonable opportunity to make representations and state his or her case, in writing, to the Municipality within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was issued;
 - (c) specify the steps that the owner, consumer or other person must take to rectify the failure to comply;

- (d) specify the period within which the owner, consumer or other person must take the steps specified to rectify such failure; and
- (e) indicate that the Municipality-
 - (i) may undertake such work necessary to rectify the failure to comply if the notice is not complied with and that any costs associated with such work may be recovered from the owner, consumer or other person; and
 - (ii) may take any other action it deems necessary to ensure compliance.
- (4) In the event of an emergency, the Municipality may without prior notice undertake the work contemplated in subsection (3)(e)(i) and recover the costs from such person.
- (5) The costs recoverable by the Municipality in terms of subsection (3) or (4) is the full cost associated with that work and includes, but is not limited to any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the work and the environmental cost.

Power of entry and inspection

24. The Municipality may enter and inspect any premises -
- (a) for the purposes set out in and in accordance with the provisions of section 80 of the Act;
 - (b) for any purpose connected with the implementation or enforcement of this By-Law, at all reasonable times, after having given reasonable written notice of the intention to do so, unless it is an emergency situation.

False statements or information

25. No person shall make a false statement or furnish false information to the Municipality or falsify a document issued in terms of this By-Law.

Offences

26. A person who -
- (a) unlawfully and intentionally or negligently interfere with any water services works of the Municipality;
 - (b) fails to provide information or provide false information reasonably requested by the Municipality;
 - (c) fails or refuses to give access required by the Municipality in terms of section 24;
 - (d) obstructs or hinders the Municipality in the exercise of its powers or performance of its functions or duties under this By-Law;

- (e) contravenes or fails to comply with a provision of this By-Law;
- (f) contravenes or fails to comply with a condition or prohibition imposed in terms of this By-Law;
- (g) contravenes or fails to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption or authority in terms of this By-Law; or
- (h) fails to comply with the terms of a notice served upon him or her in terms of this By-Law,

shall be guilty of an offence and liable on conviction to a fine or in default of payment, to imprisonment for a period not exceeding 1 year and in the event of a continued offence, to a further fine not exceeding R1000.00 for every day during the continuance of such offence after a written notice from the Municipality has been issued, and in the event of a second offence, to a fine or in default of payment, to imprisonment for a period not exceeding 2 years.

Availability of By-Law

27. (1) A copy of this By-Law shall be included in the Municipality's Municipal Code as required in terms of legislation.
- (2) A copy of this By-Law shall be available for inspection at the municipal offices or at the offices of the authorised agent of the Municipality, as the case may be, at all reasonable times.
- (3) A copy of this By-Law may be obtained from the Municipality at the tariff determined from time to time by the Municipality.

CHAPTER II WATER SUPPLY SERVICES

PART 1 CONNECTION TO WATER SUPPLY SYSTEM

Provision of connection pipe

28. If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form and pay the prescribed charge for the installation of such a pipe.
- (2) If an application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the Municipality may agree to the extension subject to such conditions as it may impose.

Location of connection pipe

29. (1) A connection pipe provided and installed by the Municipality shall -
- (a) be located in a position agreed to between the owner and the Municipality and be of a suitable size as determined by the Municipality;
 - (b) terminate at-
 - (i) the boundary of the land owned by or vested in the Municipality, or over which it has a servitude or other right; or
 - (ii) the outlet of the water meter if it is situated on the premises; or
 - (iii) the isolating valve if it is situated on the premises.
- (2) In reaching agreement with an owner concerning the location of a connection pipe, the Municipality shall ensure that the owner is aware of-
- (a) practical restrictions that may exist regarding the location of a connection pipe;
 - (b) the cost implications of the various possible locations of the connection pipe;
 - (c) whether or not the Municipality requires the owner to indicate the location of the connection pipe by providing a portion of his or her water installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the Municipality to connect to such installation.
- (3) The Municipality may at the request of any person agree, subject to such conditions as it may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises: Provided that the applicant shall be responsible for any extension of the water installation to the connecting point designated by the Municipality and for obtaining at his or her cost, such servitudes over other premises as may be necessary.
- (4) An owner shall pay the prescribed connection charge.

Provision of single water connection for supply to several consumers on same premises

30. (1) Notwithstanding the provisions of section 29, only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the Municipality may, in its discretion, provide and install either-
- (a) a single measuring device in respect of the premises as a whole or any number of such accommodation units; or

- (b) a separate measuring device for each accommodation unit or any number thereof.
- (3) Where the Municipality has installed a single measuring device as contemplated in subsection (2){a), the owner or the person having the charge or management of the premises, as the case may be, -
 - (a) must, if the Municipality so requires, install and maintain on each branch pipe extending from the connection pipe to the different accommodation units -
 - (i) a separate measuring device; and
 - (ii) an isolating valve; and
 - (b) shall be liable to the Municipality for the tariffs and charges for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- (4) Notwithstanding subsection (1), the Municipality may authorise that more than one connection pipe be provided on the water supply system for the supply of water to any premises comprising sectional title units or if, in the opinion of the Municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.
- (5) Where the provision of more than one connection pipe is authorised by the Municipality under subsection (4), the tariffs and charges for the provision of a connection pipe are payable in respect of each water connection so provided.

Interconnection between premises or water installations

31. An owner of premises shall ensure that no interconnection exists between –
- (a) the water installation on his or her premises and the water installation on other premises; or
 - (b) where several accommodation units are situated on the same premises, the water installations of the accommodation units, unless he or she has obtained the prior written consent of the Municipality, and complies with any conditions that it may have imposed.

Disconnection of water installation from connection pipe

32. The Municipality may disconnect a water installation from the connection pipe and remove the connection pipe if -
- (a) the agreement for supply has been terminated in terms of section 13 and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or
 - (b) the building on the premises concerned has been demolished.

PART 2
COMMUNAL WATER SERVICES WORKS

Provision of a water services work for water supply to several consumers

33. The Municipality may install a communal water services work for the provision of water services to several consumers at a location it deems appropriate:

Provided that the consumers to whom water services will be provided through that water services work has been consulted in respect of the level of service, tariff that will be payable and location of the work.

PART 3
TEMPORARY SUPPLY

Water supplied from a hydrant

34. (1) The Municipality may authorise a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and period as may be determined by it.
- (2) A person who desires a temporary supply of water referred to in subsection (1), must apply for such water services in terms of section 2.
- (3) The supply of water in terms of subsection (1) must be measured.
- (4) The Municipality may for purposes of measuring provide a portable water meter to be returned to the Municipality on termination of the temporary supply, which portable meter and all other fittings and apparatus used for the connection of the portable water meter to a hydrant, shall remain the property of the Municipality and will be provided subject to any conditions imposed by the Municipality.

PART 4
STANDARDS AND GENERAL CONDITIONS OF SUPPLY

Quantity, quality and pressure

35. Water supply services provided by the Municipality shall comply with the minimum standards set for the provision of water supply services in terms of section 9 of the Act.

General conditions of supply

36. (1) The Municipality may specify the maximum height to which water shall be supplied from the water supply system and where a consumer requires water to be supplied at a greater height or pressure, the consumer shall be responsible therefor.
- (2) The Municipality may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (3) If, in the opinion of the Municipality, the consumption of water by a consumer adversely affects the supply of water to another consumer, it may apply such restrictions as it may deem fit to the supply of water to the first mentioned

consumer in order to ensure a reasonable supply of water to the other consumer and shall inform that consumer of such restrictions.

PART 5
MEASUREMENT OF WATER SUPPLY SERVICES

Measuring of quantity of water supplied

37. (1) The Municipality shall measure the quantity of water supplied at regular intervals.
- (2) Any measuring device through which water is supplied to a consumer by the Municipality and its associated apparatus, shall be provided and installed by the Municipality, shall remain its property, and may be changed and maintained by the Municipality when deemed necessary by it.
- (3) The Municipality may install a measuring device, and its associated apparatus, on premises at any point on the service pipe.
- (4) If the Municipality installs a measuring device on a service pipe in terms of subsection (3), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section shall be deemed to form part of the water supply system.
- (5) If the Municipality installs a measuring device together with its associated apparatus on a service pipe in terms of Subsection (3), the owner shall -
- (a) provide a place satisfactory to the Municipality in which to install it;
 - (b) ensure that unrestricted access is available to it at all times;
 - (c) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal wear and tear;
 - (d) ensure that no connection is made to the pipe in which the measuring device is installed, between the measuring device and the connection pipe serving the installation; and
 - (e) make provision for the drainage of water which may be discharged, from the pipe in which the measuring device is installed, in the course of work done by the Municipality on the measuring device.
- (6) No person other than the Municipality shall -
- (a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
 - (b) break a seal which the Municipality has placed on a meter; or
 - (c) in any other way interfere with a measuring device and its associated apparatus.

- (7) If the Municipality considers that, in the event of the measuring device being a meter that the size of that meter is unsuitable by reason of the quantity of water supplied to such premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed charge for the installation of the meter.
- (8) The Municipality may require the installation, at the owner's expense, of a measuring device to each dwelling unit, in separate occupancy, on any premises, for use in determining quantity of water supplied to each such unit:

Provided that where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one unit.

Quantity of water supplied to consumer

- 38. (1) For purposes of assessing the quantity of water measured by a measuring device installed by the Municipality on the premises of a consumer or, where applicable, estimated or determined by the Municipality in terms of any provision of this By-Law, it will, for the purposes of this By-Law, be deemed, unless the contrary can be proved, that-
 - (a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;
 - (b) the measuring device was accurate during such period;
 - (b) the entries in the records of the Municipality were correctly made; and
 - (d) provided that if water is supplied to, or taken by, a consumer without its passing through a measuring device, the estimate by the Municipality of the quantity of such water shall be deemed to be correct.
- (2) Where water supplied by the Municipality to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the Municipality, the Municipality may for the purpose of rendering an account estimate, in accordance with subsection (3), the quantity of water supplied to the consumer during the period from the last previous reading of the water meter until the date it is discovered that water is so taken by the consumer.
- (3) For the purposes of subsection (2), an estimate of the quantity of water supplied to a consumer shall be based on, as the Municipality may decide -
 - (a) the average monthly consumption of water on the premises during any 3 consecutive measuring periods during the 12 months' period prior to the date on which the taking of water in the manner mentioned in subsection (2) was discovered; or
 - (b) the average monthly consumption on the premises registered over 3 succeeding measuring periods after the date referred to in paragraph (a).
- (4) Nothing in this By-Law shall be construed as imposing on the Municipality an obligation to cause any measuring device installed by the Municipality on any

premises to be measured at the end of every month or any other fixed period, and the Municipality may estimate the quantity of water supplied over any period during the interval between successive measurements of the measuring device and render an account to a consumer for the quantity of water so estimated.

- (5) The Municipality must, on receipt from the consumer of written notice of note less than 7 days and subject to payment of the prescribed charge, measure the quantity of water supplied to the consumer at a time or on a day other than that upon which it would normally be measured.
- (6) If a contravention of section 37(6) occurs, the consumer shall pay to the Municipality the cost of such quantity of water as in the Municipality's opinion was supplied to him or her.
- (7) Until such time as a measuring device has been installed in respect of water supplied to a consumer, the estimated or assumed consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises is situated, during a specific period.
- (8) Where, in the opinion of the Municipality, it is not reasonably possible or cost-effective to measure water supplied to each consumer within a determined zone, the Municipality may determine a basic tariff or charge to be paid by each consumer within that zone irrespective of actual consumption.
- (9) A tariff or charge determined in terms of subsection (8) shall be based on the estimated average consumption of water supplied to that zone.
- (10) Where water supply services are provided through a communal water services work, the amount due and payable by consumers gaining access to water supply services through that communal water services work shall be based on the estimated average consumption of water supplied to that water services work.

Defective measurement

39. (1) If a consumer has reason to believe that a measuring device, used for measuring water, which was supplied to him or her by the Municipality, is defective, he or she may, against payment of the prescribed charge, make application in writing for the measuring device to be tested.
- (2) The provisions of section 10(8) to (12) shall apply to such an application.

Special measurement

40. (1) If the Municipality wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may by written notice advise the owner concerned of its intention to install a measuring device at such point in the water installation as it may specify.
- (2) The installation of a measuring device referred to in subsection (1), its removal, and the restoration of the water installation after such removal, shall be carried out at the expense of the Municipality.

- (3) The provisions of section 37(5) and (6) shall apply insofar as they may be applicable in respect of a measuring device installed in terms of subsection

No reduction of amount payable for water wasted

41. A consumer shall not be entitled to a reduction of the amount payable for water wasted or water losses in a water installation: Provided that such waste or loss is not caused by the fault of the Municipality.

Adjustment of quantity of water supplied through defective measuring device

42. (1) If a measuring device is found to be defective in terms of section 10(10), the Municipality may estimate the quantity of water supplied to the consumer concerned during the period in which, in its opinion, such measuring device was defective, on the basis of the average daily quantity of water supplied to him or her over -
- (a) a period between 2 successive measurements subsequent to the replacement of the measuring device; or
 - (b) a period in the previous year corresponding to the period in which the measuring device was defective; or
 - (c) the period between 3 successive measurements prior to the measuring device becoming defective, whichever it considers the most appropriate.
- (2) If the quantity of water supplied to a consumer during the period when his or her measuring device was defective cannot be estimated in terms of subsection (1), the Municipality may estimate the quantity on any reasonable basis.

PART 6

INSTALLATION WORK

Approval of installation work

43. (1) If an owner wishes to have installation work done, he or she must first obtain the Municipality's written approval: Provided that approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SABS Code 0400 or for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.
- (2) Application for the approval referred to in subsection (1), shall be made on the prescribed form and shall be accompanied by -
- (a) the prescribed charge, if applicable;
 - (b) copies of the drawings as prescribed by the Municipality, giving information in the form required by clause 4.1.1 of SABS Code 0252, Part I; and
 - (c) a certificate certifying that the installation has been designed in accordance with SABS Code 0252, Part I or has been designed on a rational basis.

- (3) The provisions of subsections (1) and (2) shall not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.
- (4) Authority given in terms of subsection (1) shall lapse at the expiry of a period of 24 months after the first day of the month succeeding the month in which the authority was given.
- (5) A complete set of approved drawings of installation work shall be available at the site of the work at all times until such work has been completed, where approval was required in terms of subsection (1).
- (6) If installation work has been done in contravention of Subsection (1) or (2), the Municipality may by written notice require the owner of the premises concerned to -
 - (a) comply with subsection (1) or (2) within a specified period;
 - (b) if work is in progress, to cease the work; or
 - (c) to remove all such work which does not comply with this By-Law.

Provision and maintenance of water installations

44. (1) An owner must provide and maintain his or her water installation at his or her own cost and, where permitted in terms of subsection (2), must ensure that the installation is situated within the boundary of his or her premises.
- (2) Before doing work in connection with the maintenance of a portion of his or her water installation which is situated outside the boundary of his or her premises, an owner shall obtain the written consent of the Municipality or the owner of the land on which such portion is situated, as the case may be.

Use of pipes and water fittings to be authorised

45. (1) No person shall, without the prior written authority of the Municipality, install or use a pipe or water fitting in a water installation within the Municipality's area of jurisdiction, unless it is included in a schedule of approved pipes and fittings as compiled by the Municipality, if any.
- (2) Application for the inclusion of a pipe or water fitting in the schedule referred to in subsection (1), shall be made on the form prescribed by the Municipality and be accompanied by the prescribed charge.
- (3) A pipe or water fitting may be included in the schedule referred to in subsection (1) if -
- (a) it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau; or
 - (b) it bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with an SABS mark specification or a provisional specification issued by the SABS:

Provided that no certification marks shall be issued for a period exceeding 2 years.

- (4) The Municipality may, in respect of any pipe or water fitting included in the schedule referred to in subsection (1), impose such additional conditions, as it may deem necessary, in respect of the use or method of installation thereof.
- (5) A pipe or water fitting shall be removed from the schedule referred to in subsection (1), if it-
 - (a) no longer complies with the criteria upon which its inclusion was based; or
 - (b) is no longer suitable for the purpose for which its use was accepted.
- (6) The current schedule, if any, shall be available for inspection at the office of the Municipality at any time during working hours.
- (7) The Municipality may sell copies of the current schedule, if any, at the prescribed charge.

Labelling of terminal water fittings and appliances

46. All terminal water fittings and appliances using or discharging water shall be marked, or have included within the packaging of the item -

- (a) the range of pressure in kPa over which the water fitting or appliance is designed to operate; and
- (b) the flow rates, in Litres per minute, related to the design pressure range:

Provided that this information shall be given for at least the following water pressures:

- (i) 20 kPa;
- (ii) 100 kPa; and
- (iii) 400 kPa.

PART 7

WATER POLLUTION, RESTRICTION AND WASTEFUL USE OF WATER

Owner to prevent pollution of water

47. An owner shall provide and maintain approved measures to prevent the entry of a substance, which may be a danger to health or adversely affect the potability of water or affect its fitness for use, into -

- (a) the water supply system; and
- (b) any part of the water installation on his or her premises.

Water restrictions

48. (1) The Municipality may, by public notice, to prevent the wasteful use of water in terms of section 49 or in the event of a water shortage, drought or flood -
- (a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction in general or for -
 - (i) specified purposes;
 - (ii) during specified hours of the day or on specified days; and
 - (iii) in a specified manner; and
 - (b) determine and impose-
 - (i) limits on the quantity of water that may be consumed over a specified period;
 - (ii) charges additional to those prescribed in respect of the supply of water in excess of such limit; and
 - (iii) a general surcharge on the prescribed charges in respect of the supply of water; and
 - (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.
- (2) The Municipality may limit the application of the provisions of a notice contemplated by subsection (1) to specified areas or categories of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on reasonable grounds.
- (3) The Municipality may -
- (a) take, or by written notice require a consumer at his or her own expense to take such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of subsection (1); or
 - (b) discontinue or, for such period as it may deem fit, limit the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of subsection (1), subject to notice in terms of section 23; and
 - (c) where the supply has been discontinued, it shall only be restored when the prescribed charge for discontinuation and reconnecting the supply has been paid.
- (4) The provisions of this section shall also apply in respect of water supplied directly by the Municipality to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of subsection (1).

Waste of water unlawful

49. (1) No consumer shall permit -

- (a) the purposeless or wasteful discharge of water from terminal water fittings;
 - (b) pipes or water fittings to leak;
 - (c) the use of maladjusted or defective water fittings;
 - (d) an overflow of water to persist; or
 - (e) an inefficient use of water to persist.
- (2) An owner shall repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in subsection (1).
- (3) If an owner fails to take measures as contemplated in subsection (2), the Municipality may, by written notice in terms of section 23, require the owner to comply with the provisions of subsection (1).
- (4) A consumer shall ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
- (5) The Municipality may, by written notice, prohibit the use by a consumer of any equipment in a water installation if, in its opinion, its use of water is inefficient and such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Municipality.

PARTS

WATER AUDIT

Water audit

50. (1) Water users using more than 3 650 KI per annum, excluding those comprising multiple dwelling units, must within 1 month after the end of each financial year of the Municipality, undertake an annual water audit at their own cost.
- (2) A copy of the audit must be available for inspection by officials from the Department of Water Affairs and Forestry, the water board, if applicable, and the Municipality.
- (3) The audit must contain details in respect of -
- (a) the quantity of water used during the financial year;
 - (b) the amount paid for water for the financial year;
 - (c) the number of people living on the stand or premises;
 - (d) the number of people permanently working on the stand or premises;
 - (e) seasonal variation in demand through monthly consumption figures;
 - (f) water pollution monitoring methods;

- (g) current initiatives to manage demand for water;
- (h) plans to manage their demand for water;
- (i) estimates of consumption by various components of use; and
- (j) a comparison of the above factors with those reported in each of the previous 3 years, where available.

PART 9 GENERAL

Notification of boreholes

51. (1) The Municipality may, by public notice, require-
- (a) the owner of any premises within the area of jurisdiction of the Municipality upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on the prescribed form of the existence of a borehole on such premises, and provide it with such information in respect thereof as it may require; and
 - (b) the owner or occupier of any premises who intends to sink a borehole on such premises to notify it on the prescribed form of such intention before work in connection therewith is commenced.
- (2) The Municipality may require the owner or occupier of any premises who intends to sink a borehole to undertake an environmental impact assessment for such intended borehole, to the satisfaction of the Municipality, before sinking the borehole.
- (3) Boreholes are subject to any requirements of the National Water Act, 1998 (Act No. 36 of 1998).
- (4) The Municipality may by notice to an owner or occupier or by public notice require owners and occupiers who has existing boreholes used for water services to -
- (a) obtain approval from it for the use of a borehole for water services in accordance with sections 6, 7 and 22 of the Act;
 - (b) impose conditions in respect of the use of a borehole for water services; and
 - (c) impose a fixed charge in respect of the use of such a borehole.

Sampling of water

52. (1) The Municipality may take samples of water obtained from a source, authorised in terms of section 6 or 7 of the Act, other than the water supply system for domestic purposes and cause the samples to be tested for compliance with any national standards prescribed in terms of section 9 of the Act.

- (2) The prescribed charge for the taking and testing of the samples referred to in subsection (1), shall be paid by the person to whom approval to use the water for potable water was granted in terms of section 6(1) of the Act.

Supply of non-potable water by Municipality

53. (1) The Municipality may on application in terms of section 3 agree to supply non-potable water to a consumer, subject to such terms and conditions as the Municipality may impose.
- (2) Any supply of water agreed to in terms of subsection (1) shall not be used for domestic or any other purposes. which, in the opinion of the Municipality, may give rise to a health risk.
- (3) No warranty, expressed or implied, shall apply to the purity of any non-potable water supplied by the Municipality or its suitability for the purpose for which the supply was granted.
- (4) The supply of non-potable water shall. both as to condition and use, be entirely at the risk of the consumer, who shall be liable for any consequential damage or loss arising to himself, herself or others arising directly or indirectly therefrom, including the consequences of any *bona fide* fault of the Municipality or the malfunction of a treatment plant.

Testing of pressure in water supply systems

54. The Municipality may, on application by an owner and on payment of the prescribed charge, determine and furnish the owner with the value of the pressure in the water supply system relating to his or her premises over such period as the owner may request.

Pipes In streets or public places

55. No person shall for the purpose of conveying water derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land owned by, vested in, or under the control of the Municipality, except with the prior written permission of the Municipality and subject to such conditions as it may impose.

**CHAPTER III
SANITATION SERVICES**

**PART 1
STANDARDS AND GENERAL PROVISIONS**

Standards for sanitation services

56. Sanitation services provided by the Municipality shall comply with the minimum standards set for the provision of sanitation services in terms of section 9 of the Act.

Objectionable discharge to sewage disposal system

57. (1) No person shall discharge, or permit the discharge or entry into the sewage disposal system of any sewage or other substance -
- (a) which does not comply with the standards and criteria prescribed in section 74 below;

- (b) which contains any substance in such concentration as will produce or be likely to produce in the effluent produces for discharge at any sewage treatment plant or in any public water, any offensive, or otherwise undesirable taste, colour, odour, temperature or any form;
 - (c) which may prejudice the re-use of treated sewage or adversely affect any of the processes whereby sewage is purified for re-use, or treated to produce sludge for disposal;
 - (d) which contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment plant or which causes or is likely to cause a breakdown or inhibition of the processes in use at such plant;
 - (e) which contains any substance or thing of whatsoever nature which is of such strength, or which is amenable to treatment only to a degree as will result in effluent from the sewage treatment plant not complying with standards prescribed under the National Water Act, 1998 (Act No. 36 of 1998);
 - (f) which may cause danger to the health or safety of any person or may be injurious to the structure or materials of the sewage disposal system or may prejudice the use of any ground used by the Municipality for the sewage disposal system, other than in compliance with the permissions issued in terms of this By-Law; and
 - (g) which may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- (2) No person shall cause or permit any storm water to enter the sewage disposal system.
- (3) The Municipality may, by written notice, order the owner or occupier to conduct, at his or her cost, periodic expert inspections of the premises in order to identify precautionary measures which would ensure compliance with this By-Law and to report such findings to an authorised agent.
- (4) If any person contravenes any provision of subsection (1) or (2), he or she shall within 12 hours, or earlier if possible, advise the Municipality of the details of the contravention and the reasons for it.
- (5) Failure to notify the municipality as contemplated in subsection 57(4) above is an offence, and if found guilty is liable to a fine or imprisonment for a period not exceeding one year or to both a fine and imprisonment.

PART 2

ON-SITE SANITATION SERVICES AND ASSOCIATED SERVICES

Application for infrastructure

58. (1) If an agreement for on-site sanitation and associated services in accordance with section 2 exists, and no infrastructure in connection therewith exists on the

premises, the owner must immediately make application on the approved form and

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(a) pay the prescribed charge for the installation of necessary infrastructure;
or

(b) with the approval of the Municipality and at the request of the owner, install the connecting sewer or on-site sanitation services in accordance with the specifications of the Municipality.

(2) The Municipality may specify the type of on-site sanitation services to be installed.

Services associated with on-site sanitation services

59. (1) The removal or collection of conservancy tank contents, night soil or the emptying of pits shall be undertaken by the Municipality in accordance with a removal and collection schedule determined by the Municipality.

(2) Copies of the collection and removal schedule shall be made available on request.

Charges in respect of services associated with on-site sanitation services

60. (1) Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits shall cover all the operating and maintenance costs in the removal of the pit contents, transportation to a disposal site, the treatment of the contents to achieve a sanitary condition and the final disposal of any solid residues.

(2) Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits shall be based on the volume removed by vacuum tank or otherwise.

(3) If the volume of conservancy tank contents, night soil or the emptying of pits removed or collected cannot be quantified, the Municipality may charge a fixed charge as prescribed.

(4) Charges may be in the form of a monthly contribution or it may be levied as a single payment when the service is rendered.

PART 3 SEWAGE DISPOSAL

Provision of a connecting sewer

61. (1) If an agreement for the use of the sewage disposal system in accordance with section 2 exists and no connecting sewer exists in respect of the premises, the owner must immediately make application on the approved form and-

(a) pay the prescribed charge for the installation of such a connecting sewer;
or

(b) with the approval of the Municipality and at the request of the owner, install the connecting sewer in accordance with any specifications of the Municipality.

- (2) If an application is made for use of the sewage disposal system to a premise which is so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the Municipality may agree to the extension subject to such conditions as it may impose.

Location of connecting sewer

62. (1) A connecting sewer provided and installed by the Municipality, or owner in terms of section 61, shall-
- (a) be located in a position agreed to between the owner and the Municipality and be of a size determined by an authorised officer of the Municipality;
 - (b) terminate at a connection point approximately 1 meter inside the premises from the boundary of the land owned by or vested in the Municipality or over which it has a servitude or other right or when subsection (3) applies, at the connecting point designated in terms of that subsection.
- (2) In reaching agreement with an owner concerning the location of a connecting sewer, the Municipality shall ensure that the owner is aware of-
- (a) practical restrictions that may exist regarding the location of a connecting sewer pipe;
 - (b) the cost implications of the various possible locations of the connecting sewer;
 - (c) whether or not the Municipality requires the owner to fix the location of the connecting sewer by providing a portion of his or her water installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the Municipality to connect to such installation.
- (3) The Municipality may at the request of any person agree, subject to such conditions as it may impose, to a connection to a sewer other than that which is most readily available for the drainage of the premises:
- Provided that the applicant shall be responsible for any extension of the drainage installation to the connecting point designated by an authorised officer and for obtaining at his or her cost, such servitudes over other premises as may be necessary.
- (4) An owner must pay the prescribed connection charge.
- (5) Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations, the rate and time of discharge into the sewer shall be subject to the approval of the Municipality.

Provision of one connecting sewer for several consumers on same premises

63. (1) Notwithstanding the provisions of section 61, only one connecting sewer to the sewage disposal system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of consumers located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the disposal of sewage from such premises for the purpose of disposal from the different accommodation units, the Municipality may, in its discretion, provide and install either-
- (a) a single connecting sewer in respect of the premises as a whole or any number of such accommodation units; or
- (b) a separate connecting sewer for each accommodation unit or any number thereof.
- (3) Where the Municipality has installed a single connecting sewer as contemplated in subsection (2)(a), the owner or the person having the charge or management of the premises, as the case may be, -
- (a) shall, if the Municipality so requires, install and maintain on each branch pipe extending from the connecting sewer to the different accommodation units -
- (i) a separate connecting sewer; and
- (ii) an isolating valve; and
- (b) shall be liable to the Municipality for the tariffs and charges for all sewage disposed from the premises through such a single connecting sewer, irrespective of the different quantities disposed by the different consumers served by such connecting sewer.
- (4) Notwithstanding subsection (1), the Municipality may authorise that more than one connecting sewer be provided on the sewage disposal system for the disposal of sewage from any premises comprising sectional title units or if, in the opinion of the Municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connecting sewer.
- (5) Where the provision of more than one connecting sewer is authorised by the Municipality under subsection (4), the tariffs and charges for the provision of a connecting sewer is payable in respect of each sewage connection so provided.

Interconnection between premises

64. An owner of premises shall ensure that no interconnection exists between the drainage installation on his or her premises and the drainage installation on other premises, unless he or she has obtained the prior written consent of the Municipality and complies with any conditions that it may have imposed.

Disconnection of draining Installation from connecting sewer

65. The Municipality may disconnect a drainage installation from the connecting sewer and remove the connecting sewer if -

- (a) the agreement for provision has been terminated in terms of section 12 and it has not received an application for subsequent provision to the premises served by the sewer within a period of 90 days of such termination; or
- (b) the building on the premises concerned has been demolished.

PART 4

SEWAGE DELIVERED BY ROAD HAULAGE

Acceptance of sewage delivered by road haulage

66. The Municipality may, at its discretion, and subject to such conditions as it may specify, accept sewage for disposal delivered to the Municipality's sewage treatment plants by road haulage.

Written permission for delivery of sewage by road haulage

67. (1) No person shall discharge sewage into the Municipality's sewage treatment plants by road haulage, except with the written permission of the Municipality and subject to such period and any conditions that may be imposed in terms of the written permission.
- (2) The charges for any sewage delivered for disposal to the Municipality's sewage treatment plants shall be assessed by the Municipality in accordance with the prescribed tariffs or charges.

Conditions for delivery of sewage by road haulage

68. When sewage is delivered by road haulage -

- (a) the time of delivery shall be arranged with the Municipality; and
- (b) the nature and composition of the sewage shall be established to the satisfaction of the Municipality prior to the discharge thereof and no person shall deliver sewage that does not comply with the standards laid down in terms of this By-Law.

Withdrawal of permission for delivery of sewage by road haulage

69. The Municipality may withdraw any permission, after giving at least 14 days' written notice of its intention to a person permitted to discharge sewage by road haulage if the person -
- (a) fails to ensure that the sewage so delivered conforms to the standards prescribed in sections 73 and 74, as applicable, or in the written permission; or
 - (b) fails or refuses to comply with any notice lawfully served on him or her in terms of this By-Law or contravenes any provisions of this By-Law or any condition imposed on him or her in terms of any permission granted to him or her; and
 - (c) fails to pay the assessed charges in respect of any sewage delivered.

PARTS

DISPOSAL OF INDUSTRIAL EFFLUENT

Permission to discharge Industrial effluent

70. (1) No person shall directly or indirectly discharge or allow to be discharged into any sewer or storm water drain any industrial effluent without the written permission of the Municipality in the form of a permit.
- (2) Every person Shall, before discharging any industrial effluent into a sewer, apply in writing to the Municipality for a permit on the appropriate form to be completed in duplicate, and shall furnish such additional information and submit such samples as the Municipality may require.
- (3) The Municipality may at its discretion, having regard to the capacity of the sewage system or any mechanical appliance used for sewage or the sewage treatment works, whether owned by the Municipality or not, and subject to such conditions as it may deem fit to impose, grant written permission in the form of a permit for the discharge of industrial effluent into the sewer.
- (4) The industrial effluent shall at all times comply with the requirements of the permit which has been issued in respect of the premises.
- (5) Owing to any change arising from an amendment in the method of sewage treatment or the introduction of new or revised or stricter or other standards by the Municipality or in terms of the Water Act, 1998 (Act No. 36 of 1998), as amended, or as a result of any amendment to this By-Law or owing to any other adequate reason, the Municipality may at any time review, amend, modify or revoke any permission given or any conditions imposed or impose new conditions for the discharge of any or all of such effluent into the sewer on giving 4 weeks' written notice in advance of its intention to do so.
- (6) Notwithstanding the provisions of subsection (1), but subject to the provisions of subsections (2), (3), (4) and (5), any discharge of industrial effluent existing immediately prior to the date of promulgation of this By-Law may, if an application to continue such discharge has been submitted in accordance with subsection (2), continue as then in existence until such time as the Municipality has notified the applicant in writing of the result of his or her application.
- (7) Failure to comply with the provisions of this article is an offence, and if found guilty, liable to a fine or imprisonment for a period not exceeding one year or both a fine and imprisonment.

Control of industrial effluent

71. (1) The owner or occupier of any premises from which industrial effluent is discharged into a sewer, shall provide adequate facilities such as overflow level detection devices, standby equipment, overflow catch-pits or other appropriate means effectively to prevent the discharge into any sewer of any substance prohibited or restricted in terms of this By-Law.
- (2) The Municipality may, by notice served on the owner or occupier of any premises from which industrial effluent is discharged, require of him or her, without prejudice to any other provision of this By-Law, to -

- (a) subject the effluent before it is discharged to the sewer, to such pre-treatment as will ensure that it conforms in all respects to the provisions of section 73(1), or to modify the effluent cycle of the industrial process to an extent and in such a manner as in the opinion of the Municipality is necessary to enable any sewage treatment works receiving the said effluent, whether under the control of the Municipality or not, to produce treated effluent complying with any standards which may be laid down in respect of such works in terms of the Water Act, 1998 (Act No. 36 of 1998), as amended;
- (b) restrict the discharge of effluent to certain specified hours and the rate of discharge to a specified maximum and to install at his or her own expense such tanks, appliances and other equipment as in the opinion of the Municipality may be necessary or adequate for compliance with the said restrictions;
- (c) install a separate drainage installation for the conveyance of industrial effluent and to discharge the same into the sewer through a separate connection as directed by the Municipality, and to refrain from discharging the effluent through any drainage installation intended or used for the conveyance of domestic soil water or waste water or from discharging any domestic soil water or waste water through the said separate installation for industrial effluent;
- (d) construct at his or her own expense in any drainage installation conveying industrial effluent to the sewer, one or more inspection sampling or metering chambers of such dimension and materials and in such positions as the Municipality may prescribe;
- (e) pay in respect of the industrial effluent discharged from the premises such charge as may be assessed in terms of section 75 of this By-Law: Provided that where owing to the particular circumstances of any specific case, the chemical oxygen demand, the permanganate value (oxygen absorbed), the total suspended solids, the ammonia, the total orthophosphate and the conductivity cannot be determined by the method of assessment prescribed in section 75, the Municipality may adapt such alternative method of assessment as does reflect the said value and shall assess the charge accordingly;
- (f) provide all such information as may be required by the Municipality to assess the charges payable in terms of section 75; and
- (g) for the purpose of paragraph (f), provide and maintain at his or her own expense a meter measuring the total quantity of water drawn from any borehole, spring or natural source of water and used on the property.

Metering and assessment of industrial effluent

72. The Municipality may, at the cost of the owner or occupier, install and maintain in such position as it shall determine in any drainage installation conveying industrial effluent to a sewer, any meter or gauge or other device for the purpose of ascertaining the volume or composition of the said effluent and it shall be an offence for any person to bypass, open,

break into or otherwise interfere with, or to damage any such meter, gauge or other device: Provided that the Municipality may, at its discretion, enter into an agreement with any person discharging industrial effluent into the sewer, establishing an alternative method or assessing the volume or composition of effluent to be discharged.

Prohibited discharges

73. (1) No person shall discharge or cause or permit the discharge or entry into any sewer of any sewage or substance -
- (a) which does not comply with the specifications in section 74:
- Provided that the Municipality may relax or grant exemption of some or all of such specifications for such a period as it may specify:
- Provided further that the Municipality may, in spite of compliance with such specifications, restrict the total mass of any substance or impurity which is discharged into a sewer during any fixed period from any premises;
- (b) which complies with such specifications, but contains a substance of whatever nature which, in the opinion of the Municipality -
- (i) is not amenable to treatment at the sewage treatment works, or which causes or may cause a breakdown or inhibition of the normal sewage treatment processes; or
- (ii) is of such nature as is or may be amenable to treatment only to such degree as to prevent the final treated effluent from the sewage treatment works from complying in all respects with the requirements imposed in terms of the Water Act, 1998 (Act No. 36 of 1998); or
- (iii) whether alone or in combination with other matter may
- (aa) generate or constitute a toxic substance dangerous to the health of persons employed at the sewage treatment works or entering the Municipality's sewers or manholes in the course of their duties; or
- (bb) be harmful to sewers, treatment plant or land used for the disposal of treated sewage effluent; or
- (cc) adversely affect any of the processes whereby sewage is treated or any re-use of purified sewage effluent;
- (c) which in the opinion of the Municipality may be offensive or may cause a nuisance to the public;
- (d) which is in the form of steam or vapour;
- (e) which has a temperature exceeding 44°C at the point where it enters the sewer;

- (f) which contains a substance of whatever nature which, in the opinion of the Municipality, may produce or give off explosive, flammable, poisonous or offensive vapours in the sewer;
 - (g) which contains a substance having an open flashpoint of less than 93°C or which gives off a poisonous vapour at a temperature below 93°C;
 - (h) which contains a material of whatever nature, including oil, grease, fat or detergents capable of causing an Obstruction to the flow in sewers or drains or interference with the proper operation of a sewage treatment works;
 - (i) which shows any visible signs of tar or associated products or distillates, bitumen's of asphalt;
 - (j) which contains a substance of such concentration that it may in the opinion of the Municipality cause the final treated effluent from any sewage treatment works to have an undesirable taste after chlorination or an undesirable odour or colour or which is likely to produce excessive foam.
- (2) (a) If any person in contravention of any provision of this By-Law discharges industrial effluent into a sewer, or causes or permits it to be so discharged or is about to do so, the Municipality may forthwith, after notifying the owner or occupier of the premises concerned of its intention to do so, and in case of emergency, without notification, close and seal off the drain conveying such effluent to the sewer for such period as it may deem expedient so as to prevent such effluent from entering the sewer.
- (b) The Municipality shall not be liable for any damage occasioned by any action taken in terms of paragraph (a).
- (c) No person shall, without the written permission of the Municipality, open or break the seal of a drain closed and sealed off in terms of paragraph (a) or cause or permit this to be done,

Limits of permanganate value (PV), pH and electrical conductivity and maximum concentration of certain substances

74. Subject to the provisions of section 73(1)(a), the following are-

- (a) the limits of the PV, pH and electrical conductivity; and
- (b) the substances and the maximum permissible concentrations thereof, expressed in milligrams per litre (mg/l):
 - (i) General

PV - not exceeding	1000 mg/l
pH within the range	6.0 -10.0
Electrical conductivity - not greater than	500 ms/m by 20°C
Caustic alkalinity (expressed as CaCO ₃)	1000 mg/l
Vegetable oils, fats, grease or wax	400 mg/l
Oil, grease or wax of mineral origin	50 mg/l

Sulphides, hydrosulphides and polysulphides (expressed as S)	5 mg/l
Substances from which hydrogen cyanide can be liberated in the drainage installation sewer or sewage treatment plant (expressed as HCN)	20 mg/l
Formaldehyde (expressed as HCHO)	50 mg/l
Non-organic matter in suspension	100 mg/l
Chemical oxygen demand (COD)	5000 mg/l
All sugars or starch (expressed as glucose)	1000 mg/l
Available chlorine (expressed as C/2)	100 mg/l
Sulphate (expressed as SO ₄)	1500 mg/l
Fluorine containing compounds (expressed as F)	5 mg/l
Suspended solids (SS)	1000 mg/l
Phosphate and phosphate-containing compounds (expressed as P)	100 mg/l

(ii)

Metals**Group 1**

Iron (expressed as Fe)
Chromium (expressed as Cr³⁺)
Copper (expressed as Cu)
Nickel (expressed as Ni)
Zinc (expressed as Zn)
Silver (expressed as Ag)
Cobalt (expressed as Co)
Tungsten (expressed as W)
Titanium (expressed as Ti)
Cadmium (expressed as Cd)

The total collective concentration of all metal in Group 1 (expressed as indicated above), in any sample of the effluent shall not exceed 20 mg/l, or shall the concentration of any individual metal in any sample exceed 5 mg/l.

Group 2

Lead (expressed as Pb)
Selenium (expressed as Se)
Mercury (expressed as Hg)

The total collective concentration of all metal in Group 2 (expressed as indicated above), in any sample of the effluent shall not exceed 20 mg/l, or shall the concentration of any individual metal in any sample exceed 5 mg/l.

(iii)

Other elements

Arsenic (expressed as As)
Boron (expressed as B)

The total collective concentration of all elements (expressed as indicated above), in any sample of the effluent shall not exceed 5 mg/l.

- (iv) Radioactive wastes
Radioactive wastes or isotopes: Such concentration as may be laid down by the Atomic Energy Board or any State Department.

Industrial effluent charges

75. (1) The owner or occupier of any premises from where industrial effluent is discharged shall, irrespective of the Municipality's permission for the discharge as mentioned in section 70(3) additional to any other charges which are provided for in this By-Law or any other law, pay an amount to the Municipality which is subject to the following stipulations of this By-Law.
- (2) The Municipality shall render an account to the owner or occupier, as the case may be, for the charges due, showing the date on which they are to be paid.
- (3) Should the owner or occupier, as the case may be, fail to pay the abovementioned charges on the due date as stated, interest at the standard rate shall be payable.
- (4) The charges payable in terms of subsection (1) shall, subject to the following provisions of this section, be calculated by means of the formula:

$$C=BxVxT$$

Where:

C is the industrial effluent charges payable by the owner or occupier, as the case may be;

B equals the cost of treatment of one kilolitre sewage;

V represents the total number of kilolitre of industrial effluent discharged from the premises where the strength is determined for the specific period of industrial effluent discharge;

T represents the strength of the effluent where:

$$T = \frac{(1 + \frac{(\text{COD}(i-t) \text{ PV}(i-t) + \text{SS}(i-t) + \text{NH}_3(i-t) + \text{PO}_3(i-t) + \text{COND}(i-t))}{(\text{COD}(t) \text{ PV}(t) + \text{SS}(t) + \text{NH}_3(t) + \text{PO}_{33}(t) + \text{COND}(t))})}{6}$$

Where:

COD, PV, SS, NH₃, PO₄ and COND represents respectively, the chemical oxygen demand, the permanganate value (oxygen absorbed), the suspended solids, the ammonia and phosphates, expressed in milligram per litre, and COND the electrical conductivity in ms/m at 20°C of the samples taken by any duly authorised representative of the Municipality, and as required by the Municipality:

I the tariff sample of the owner or occupier from the premises; and

T the mean value of untreated sewage at the sewage treatment works for the same period of which industrial effluent charges are payable.

When the (i-t) value of a specific parameter is smaller than zero, that parameter falls away in the calculation of the strength of the effluent (T).

When the calculated value of T equals one, the owner or occupier, as the case may be, shall not pay industrial effluent charges according to the strength of the effluent. The strength of the effluent (T) is then equal to one and the owner or occupier, as the case may be, pays industrial effluent charges according to the volume of the effluent discharged, only if the volume is higher than 10 KI per month.

- (7) The parameters of the industrial effluent samples as determined by the Municipality according to subsection (4) shall be final and binding.
- (8) The costs of treating one kilolitre of sewage shall be based on the Municipality's annual estimates of expenditure for the ensuing year as approved by the Municipality.
- (9) All costs involved in the sampling and testing of samples required by the Municipality, shall be borne by the Municipality, while the cost of any other sampling or testing of samples shall be borne by the owner or occupiers, as the case may be.
- (10) The Municipality determines the total amount of industrial effluent which is discharged from the premises during every period, and for the purpose of such determination the Municipality shall -
 - (a) in the case where industrial effluent and other sewage are measured together, consider the total discharge as industrial effluent;
 - (b) in the case where the amount of sewage or industrial effluent which is discharged from the premises, is not measured directly -
 - (i) base such determination on the amount of water which is consumed on the premises during the applicable period, after an amount of water, which the Municipality considers reasonable, has been taken into account for irrigation purposes or evaporation or which is present in articles produced on the premises; and
 - (ii) if industrial effluent is discharged from more than one point on the premises, allocate such amount of water as accurately as possible to the different points of discharge;
 - (d) in any case where it is proved that a metering appliance is defective, take such defect properly into account.
- (11) (a) The Municipality shall levy on the industrial effluent accounts rendered in terms of subsection (2), the surcharge as calculated in terms of paragraph (b), in respect of each parameter where the limits therein specified are exceeded in each of the tariff samples referred to therein with effect from the cycle during which this By-Law is promulgated.

- (b) Any person who discharges industrial effluent into any sewer shall in addition to any penalty which may be imposed, pay to the Municipality a surcharge of -

$$P = P_1 + P_2 + P_3 + \dots P_n$$

Where:

P = the industrial effluent surcharge payable when the maximum standard is exceeded of a parameter;

P₁, P₂, P₃, P_n = the parameters of which the maximum standard is exceeded and calculated as follows:

$$P_n = B \times V \times \frac{\text{Maximum allowed- Analytical value}}{\text{Maximum allowed}} ; \text{ or}$$

$$P_n = B \times V \times \frac{\text{Analytical value- Maximum allowed}}{\text{Minimum allowed}}$$

Where:

B equals the cost of treatment of one kilolitre sewage;

V represents the total number of kilolitre of industrial effluent discharged from the premises where the strength is determined for the specific period of industrial effluent discharge.

- (12) The Municipality may determine that the formulae mentioned in this By-Law are not applicable in any case where the method of determining the strength of industrial effluent as specified in such formula does not reflect the true strength of the said effluent in the opinion of the Municipality.

76. Application for a permit to discharge trade or Industrial effluent into the sewage system

..... MUNICIPALITY

Application for a permit to discharge trade or industrial effluent into the sewage system

(To be completed in block letters)

(1) GENERAL INFORMATION

LOCATION OF BUSINESS

Street name: _____

Street number. _____

Erf number: _____

Telephone number: _____

POSTAL ADDRESS

ADDRESS FOR ACCOUNTS

OWNERSHIP OF THE PREMISES

Name of owner: _____

Address of owner: _____

NATURE OF PROCESSES OR TRADE PERFORMED ON THE PREMISES

NAME OF SIGNATORY: _____

POSITION HELD IN BUSINESS: _____

REGISTERED NAME OF THE BUSINESS TO WHOM THE PERMIT WILL APPLY:

(2) QUANTITY OF EFFLUENT AND DISCHARGE CONDITIONS

Connection position	MAXIMUM DISCHARGE RATE PER		
	Month in kilolitre	Day in kilolitre	Hour in kilolitre

NORMAL PLANT OPERATING PERIODS

DAYS IN WEEK	TIME IN DAY
--------------	-------------

EFFLUENT DISCHARGE FACTOR

Water entering premises	%	Water consumed on premises (not entering the sewage system)	%
From municipal sources		In boiler use	
From other sources		In evaporation	
		Leaving in product	
		In other use	
Total entering premises	100	Total consumed on premises	
Effluent discharge factor - K			

(3) PRETREATMENT OF EFFLUENT BEFORE DISCHARGE

(Insert sizes, capacities, etc., pre-treatment is present. Cross where a particular unit does not exist)

TYPE OF TREATMENT		DISCHARGE POINTS			
		1	2	3	4
Screens (hand raked)	Area (m ²)				
Screens (mechanical)	Area (m ²)				
Comminutors					
Grit tanks					
Grease traps					
Sedimentation tanks	Area (m ²)				
Sedimentation tanks	Vol (m ³)				
Biological processes					
Type:					

(4) PHYSICAL AND CHEMICAL CHARACTERISTICS OF EFFLUENT

(Insert maximum values or cross where absent)

	pH	Temperature °C	Conductivity ms/mat20°C	PV 4 hours KMnO ₄ mg/l
Maximum				
Minimum				

Settleable solids (ml/l)

Concentrations in mg/l of the following:

Suspended solids: _____
 Caustic alkalinity as CaCO_3 : _____
 Acidity as CaCO_3 : _____
 Sulphides, etc. as S: _____
 Sulphates as SO_4 : _____
 Chlorides as Cl_2 : _____
 Fluorine compounds as F: _____
 Available chlorine as Cl_2 : _____
 Sugars, starch as glucose: _____
 Tar products and distillates: _____
 Substances not in solution: _____
 Fat, vegetable oil, etc.: _____
 Hydrogen cyanide as HCN: _____
 Mineral oils and grease: _____
 Dyes: _____
 Formaldehyde as HCHO: _____

Concentration in mg/l of the following:

GROUP 1 METALS

Iron as Fe: _____
 Chromium as CrO_3 : _____
 Copper as Cu: _____
 Nickel as Ni: _____
 Zinc as Zn: _____
 Cadmium as Cd: _____
 Silver as Ag: _____
 Cobalt as Co: _____
 Tungsten as W: _____
 Titanium as Ti: _____

TOTAL CONCENTRATION

Group 1 metals: _____
 Group 2 metals: _____
 Other elements: _____

GROUP 2 METALS

Lead as Pb: _____
 Selenium as Se: _____
 Mercury as Hg: _____

OTHER ELEMENTS

Arsenic as As: _____
 Boron as B: _____

Are radioactive wastes or isotopes present in the effluent?

YES		NO	
-----	--	----	--

(5) FOR OFFICIAL USE

PERMIT NUMBER	ISSUED BY	DATE
WATER ALLOCATION FACTOR	TREASURY NOTIFIED	DATE

..... MUNICIPALITY

SPECIAL CONDITIONS

Conditions of acceptance of a discharge of a trade or industrial effluent into the sewage plant:

- (i) A valid permit for the discharge is held and the conditions stated in the permit are observed.
- (ii) Any special conditions requiring the pre-treatment of the effluent before discharge are observed and the work is carried out to the satisfaction of the Municipality.
- (iii) The conditions of this By-Law are observed.
- (iv) The applicant shall notify the Municipality immediately in writing of any change in nature, quantity or rate of discharge of effluent which occurs or is proposed and which would exceed any of the limits in the permit.
- (v) The applicant shall within 30 days of signature of this application, procure an accurately representative sample of not less than 5 litres of the effluent to be discharged. One half of this sample shall be submitted to the Municipality's laboratory services for analyses and a report submitted to the laboratory services of an analyses of the other half by an analyst appointed by the applicant at his or her expense.
- (vi) I, (full name) _____, the undersigned, duly authorised to act on behalf of _____, to be known as the applicant, declare that the information given on this form is to the best of my knowledge accurate and accept that the said information may be used for the basis of the issue of a permit to discharge a trade or industrial effluent into the sewage system.

DATE_____
SIGNATURE

AUTHORITY OR CAPACITY OF SIGNATORY:

77. Permit to discharge trade or industrial effluent into the sewage system_____
MUNICIPALITY

(DIRECTORATE TECHNICAL SERVICES)

**PERMIT TO DISCHARGE TRADE OR INDUSTRIAL EFFLUENT INTO THE SEWAGE
SYSTEM**

(1)

REGISTERED NAME OF THE BUSINESS TO WHICH THE PERMIT APPLIES
--

Street name	Street number	Erf number	Telephone number
Authorised processes for the premises		Effluent discharge factor	

(2)

EFFLUENT DISCHARGE CONDITIONS			
Connection position	Maximum discharge in Kl		
	Per month	Per day	Per hour
	Monday to Friday	Saturday	Sunday
Authorised discharge periods			

(3)

PRETREATMENT REQUIRED BEFORE ACCEPTANCE

(4)

PHYSICAL AND CHEMICAL CONDITIONS REQUIRED BEFORE EFFLUENT ACCEPTANCE	
Substances acceptable in limited concentrations only	Substances to be totally excluded from an effluent

(5)

SPECIAL CONDITIONS

This permit is issued in terms of this By-Law and is subject to the conditions stated herein.

DATE

MUNICIPAL MANAGER

Account number	Address for accounts	Previous permit number

PART 6
MEASUREMENT OF QUANTITY OF EFFLUENT DISCHARGED TO SEWAGE
DISPOSAL SYSTEM

Measurement of quantity of standard domestic effluent discharged

78. (1) The quantity of standard domestic effluent discharged shall be determined by a percentage of water supplied by the Municipality: Provided that where the Municipality is of the opinion that such a percentage in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the Municipality may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied thereto.
- (2) Where a premise is supplied with water from a source other than or in addition to the Municipality's water supply system, including abstraction from a river or borehole, the quantity shall be a percentage of the total water used on that premises as may be reasonably estimated by the Municipality.
- (3) If, in the opinion of the Municipality, it is not practicable to determine the quantity of standard domestic effluent in accordance with subsection (1) or (2), it may be estimated by taking into account the number of water-driven toilets on the premises concerned.

Measurement of quantity of industrial effluent discharged

79. (1) The quantity of industrial effluent discharged into the sewage disposal system shall be determined -
- (a) where a measuring device is installed by the quantity of industrial effluent discharged from a premise as measured through that measuring device; or

- (b) until such time as a measuring device is installed by a percentage of the water supplied by the Municipality to that premises.
- (2) Where a premise is supplied with water from a source other than or in addition to the Municipality's water supply system, including abstraction from a river or borehole, the quantity shall be a percentage of the total water used on that premises as may be reasonably estimated by the Municipality.
- (3) Where a portion of the water supplied to the premises forms part of the end product of any manufacturing process or is lost by reaction or evaporation during the manufacturing process or for any other reason, the Municipality may, on application, reduce the assessed quantity of industrial effluent.

Reduction in the quantity determined in terms of sections 78(1) or (2) and 79(1)(a)

- 80. (1) A person shall be entitled to a reduction in the quantity determined in terms of sections 78 and 79(1)(a) in the event that the quantity of water on which the percentage is calculated was measured during a period where water was wasted or a leakage was undetected if the consumer demonstrates to the satisfaction of the Municipality that the said water was not discharged into the sewage disposal system.
- (2) The reduction in the quantity shall be based on the quantity of water loss through leakage or wastage during the leak period,
- (3) The leak period shall be either the measuring period immediately prior to the date of repair of the leak or the measurement period during which the leak is repaired, whichever results in the greater reduction in the quantity.
- (4) (a) The quantity of water loss shall be calculated as the consumption for the leak period less an average consumption, based on the preceding 3 months, for the same length of time.
- (b) In the event of no previous consumption history being available, the average water consumption shall be determined by the Municipality, after due consideration of all relevant information.
- (5) There shall be no reduction in the quantity if the loss of water directly or indirectly resulted from the consumer's failure to comply with or is in contravention of this By-Law.

PART 7

DRAINAGE INSTALLATIONS

Construction or installation of drainage installations

- 81. (1) Any drainage installation constructed or installed must comply with any applicable specifications in terms of the Building Regulations and any standards prescribed in terms of the Act.
- (2) (a) Where the draining installation is a pit latrine it must be of the ventilated improved pit latrine type or equivalent having -

- (i) a pit of 2m³ capacity;
 - (ii) lining as required;
 - (iii) a slab designed to support the superimposed loading; and
 - (iv) protection preventing children from falling into the pit;
- (b) the ventilated improved pit latrine must conform with the following specifications:
 - (i) the pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place;
 - (ii) the ventilation pipe must project not less than 0.5 m above the nearest roof, must be of at least 150 mm in diameter, and must be installed vertically with no bend;
 - (iii) the interior of the closet must be finished smooth so that it can be kept in a clean and hygienic condition, and the superstructure must be well-ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
 - (iv) the opening through the slab must be of adequate size as to prevent fouling and the rim must be raised so that liquids used for washing the floor does not flow into the pit. It shall be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use;
 - (v) must be sited in a position that is independent of the residential structure;
 - (vi) must be sited in positions that are accessible to road vehicles having a width of 3.0 m in order to facilitate the emptying of the pit;
 - (vii) in situations where there is the danger of polluting an aquifer due to the permeability of the soil, the pit must be lined with an impermeable material that is durable and will not crack under stress;
 - (viii) in situations where the ground in which the pit is to be excavated is unstable, suitable support is to be given to prevent the collapse of the soil;
- (c) any ventilated pit latrine should not usually be used by more than one household; and
- (d) access to water for washing hands.

Drains in streets or public places

82. No person shall for the purpose of conveying sewage derived from whatever source, lay or construct a drain on, in or under a street, public place or other land owned by, vested in, or under the control of the Municipality, except with the prior written permission of the Municipality and subject to such conditions as it may impose.

Construction by Municipality

83. The Municipality may agree with the owner of any premises that any drainage work which such owner desires, or is required to construct in terms of this By-Law or the Building Regulations, shall be constructed by the Municipality against payment, in advance or on demand, of all costs associated with such construction.

Maintenance of drainage installation

84. (1) The owner or occupier of any premises must maintain any drainage installation and any sewer connection on such premises.
- (2) Any person who requests the Municipality to clear a drainage installation shall be liable to pay the prescribed tariff.
- (3) The Municipality may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of such premises or any section thereof and recover from the owner or occupier the cost of such inspection and test, calculated at the rate determined by the Municipality.

Installation of pre-treatment facility

85. The Municipality may require that any new premises must be provided with a minimum pre-treatment facility of a type specified by it prior to that premises being connected to the sewage disposal system.

Protection from ingress of floodwaters

86. Where a premise is situated in the 1 in 50 years flood plain, the top level of service access holes, inspection chambers and gullies is to be above the 1 in 50 years flood level, except in the case of service access holes and inspection chambers, where the cover is secured in place by approved means.

Short title

87. This By-Law shall be called the Water Services By-Law, 2012.

DAWID KRUIPER MUNICIPALITY

WATER SERVICES AMENDMENT BY-LAW, 2017

GENERAL EXPLANATORY NOTE

- [] Words in bold type and square brackets indicate omissions from existing enactments.
____ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Water Services By-Law, 2012; to provide for the substitution of the name "//Khara Hais", wherever it appears; to provide for the insertion of a preamble; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kruiper Municipality, as follows: -

Insertion of a preamble of the Dawid Kruiper Municipality Water Services By-Law, 2012:

1. The Dawid Kruiper Municipality: Water Services By-Law, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

"**WHEREAS** Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control water services in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:"

Amendment section 1 of the Dawid Kruiper Municipality: Water Services By-Law, 2012.

2. Section 1 of the principal By-Law is hereby amended:
 - (a) by the deletion of the definition of "Municipality";
 - (b) by the substitution for the definition of "Municipal Manager" of the following definition:

""Municipal Manager" means the person appointed [in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act no. 117 of 1998)] as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal Systems Act, 2000";
 - (c) by the insertion before the definition of "occupier" of the following definition:

""Municipality" means the Dawid Kruiper Municipality or its authorised agent, as the case may be, being the water services authority as defined in the Act";

Amendment of section 87 of the Dawid Kruiper Municipality: Water Services By-Law, 2012:

3. The following section is hereby substituted for section 87 of the principal By-Law:

"87. This By-Law is called Dawid Kruiper Municipality: Water Services Amendment By-Law, [2012] 2017 "

NOTICE 116 OF 2017**MUNICIPAL TAXI RANKS BY-LAW, 2012**

By-law No.13, 2012

BY-LAW**As Amended by the Municipal Taxi Ranks Amendment By-Law 2017**

To provide for the establishment, maintenance and management of municipal taxi ranks in the Dawid Kruiper Municipality; and for matters connected therewith.

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to provide for the establishment, maintenance and management of municipal taxi ranks in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:

Definitions

1. In this By-law, unless the context otherwise indicates -

"bus" means a bus as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

"Manager: Traffic Services" means the municipal traffic officer appointed by the Municipality as head of the component of the Municipality responsible for the administration of road traffic matters;

"financial year" means a year starting on the first day of July of any year and ending on the last day of June of the next year;

"motor vehicle" means a motor vehicle as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

"Municipal Manager" means the person appointed as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government Municipal Systems Act, 2000;

"Municipality" means the Dawid Kruiper Municipality;

"**municipal taxi rank**" means an area demarcated in terms of section 2(2) to be used by taxis displaying valid parking permit discs to park and load and off-load passengers and shall include the waiting area of such taxi rank;

"**municipal traffic officer**" means a traffic officer appointed by the Municipality in terms of the provisions of the National Road Traffic Act, 1996 (Act No. 93 of 1996), or an Act repealed by that Act, as the case may be;

"parking permit disc" means a disc issued in terms of section 4 to be displayed by a taxi making use of a municipal taxi rank;

"**taxi**" means any motor vehicle, except a bus, used for the conveyance of passengers and luggage, for hire or reward; and

"**this By-law**" Shall include the rules to be observed at municipal taxi ranks as contemplated in section 2.

Municipality may establish, maintain and manage municipal taxi ranks

2. (1) The Municipality may, within its area of jurisdiction, establish, maintain and manage municipal taxi ranks.
- (2) A municipal taxi rank must be demarcated by notice in the *Provincial Gazette*.
- (3) At the entrance of each municipal taxi rank, as well as at the entrance of its waiting area, a signboard must be displayed setting out the rules to be observed at that rank or area, respectively, by-
 - (a) taxi drivers;
 - (b) taxi owners; or
 - (c) members of the public, who enter into, park at or make use of taxi services at that rank or area.
- (4) Rules contemplated in subsection (3) must be adopted by the Municipality and promulgated in the *Provincial Gazette*.

Taxis to display parking permit discs when being driven into or parked at municipal taxi ranks

3. (1) No taxi shall be driven into or parked at a municipal taxi rank without displaying a valid parking permit disc attached in the manner set out in subsection (2).
- (2) The parking permit disc referred to in subsection (1), shall be displayed on the left side of the front windscreen of the taxi, in such a manner that the face thereof may be clearly visible to, and the inscriptions thereon easily legible by a person standing in front of or to the left front of the taxi.
- (3) A parking permit disc shall -
 - (a) be of the design and contain the particulars set out in the Schedule; and

- (b) be of a colour or made up of a combination of colours determined by the Municipality for the financial year concerned.

Application for, issue and duration of a parking permit disc

4. (1) The owner of a taxi, desirous to make use of the municipal taxi ranks, must apply to the Municipality in writing for the issue of a parking permit disc for each taxi to make use of any such rank.
- (2) An application for the issue of a parking permit disc must -
 - (a) be in the form determined by the Municipality;
 - (b) be directed to the Municipal Manager;
 - (c) be accompanied by the fees determined by the Municipality;
 - (d) in respect of the next ensuing financial year, be made no later than the last day of November of each year.
- (3) On receipt of the application, the Municipal Manager must consider the application and, no later than the last day of February of the year concerned -
 - (a) issue the parking permit disc to the applicant; or
 - (b) in writing, notify the applicant that the application was not successful, stating the reasons for his or her decision.
- (4) If an application was turned down by the Municipal Manager-
 - (a) because of a shortcoming in the application that can be rectified by the applicant, the applicant may rectify the shortcoming and, without the payment of any further fee, submit the application again;
 - (b) for any other reason, a new application for the same period may not be brought for the same taxi, but the applicant may appeal against the decision of the Municipal Manager, in which case the provisions of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), shall *mutatis mutandis* apply.
- (5) In the case where application for the issue of a parking permit disc is made during a financial year for the remainder of that financial year, the Municipal Manager shall process and finalise the application within a reasonable time.
- (6) The owner of a taxi, making use of a municipal taxi rank, must-
 - (a) at all times keep written record of the identity of the driver of such taxi at any specific time, if he or she is not the driver of the taxi concerned;
 - (b) keep such records for at least one year after the end of the financial year in which it was made; and

- (c) on request by a municipal traffic officer, make the records available for inspection by the Municipality.

- (7) A parking permit disc shall lapse at the end of each financial year.

Presumption that owner drove or parked taxi

- 5. Notwithstanding the provisions of section 4(6), the provisions of section 73 of the National Road Traffic Act, 1996 (Act No. 93 of 1996), shall, *mutatis mutandis* apply to a taxi making use of a municipal taxi rank.

Seizure and impoundment of taxis at municipal taxi ranks

- 6. (1) Over and above any prosecution in terms of this By-law, a municipal traffic officer may seize and impound a taxi at a municipal taxi rank for a period of 7 days -
 - (a) if the taxi is driven into or parked at that taxi rank without displaying a valid parking permit disc in the manner set out in section 3(2);
 - (b) if the taxi is parked and left unattended in contravention of any rule to be observed at that taxi rank by the owner or driver of a taxi making use of the taxi rank; or
 - (c) if an owner or driver of a taxi contravenes any rule to be observed at that taxi rank and after a direction by a municipal traffic officer to terminate such contravention, persists in his or her actions.
- (2) A taxi impounded by the Municipality in terms of subsection (1), must be returned to its owner on payment of the impoundment fees determined by the Municipality in respect of municipal taxi ranks, if the taxi is to be released before the 7-day period has expired.
- (3) No person may hinder, impede or obstruct a municipal traffic officer in the execution of his or her duties in accordance with subsection (1).

Delegation

- 7. The Municipal Manager may, in writing, delegate the powers and functions vested in him or her by section 4, to the Manager: Traffic Services.

Penalty clause

- 8. (1) Any person who contravenes or fails to comply with -
 - (a) a legitimate direction given by a municipal traffic officer at a municipal taxi rank; or
 - (b) a provision of this By-law, shall be guilty of an offence.
- (2) Any person convicted of an offence in terms of subsection (1), shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

Short title

- 9. This By-law shall be called the Municipal Taxi Ranks By-law, 2012.

SCHEDULE

(Section 3(3)(a))

1. A parking permit disc shall be circular in form, with a diameter of 75 millimeters.
2. The words "PARKING PERMIT MUNICIPALITY/PARKEERPERMITMUNISIPALITEIT" shall be printed on the disc and provision shall be made on the disc for inscriptions indicating -
 - (a) the name of the owner of the taxi;
 - (b) the registration number of the taxi;
 - (c) the financial year in respect whereof the permit was issued; and
 - (d) the number of the permit.

DAWID KUIPER MUNICIPALITY

MUNICIPAL TAXI RANKS AMENDMENT BY-LAW, 2017

GENERAL EXPLANATORY NOTE

[] Words in bold type and square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Municipal Taxi Ranks By-Law, 2012; to provide for the substitution of the name "//Khara Hais", wherever it appears; to provide for the insertion of a preamble; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kruiper Municipality, as follows: -

Insertion of a preamble of the Dawid Kruiper Municipality Municipal Taxi Ranks By-law, 2012:

1. The Dawid Kruiper Municipality: Municipal Taxi Ranks By-Law, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

"WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to provide for the establishment, maintenance and management of municipal taxi ranks in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:"

Amendment of section 1 of the Dawid Kruiper Municipality: Municipal Taxi Ranks By-Law, 2012.

2. Section 1 of the principal By-Law is hereby amended:
 - (a) by the deletion of the definition of "Municipality";
 - (b) by the substitution for the definition of "Municipal Manager" of the following definition:

"Municipal Manager" means the person appointed [in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)] as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government Municipal Systems Act, 2000";

- (c) By the insertion before the definition of "Municipal tax ranks" of the following definition:

"Municipality" means the Dawid Kruiper Municipality".

Amendment of section 9 of the Dawid Kruiper Municipality: Municipal Tax Ranks By-Law, 2012:

3. The following section is hereby substituted for section 9 of the principal By-Law:
"9. This By-Law is called Dawid Kruiper Municipality: Municipal Tax Ranks Amendment By-Law, [2012] 2017 "

NOTICE 117 OF 2017

STANDING ORDERS, 2012

By-law No. 12,2012

BY-LAW**As Amended by the Standing Orders Amendment By-Law 2017**

To provide for standing orders for the dispatch of business by the Council of the Dawid Kruiper Municipality; and for matters connected therewith.

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to provide for standing orders for the dispatch of business by its Council in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:

Definitions

1. In this By-law, unless the context otherwise indicates -

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

"budget" means the estimate of the revenue and expenditure of the Council drawn up and presented by the Mayoral Committee in terms of national legislation;

"chairperson of the Mayoral Committee" means the Mayor;

"Council" means the Municipal Council of the Municipality;

"Executive Mayor" means an executive mayor elected in terms of section 55 of the Act;

"Mayoral Committee" means the committee as contemplated by section 60 of the Act;

"meeting" means a meeting of the Council or the Mayoral Committee, as the case may be;

"member" means a member of the Council or the Mayoral Committee, as the case may be;

"motion" means a motion introduced in writing in terms of section 21 or 50;

"Municipal Manager" means the person appointed as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal Systems Act, 2000";

"Municipality" means the Dawid Kruiper Municipality;

"proposal" means any proposal with the exception of a motion, moved and seconded during a meeting of the Council or a committee thereof; and

"Speaker" means the Speaker of the Council as contemplated in sections 36 and 37 of the Act; and

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

Removal of persons from Council Chamber

2. The Speaker may, subject to section 160(7) of the Constitution, at any time during a meeting, if for the maintenance of order, he or she deems it necessary, direct the removal of any person other than a member from the Council chamber.

Signing of attendance register and wearing of robe during meetings

3. Every member attending a meeting shall -
 - (a) sign his or her name in the attendance registers; and
 - (b) wear a robe, if the Council so resolves, which robe is provided for that purpose.

Adjournment In event of no quorum

4. If at the expiration of fifteen minutes after the hour at which a meeting is appointed to be held a quorum has not assembled, no meeting shall take place unless the members present agree to allow further time not exceeding an additional ten minutes in order to enable a quorum to assemble. The members present may, at any time after the expiry of the ten minutes aforesaid, request the Speaker to convene a meeting at a convenient date and time, notice of which shall be given as provided for in section 115 of the Systems Act, and the provisions of section 7 shall apply *mutatis mutandis* to such meeting.

Count out of members

5. If during any meeting, the attention of the Speaker is directed to the number of members present, such members shall be counted and, if it is found that there is no quorum, the Speaker shall cause this fact to be recorded in the minutes and the call bell to be rung for at least one minute and, if after an interval of five minutes a quorum has not yet assembled, the members present may by a majority of votes resolve to adjourn the meeting. If no such resolution be taken and after an interval of ten minutes there is no quorum, the meeting shall be considered adjourned until a time to be determined by the Speaker.

Notice of adjourned meeting

6. When a meeting is adjourned, notice of the adjourned meeting shall be served as provided for in section 115 of the Systems Act.

Adjourned meeting

7. Subject to the provisions of section 8, no business shall be transacted at an adjourned meeting, except such as specified in the notice of the meeting which is adjourned.

Business limited by notice

8. Subject to the provisions of section 50(1), no matter not specified in the notice of a meeting shall be transacted at that meeting, save an urgent report of the Mayoral Committee.

Order of business of meeting

9. (1) The order of business of an ordinary meeting shall be as follows:
- (a) Opening;
 - (b) Acceptance of notice of the meeting as read;
 - (c) Applications for leave of absence;
 - (d) Official notices -
 - (i) by the Speaker;
 - (ii) by members;
 - (iii) by the Municipal Manager;
 - (e) Speaker's unopposed proposals;
 - (f) Confirmation of minutes of previous meeting;
 - (g) Questions of which notice has been given;
 - (h) Motions or proposals referred from previous meetings;
 - (i) Report of the Mayoral Committee;
 - (j) New motions;
 - (k) Petitions;
 - (l) Closure.
- (2) After the matters referred to in paragraphs (a) to (f) of subsection (1) have been considered, the Council may at its discretion change the order of the other business appearing on the agenda.

Minutes of meeting

10. (1) Unless the minutes of a meeting are confirmed at the same meeting, the minutes shall be taken as read with a view to confirmation:

Provided a copy thereof has been served on each member in the manner as provided for in section 115 of the Systems Act, at least 24 hours before the commencement of the meeting.

- (2) No motion, proposal or discussion shall be allowed on the minutes, except as to their accuracy.

Questions by members

11. (1) A member may put a question at a meeting -
- (a) on a matter arising out of or connected with any item of a report of the Mayoral Committee when such item has been called or during discussion thereon;
 - (b) concerning the general work of the Council not arising out of or connected with any item of a report of the Mayoral Committee:
- Provided that such question may only be asked if at least seven day's prior notice in writing has been lodged with the Municipal Manager, who shall forthwith furnish a copy thereof to the Speaker and the Chairperson of the Executive Committee.
- (2) A question on a matter which, in the opinion of the Speaker, is of urgent public importance, shall only be asked at a meeting after notice in writing thereon in duplicate has been lodged with the Municipal Manager at least ten minutes before the commencement of the meeting, and the Municipal Manager shall immediately furnish a copy thereof to the Speaker and the chairperson of the Mayoral Committee.
- (3) Any question put in terms of this section shall be replied to by or on behalf of the chairperson of the Mayoral Committee and/or Speaker.
- (4) After a member's question has been replied to, he or she may ask for elucidation thereof and the question whether it has been decisively or fully replied to shall not be debated, except with the consent of the Speaker.
- (5) The Speaker may disallow a question if he or she is of the opinion that it is out of order or not put clearly.

Reporting to the Mayoral Committee

12. (1) A report of a head of department shall be directed to the Municipal Manager who must submit it to the Mayoral Committee.
- (2) The Municipal Manager may refer a report back to a head of department for factual amendment or amplification and he or she may, if he or she deems it necessary, comment on and make a recommendation in respect of any report contemplated in subsection (1).

Composition of a report of the Mayoral Committee

13. (1) A report submitted by the Mayoral Committee in terms of the Act, read with section 160(6)(a) to (c) of the Constitution, shall first contain the matters in respect of which recommendations are made (hereinafter referred to as the "*first part*") and thereafter those matters which have been delegated to -

- (a) the Mayoral Committee; and
 - (b) committees contemplated in section 79 of the Act.
- (2) Unless any item is submitted to the Council for information only, every item of the first part shall contain a recommendation which may be adopted by the Council.

Report shall be delivered

14. A report of the Mayoral Committee, with the exception of a report accepted by the Speaker as a matter of urgency, shall be delivered in the manner provided for in the Act.

Submission on report

15. (1) The chairperson of the Mayoral Committee or member called upon by him or her to do so, shall submit a report of the Executive Committee, and in doing so, shall move:
- "that the report be considered",*
- (2) A proposal referred to in subsection (1) shall not be discussed, and if the Council accepts such proposal, the Speaker shall put the recommendations contained in the first part of the report seriatim, unless for a good cause he or she sees fit to vary the order.
- (3) When a recommendation referred to in subsection (2) is accepted, it shall become a resolution of the Council.
- (4) At the conclusion of the first part of the report referred to in subsection (2), the Speaker shall permit discussion of the ensuing parts of the report:

Provided that -

- (a) such discussion shall be limited to -
 - (i) one hour in respect of the matters contemplated in section 13(1)(a); and
 - (ii) 30 minutes per part in respect of the matters contemplated in section 13(1)(b);
- (b) a member, excluding the chairperson of the Mayoral Committee, shall not, unless permitted by the Council, speak for more than ten minutes, and when a member is permitted to speak for more than ten minutes, the Council shall decide on the period of time;
- (c) during such discussion, no other proposal shall be submitted, except a proposal that the Mayoral Committee or a committee contemplated in subsection 13(1)(b), as the case may be, be requested to reconsider its decision;
- (d) a member may during such discussion request that his or her opposition to any resolution in such ensuing part, and the reason therefore, be recorded,

whereupon the Municipal Manager shall record or have such opposition recorded.

Recommendations of Mayoral Committee shall be regarded as proposals

16. It shall be deemed that the member who has made a proposal in terms of section 15, moves each recommendation contained in the report and that such proposal has been seconded.

Withdrawal or amendment of recommendation

17. The member who has made a proposal in terms of section 15, may withdraw or amend any recommendation contained in a report with the consent of the Council.

Reply to debate

18. (1) The chairperson of the Mayoral Committee or the member who has made a proposal in terms of section 15, shall reply to and close the debate on any item in a report of the Mayoral Committee, without introducing new matters.
- (2) Notwithstanding the provisions of subsection (1), the Speaker or the member therein mentioned may make an explanatory statement or an announcement prior to the consideration of any particular item contained in the report of the Mayoral Committee or during the discussion of such a report.

Deputation

19. (1) (a) A deputation desiring an interview with the Council shall submit a memorandum setting out the representations it wishes to make.
- (b) The Municipal Manager shall place the memorandum before the Mayoral Committee which may receive the deputation and deal with the matter raised in the memorandum in terms of the power delegated to it:
- Provided that the Mayoral Committee may dispense with the necessity of submitting a memorandum.
- (c) If the Mayoral Committee is of the opinion that the matter is one which should be placed before the Council, it shall so report to the Council and, if the Council so orders, an interview shall be granted to the deputation.
- (2) A deputation shall not exceed three in number and only one member thereof shall be at liberty to speak, except in reply to a question of a member. The matter shall not be further considered until the deputation has withdrawn.

Petition

20. A petition may be presented by a member, but when presenting it, he or she shall not deliver a speech or comment thereon to the Council. Such a petition shall be referred to the Mayoral Committee who shall report to Council thereon.

Form of giving notice of motion

21. (1) Every notice of motion shall be in writing and such motion shall be signed by the member submitting it.
- (2) A motion shall be given to the Municipal Manager, who shall enter it in a book to be kept for this purpose, which book shall be open to the inspection of members. The

Municipal Manager shall without delay furnish each member with a copy of the motion.

- (3) At the request of the member who gave notice of the motion, the Municipal Manager shall acknowledge receipt thereof in writing.
- (4) Unless a notice of motion is received at least ten days before a meeting, it shall not be specified in the notice of such meeting.
- (5) Every motion shall be relevant to some question relating to the administration or conditions in the Municipality.
- (6) The member who introduces a motion may reply: Provided that when a proposal in terms of section 43(1)(b), (c), (d), (e), (f) or (g) is carried in respect of such motion, such member may reply for not more than ten minutes.

Order of motions

- 22. Every motion shall on receipt be dated and numbered and shall be entered by the Municipal Manager to the agenda in the order in which it is received, except in the case of notice of an amendment, which shall be entered immediately after such notice of motion, irrespective of the time upon which notice of motion to amend is received.

Urgent Motions

- 23. (1) Any member of a meeting can submit an urgent motion in the meeting, which motion must be handed to the Speaker when the meeting commence. The Speaker must request a seconding for the motion. The motion shall only serve in the meeting where a majority of the members in attendance vote for the matter to serve.
- (2) The provisions of sections 21, 22, 25, 26, 27, 28 and 33 is *mutatis mutandis* applicable to a motion in term of this section.

Limitation of notices

- 24. No member shall have more than one motion other than a deferred motion on the agenda paper and no member shall move more than six motions, which includes a motion contemplated in section 50(1), in any year.

Motion to rescind any resolution passed within the preceding three months

- 25. (1) When a member proposes a motion in terms of the provisions of section 21 which -
 - (a) is aimed at the revocation or amendment of a resolution of the Council taken within the preceding three months; or
 - (b) has the same purport as a motion which has been negative within the preceding three months, such motion shall be placed on the agenda only if the notice of such a motion is signed by three members in addition to the member who proposes such motion.
- (2) A motion similar to the one which was disposed of in terms of subsection (1), shall not again be proposed by a member before the expiry of six months after such disposal.

- (3) Notwithstanding the provisions of subsections (1) and (2), the Council may at any time rescind or amend a resolution in pursuance of a recommendation of the Mayoral Committee contained in a report in accordance with section 15.

Procedure In respect of putting of motions

26. (1) When motions come up for discussion, the Speaker shall read out the number of each motion and the name of the mover and shall ascertain which motions are unopposed.
- (2) An unopposed motion shall be carried immediately and without discussion.
- (3) If there is an opposed motion, the Speaker shall call for a seconder and he or she shall thereafter in turn put each such seconded motion.
- (4) A member who seconded a motion may subsequently speak upon such motion unless a proposal in terms of subsection 43(1)(b), (c), (d), (e), (f) or (g) in respect of such motion has been made and carried before the seconder has spoken.
- (5) A motion which is not put by the proposer thereof, or which is not seconded, shall lapse.

Irregular motions or proposals

27. The Speaker shall disallow a motion or proposal -
- (a) which in his or her opinion-
- (i) might lead to the discussion of a matter already contained in the agenda or which is not relevant to some question relating to the administration or conditions in the Municipality; or
- (ii) advances argument, expresses an opinion or contains unnecessary factual, incriminating, derogatory or improper allegations;
- (b) in respect of which -
- (i) the Council has no jurisdiction; or
- (ii) a decision by a judicial or quasi-judicial body is pending; or
- (c) which, if carried, will be in conflict with the provisions contained in these Standing Orders or of any other law, or will be unenforceable.

Matter serves before Council by way of proposal

28. (1) Subject to the provisions of sections 15(2) and 16, a matter shall not be deemed to be put to the Council for a decision, unless a proposal on such matter has been made and duly seconded.
- (2) The provisions of section 25(4) shall apply *mutatis mutandis* to a member seconding a proposal.

Provisions relating to the consideration of the budget

29. Notwithstanding anything to the contrary contained herein, the following provisions shall apply when the Council considers the budget:
- (a) A proposal, which will have the effect that estimated revenue or expenditure of the Council is increased or decreased, shall not be put before the debate on the budget has been closed.
 - (b) After the debate on the budget has been closed the Speaker shall put every proposal contemplated in paragraph (a) seriatim.
 - (c) If any such proposal is accepted, the budget shall not be deemed to be amended in accordance with that resolution and the meeting shall be postponed to a date and time determined by the Speaker.
 - (d) After a postponement contemplated in paragraph (c), the Mayoral Committee shall investigate the implication of every such resolution and shall report to the Council thereon at the resumption of the meeting. The postponement intends to provide the Executive Mayor an opportunity to assess the full impact, particularly financial impact, of such a decision in order to report to the subsequent meeting where the proposed amendments are to be debated.
 - (e) After the Mayoral Committee has reported in terms of paragraph (e), the Speaker shall-
 - (i) allow a debate thereon;
 - (ii) thereafter again put every proposal contemplated in paragraph (c) and if any such proposal is accepted, the budget shall be amended in accordance with that resolution.

Referral to Mayoral Committee of proposal affecting budget

30. A motion or proposal, other than a proposal contemplated in section 16, which will have the effect that the approved budget is increased or decreased, shall not be accepted before the Mayoral Committee has reported thereon.

Referral to the Mayoral Committee of motion or proposal affecting any matter contemplated in section 30(5) of the Act

31. A motion or proposal, other than a recommendation of the Mayoral Committee, affecting a matter contemplated in section 30(5) of the Act shall, before the Council adopts a resolution thereon, be submitted to the Executive Committee to report and make a recommendation thereon.

Withdrawal or amendment of motion or proposal

32. (1) A mover may, with the Council's permission, withdraw or amend a motion or proposal, and only the mover shall be allowed to explain his or her request for such permission.
- (2) After permission has been requested in this way, no further discussion shall be held on the respective motion or proposal and the permission requested shall be granted or refused without further discussion.

Addressing the meeting

33. A member may sit when speaking and shall address the Speaker.

Precedence of Speaker

34. Whenever the Speaker speaks, any member then speaking or offering to speak shall sit down, if standing, and the members are to be silent so that the Speaker may be heard without interruption.

Length of speeches

35. (1) Subject to the provisions of sections 15 and 43, a member may not speak for longer than ten minutes:

Provided that -

- (a) a member who submits a motion may speak for a period not exceeding fifteen minutes when elucidating his or her motion; and
 - (b) the Council may permit a speech to be continued for a further period or periods of 5 minutes.
- (2) The Council may waive the provisions of subsection (1) in regard to a statement made with the consent of the Council by the chairperson or any other member of the Mayoral Committee in relation to any matter arising from a report.
- (3) A member participating in any debate may, during the course of his or her speech, refer to notes, but he or she shall not be permitted to read his or her speech. The Speaker may require a member reading his or her speech to discontinue his or her speech.
- (4) The provisions of this section shall not apply to-
- (a) the chairperson of the Mayoral Committee, when he or she presents the budget and opens the debate thereon;
 - (b) the chairperson of the Mayoral Committee, when he or she or a member of that committee designated by him or her, delivers the budget speech, or replies to the debate in connection with the consideration of the budget;
 - (c) the chairperson of the Mayoral Committee, when he or she closes the debate in connection with the consideration of the budget; and
 - (d) the person, who in terms of section 18(1), replies to and closes the debate contemplated in that section.

Relevance

36. (1) A member who speaks, shall direct his or her speech strictly to the matter under discussion or to an explanation or to a point of order.
- (2) The Speaker shall not allow a discussion -

- (a) which will anticipate any matter on the agenda; or
- (b) on any matter in respect of which a decision by a judicial or quasi-judicial body is pending.

Irrelevance, repetition and breach of order

37. (1) If, in the opinion of the Speaker, a member -
- (a) does not abide by the provisions of section 35(1) or is guilty of irrelevance or tedious repetition while he or she addresses the Council, the Speaker may direct him or her to abide by the said provisions or to discontinue such irrelevancies or tedious repetition;
 - (b) endeavours a discussion in breach of section 35(2), the Speaker shall direct him or her to cease that discussion;
 - (c) while he or she is in the Council chamber and irrespective of whether he or she addresses the Council -
 - (i) uses offensive or unbecoming language;
 - (ii) makes an incriminating, libellous or derogatory remark, allegation or insinuation in respect of another member or person;
 - (iii) breaches the order or disregards the authority of the Speaker; or
 - (iv) is improperly dressed, the Speaker shall direct such member to cease or remedy such conduct immediately.
- (2) If a member fails to comply with a direction contemplated in subsection (1), the Speaker may-
- (a) in a case contemplated in subsection (1)(a) or (b), direct the member concerned to discontinue his or her speech; or
 - (b) in a case contemplated in subsection (1)(c), direct the member concerned to withdraw from the meeting for the further duration thereof.

Chairperson may have member removed

38. (1) Should any member fail to comply with a direction given in terms of section 36(2)(a) or (b), the Speaker may call upon an officer to remove the member and to take steps to ensure that the member does not return to the meeting.
- (2) Section 36(1)(c), 36(2) and subsection (1) shall *mutatis mutandis* be applicable to a member of the public.

Exclusion of members

39. (1) The Council may exclude from meetings of the Council, for such period as it may fix, but not exceeding forty-five days, a member who wilfully disregards the authority of the Speaker or who wilfully obstructs the business at any meeting:

Provided that the member concerned may, within 7 days from the Council meeting at which the exclusion decision was taken, direct an appeal in writing to the

Executive Mayor, who must convene a special Council meeting to consider the appeal within 7 days from date of receiving such appeal.

- (2) The Council at the said special meeting may confirm, reject or amend the original Council resolution.
- (3) In the considering of the appeal, the Council must comply with the rules of natural justice.
- (4) A proposal to exclude a member may be moved at any stage of the meeting.

Member to speak only once

- 40. (1) Subject to any provisions to the contrary, or the prior approval of the Speaker, no member shall speak more than once on any motion or proposal and the Speaker's decision whether or not to allow the member to speak again, is final and shall not be open for discussion.
- (2) The provisions of subsection (1) shall not apply to a member of the Mayoral Committee when the Council considers the budget.

A point of order and personal explanation

- 41. (1) Any member may rise to a point of order or explanation, but such explanation shall be confined to the material content of his or her former speech.
- (2) Such a member shall be called upon to speak forthwith.

Speaker's ruling on a question of order

- 42. The ruling of the Speaker on a point of order or on the admissibility of an explanation shall be final and shall not be open for discussion.

Mode of voting

- 43. (1) Every opposed motion or proposal shall be submitted to the Council by the Speaker who shall call upon the members to indicate by a show of hands, unless the Council decides otherwise, whether they are for or against it or abstained from it, and he or she shall thereupon declare the result of the voting.
- (2) After the Speaker has declared the result of the voting in accordance with subsection (1), a member may demand-
 - (a) that his or her vote be recorded against a decision; or
 - (b) a division by rising and putting such demand to the Speaker.
- (3) When a division has been duly demanded in accordance with subsection (2)(b), the Speaker shall accede thereto; the division bell shall be rung for at least one minute, whereupon every entrance to the Council chamber shall be closed, and no member shall leave or enter the Council chamber until the result of the division has been declared.

- (4) After the expiry of the period of time referred to in subsection (3), the Speaker shall again put the motion or proposal to the vote as provided in subsection (5) and thereafter declare the result of the division.
- (5) A division shall take place as follows: The Municipal Manager shall read out the name of each member alphabetically. Each member shall indicate by means of a clearly audible "*for*" or "*against*" or "*abstained*", whether he or she votes in favour of or against or abstained on the motion or proposal and the Municipal Manager shall record each such vote, as well as the name of each absent member.
- (6) When a division takes place in accordance with the preceding provisions, every member present, including the Speaker, shall be obliged to record his or her vote for or against the motion or proposal or abstained.
- (7) member demanding a division shall not leave the Council chamber before such division has been taken.
- (8) Should there be an equality of votes in respect of a motion or proposal on which voting takes place in accordance with subsection (1) or (4), the Speaker shall record his or her casting vote as contemplated in section 30(4) of the Act.

Proposals which may be made

44. (1) When a motion or proposal is under debate at a meeting, no further proposal shall be received, except a proposal -
- (a) that the motion or proposal be amended;
 - (b) that consideration of the question be postponed;
 - (c) that the meeting be adjourned;
 - (d) that the debate be adjourned;
 - (e) that the question be put;
 - (f) that the Council proceeds to the next matter;
 - (g) that the question be referred back for further consideration;
 - (h) that, for the purpose of dealing with the matter, the Council resolves itself in committee in terms of section 54; or
 - (i) that the consideration of the matter be held over until the Council has dispatched all the other matters on the agenda:

Provided that the proposals referred to in paragraphs (b) to (g), may not be made to the Council until the mover of the motion or proposal under debate has spoken thereon:

Provided further that a second proposal in terms of paragraphs (b) to (f) shall not be made within half an-hour of a similar proposal under the same

item, unless, in the opinion of the Speaker, the circumstances are materially altered.

- (2) A member who has not participated in the debate or proposal may, during that debate at the conclusion of any speech, move -
 - (a) that consideration of the question be postponed to any stated date; or
 - (b) that the meeting be now adjourned: Provided that the meeting shall not be adjourned until the debate on a motion or proposal has first been adjourned; or
 - (c) that the debate be adjourned.
- (3) A member who has made a proposal mentioned in subsection (2) may speak thereon for not more than five minutes, but the seconder shall not be allowed to speak thereon.
- (4) Upon a proposal mentioned in subsection (2) being made, the mover of the question under debate may speak on such proposal for not more than 5 minutes and subsequently the proposal shall be put without further debate.

Consideration of a matter to be held over

45. A member who makes a proposal in terms of section 43(1)(i), may speak thereon for not more than 3 minutes, but the seconder shall not be allowed to speak thereon, and thereafter the proposal shall be put to the vote without further debate.

Amendment of a motion or proposal

46. (1) An amendment which is moved shall be relevant to the motion or proposal on which it is moved.
- (2) Such amendment shall be reduced to writing, signed by the mover and handed to the Speaker.
- (3) An amendment shall be clearly stated to the meeting by the Speaker before it is put.
- (4) (a) Whenever an amendment upon a motion or proposal has been moved and seconded, no further amendment shall be moved until a resolution has been adopted upon which a further amendment may be moved.
- (b) If the amendment is carried, the amended motion or proposal shall take the place of the original motion or proposal and shall become the substantive motion or proposal upon which an amendment may be moved.
- (5) A member shall not move more than one amendment of a proposal or motion.
- (6) The mover of an amendment of a proposal or motion shall have no right to reply.

Postponement of consideration of question

47. If a motion is carried that the consideration of the question be postponed to a stated date, the motion or proposal shall be placed first among the motions or proposals to be contained in the report of that committee to the Council on the day in question.

Adjournment of meeting

48. No member shall at any meeting move or second more than one proposal for the adjournment of the meeting.

Adjournment of the debate

49. (1) If the proposal that the debate be adjourned is carried, the Council shall deal with the next question appearing on the agenda and the question in respect of which the debate has been adjourned, shall be placed first on the list of motions or proposals of the next meeting and the discussion thereof shall be resumed at that meeting.
- (2) On resuming an adjourned debate, the member who moved its adjournment shall be entitled to speak first.
- (3) No member shall move or second more than one proposal for the adjournment of the same debate.

Putting of the question

50. (1) Subject to the provisions of subsection 43(1), a member who has not participated in the debate on a motion or proposal may, at the conclusion of a speech, move that the question be now put.
- (2) Subject to the provisions of subsection (3), a proposal made in terms of subsection (1) shall not be open to discussion.
- (3) The mover of a question under debate may, when a proposal has been made in terms of subsection (1), speak on such a proposal for not more than five minutes and subsequently the proposal shall be put without further discussion.

The Council shall proceed to next business

51. (1) Subject to the provisions of subsection 43(1), a member who has not participated in the debate on a motion or proposal may, at the conclusion of a speech, move that the Council do now proceed to the next matter.
- (2) Subject to the provisions of subsection (3), a proposal made in terms of subsection (1) shall not be open to discussion.
- (3) The mover of a question under discussion may, when a proposal has been made in terms of subsection (1), speak on such proposal for not more than 5 minutes, and subsequently the proposal shall be put without any further debate.
- (4) If a proposal made in terms of subsection (1) is carried, the question under discussion shall be dropped.

Question to be referred back for further consideration

52. (1) When a recommendation of the Mayoral Committee is before the Council, a member may move that the question be referred back to the Mayoral Committee for further consideration.
- (2) The mover of such a proposal shall have no right of reply.
- (3) Such a proposal shall not be put until the provisions of section 18 have been complied with.
- (4) If such a proposal is carried, the debate on the recommendation shall end and the Council shall proceed to the next matter.

Suspension of section 8

53. (1) Notwithstanding anything to the contrary contained in these Standing Orders, but subject to the provisions for this section, a member may move at an ordinary meeting or an adjournment thereof, that the provisions of section 8 be suspended to enable him or her to propose a motion whereof notice could not be given in terms of section 21 owing to the urgency thereof.
- (2) The proposal and motion referred to in subsection (1) shall be reduced to writing, shall be signed by the proposer and at least one seconder and shall be handed to the Speaker at least 10 minutes before the commencement of the meeting whereat it is proposed to move the proposal and motion, unless the Speaker allows a shorter period of time.
- (3) The Speaker shall disallow both if he or she could have disallowed such motion in terms of section 26.
- (4) Immediately before the report of the Mayoral Committee is submitted in terms of section 15, the Speaker shall make known that a proposal and motion in terms of subsection (1), if any, have been handed to him or her and whether he or she is disallowing or allowing them, and in the event of them being allowed whether they shall be proposed before or after the dispatch of the report of the Mayoral Committee.
- (5) If the Speaker allows the proposal and motion in terms of subsection (4), the member concerned shall, when called upon to do so by the Speaker, read out the motion and after he or she has spoken on only the reason for the urgency of the consideration of that motion for not more than 5 minutes, which includes the reading of the motion, he or she shall propose that the provisions of section 8 be suspended.
- (6) The seconder of the proposal and motion contemplated in subsection (1) shall not speak on them, except to formally second them.
- (7) The proposal to suspend shall be deemed to be carried if the members voting in favour thereof constitute a majority of all the members of the Council.
- (8) If the proposal to suspend is carried, the motion shall be deemed to be duly put and thereafter the debate thereon shall proceed in accordance with the provisions of these Standing Orders.

Interpretation of Standing Orders

54. (1) (a) Any member may request the ruling of the Speaker as to the interpretation of the Standing Orders to be embodied in the minutes, and a register of such rulings shall be kept by the Municipal Manager.
- (b) The Speaker shall sign the entry of each ruling given by him or her.
- (2) A member who has made a request in terms of subsection (1) may, during that meeting orally or within 5 days thereof, in writing require the Municipal Manager to submit the matter to the Mayoral Committee and in such event the Mayoral Committee shall consider the ruling and report thereon to the Council.

Discussion of matter in committee

55. (1) When a member moves that the Council resolve itself in committee to consider a matter on the agenda, including a proposal in terms of subsection 52(1), he or she may speak on such proposal for not more than 3 minutes, but the seconder shall not speak thereon.
- (2) After a proposal contemplated in subsection (1) has been carried, the Speaker shall, after consideration if it is reasonable and necessary to protect the rights of the person or subject under discussion, order the press, the public and every other person whose presence will in his or her opinion not be required during the discussion, to leave the Council chamber, and upon satisfying himself or herself that his or her order has been complied with, he or she shall put the matter concerned again.
- (3) A discussion of a matter in committee shall not suspend any other provisions of these Standing Orders.
- (4) If, after the Council has dispatched the matters dealt with in committee, there still remain other matters on the agenda, the Speaker shall allow the press, the public and others to re-enter the Council chamber.
- (5) Any decision by the Council to resolve itself in committee must be taken with due consideration of section 160(7) of the Constitution.

Quorum of the Council or the Council as committee

56. The quorum of the Council and the committee shall be a majority of all the members of the Council and/or the committee.

Resignation of seat on committee

57. Any member of a committee who wishes to resign his or her seat on the committee, shall submit his or her resignation to the Municipal Manager in writing and thereafter such resignation may not be withdrawn. The Municipal Manager should refer the resignation to the Mayoral Committee, where after it shall be referred to Council.

Filling of a vacancy on a committee

58. Every vacancy on a committee, other than the Mayoral Committee, shall be notified by the Mayoral Committee to the Council not later than the second meeting after the meeting of the committee at which such vacancy is notified and the Council may fill the vacancy.

Filling of a vacancy on a committee during absence of a member

59. When any member who is not a member of the Mayoral Committee is granted leave of absence from a meeting of a committee, the Council may appoint another member to act during his or her absence on any committee on which the absent member serves.

Dates and times of Mayoral Committee meetings

60. (1) The Speaker shall fix the dates, times and venues of meetings.
- (2) No meeting of the Mayoral Committee shall be held during a meeting of the Council without the Council's consent.

Notice of Mayoral Committee meetings

61. (1) The Speaker shall issue a notice calling a meeting of the Mayoral Committee and specify the business to be entertained by that committee.
- (2) The notice shall be delivered to each member of that committee or left at his or her business or residential address or e-mail at least 24 hours before the commencement of any ordinary meeting and should the notice accidentally not be so delivered or left, the validity of the meeting shall not be affected thereby.

Attendance registers for Mayoral Committee meetings

62. (1) The Municipal Manager shall keep an attendance register in which every member of the Mayoral Committee attending a meeting of that committee shall sign his or her name.
- (2) Any member who is not an Mayoral Committee member shall whenever he or she attends a meeting of that committee, enter his or her name in the attendance register and shall write after his or her name the words "*not a member*".

Participation in discussions at Mayoral Committee meeting

63. Any person requested or allowed by the Mayoral Committee to attend a meeting of such committee may, with the permission of the chairperson of the Mayoral Committee, speak thereat.

No quorum at Mayoral Committee meeting

64. If, after expiration of ten minutes after the time at which a meeting of the Executive Committee is due to commence there is no quorum, the meeting shall be held on a day and at an hour determined by the Speaker.

Manner of voting at meetings of Mayoral Committee

65. The chairperson of the Mayoral Committee shall allow the members of the Executive Committee to vote by show of hands and any member of that committee then present and voting may call for a division in which event the provision of section 42(5), (6) and (7) shall apply *mutatis mutandis*:

Provided that no provision hereof shall affect the right of any member to have his or her vote recorded against the resolution.

Approval of minutes of Mayoral Committee meeting

66. (1) At any ordinary meeting of the Mayoral Committee, after considering applications for leave of absence, the minutes of any previous meeting of the committee not yet confirmed shall be read, approved with or without amendments and signed by the chairperson of the Mayoral Committee.
- (2) The minutes mentioned in subsection (1) may be taken as read if they have been open to inspection of the members of the committee not less than an hour prior to the commencement of the meeting:

Provided that the minutes shall be read if a member so required, unless the committee decides to defer consideration thereof until its next meeting:

Provided further that if the minutes have been circulated in a manner as provided for in section 115 of the Systems Act, it shall not be competent for any member to require them to be read, unless a majority of the members present so resolves.

Minutes may be held over owing to pressure of work

67. The minutes of a meeting of the Mayoral Committee may owing to pressure of work or any other appropriate reason be held over for confirmation at any subsequent meeting.

Discussion of minutes of Mayoral Committee meeting

68. No proposal or discussion shall be allowed upon the minutes, except as to their accuracy.

Reports may be supplied to press

69. The Municipal Manager may, on application being made to him or her by any registered newspaper, supply the agenda of the Council to a representative of such newspaper at the commencement of a meeting:

Provided that the Mayoral Committee or the Executive Mayor may instruct him or her not to supply any particular agenda or item in an agenda or to withhold it until the conclusion of the relevant meeting.

Exclusion of members disclosing documents

70. (1) A member who publishes or discloses or causes to be published or disclosed any document or record of the Council or of the proceedings of any committee of the Council or of the Council in committee, relating to a matter referred to in section 10 of the Code of Conduct for Councillors as annexed as Schedule 1 to the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), shall be guilty of a contravention of this subsection.
- (2) The Council may exclude for such period, but not exceeding 45 days, as it may determine, any member who in its opinion is guilty of a contravention of subsection (1): Provided that the appeal procedures contemplated in section 38 shall *mutatis mutandis* apply to the provisions of this section.
- (3) If a member attends any meeting despite a decision in terms of subsection (2) to exclude such member, the Speaker may call upon an officer to remove such member and to take steps to ensure that such member does not return to the meeting.

Return of attendance of meetings

71. (1) The Municipal Manager shall prepare annually a return on the number of Council meetings attended by each member and of the number of meetings of the Mayoral Committee, attended by each member of such committee.
- (2) The Municipal Manager shall include the return in the agenda of the ordinary meeting to be held in January of each year.

Secretariate

72. (1) The Municipal Manager shall be responsible for the effective functioning of the activities of the Council and its committees.
- (2) The Municipal Manager may designate a number of officers in the fulltime employ of the Municipality to serve as a secretariate for the Council.
- (3) The Municipal Manager may assign a function such as the taking of minutes or the distribution of documents to any member of the secretariate, but shall remain responsible to the Council for the effective execution of any function entrusted to him or her by or under these Standing Orders.

Short title

73. This By-law shall be called the Standing Orders, 2012.

DAWID KUIPER MUNICIPALITY

STANDING ORDERS AMENDMENT BY-LAW, 2017

GENERAL EXPLANATORY NOTE

- [] Words in bold type and square brackets indicate omissions from existing enactments.
____ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Standing Orders By-Law, 2012; to provide for the substitution of the name "//Khara Hais", wherever it appears; to provide for the insertion of a preamble; to provide for matters connected therewith;

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kuiper Municipality, as follows: -

Insertion of a preamble of the Dawid Kuiper Municipality Standing Orders By-law, 2012:

1. The Dawid Kuiper Municipality: Standing Orders By-Law, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

"WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kuiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kuiper Municipality;

WHEREAS the Dawid Kuiper Municipality intends to provide for standing orders for the dispatch of business by its Council in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kuiper Municipality as follows:"

Amendment of section 1 of the Dawid Kruiper Municipality: Standing Orders By-Law, 2012.

2. Section 1 of the principal By-Law is hereby amended:
- (a) by the substitution for the definition of “budget” of the following definition:
““budget” means the estimate of the revenue and expenditure of the Council drawn up and presented by the [Executive Committee] Mayoral Committee in terms of national legislation;”
 - (b) by the substitution for the definition of “chairperson” of the following definition:
““chairperson of the [Executive Committee] Mayoral Committee” means the [Mayor] Executive Mayor;”
 - (c) by the deletion of the definition of “Executive Committee”
 - (d) by the insertion after the definition of “Council” of the following definition:
““Executive Mayor” means an executive mayor elected in terms of section 55 of the Act;”
 - (e) by the deletion of the definition of “Mayor”
 - (f) by the insertion after the definition of “Executive Mayor” of the following definition:
““Mayoral Committee” means the committee as contemplated by section 60 of the Act”
 - (g) by the substitution for the definition of “meeting” of the following definition:
““meeting” means a meeting of the Council or the [Executive Committee] Mayoral Committee, as the case may be;”
 - (h) by the substitution for the definition of “member” of the following definition:
“member” means a member of the Council or the [Executive Committee] Mayoral Committee, as the case may be;”
 - (i) by the deletion of the definition of “Municipality”
 - (j) by the substitution for the definition of “Municipal Manager” of the following definition:
““Municipal Manager” means the person appointed [in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)] as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal Systems Act, 2000.”
 - (k) by the insertion before the definition of “proposal” of the following definition:
““Municipality” means the Dawid Kruiper Municipality”.

Amendment of section 8 of the Dawid Kruiper Municipality: Standing Orders By-Law, 2012:

3. Section 8 of the principal By-Law is hereby amended:
- (a) by the substitution for the words “Executive Committee” of the following words:
“Subject to the provisions of section 50(1), no matter not specified in the notice of a meeting shall be transacted at that meeting, save an urgent report of the [Executive Committee] Mayoral Committee.”

Amendment of section 9 of the Dawid Kruiper Municipality: Standing Orders By-Law, 2012:

4. Section 9(1)(i) of the principal By-Law is hereby amended:
- (a) by the substitution for the words “Executive Committee” of the following words:
“Report of the [Executive Committee] Mayoral Committee.”

Amendment of section 11 of the Dawid Kruiper Municipality: Standing Orders By-Law, 2012:

5. Section 11(1)(a) of the principal By-Law is hereby amended:
- (a) by the substitution for the words “Executive Committee” of the following words:
“on a matter arising out of or connected with any item of a report of the [Executive

Committee] Mayoral Committee when such item has been called or during discussion thereon."

6. Section 11(1)(b) of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:

"concerning the general work of the Council not arising out of or connected with any item of a report of the [Executive Committee] Mayoral Committee: Provided that such question may only be asked if at least seven day's prior notice in writing has been lodged with the Municipal Manager, who shall forthwith furnish a copy thereof to the Speaker and the chairperson of the [Executive Committee] Mayoral Committee."
7. Section 11(2) of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:

"A question on a matter which, in the opinion of the Speaker, is of urgent public importance, shall only be asked at a meeting after notice in writing thereon in duplicate has been lodged with the Municipal Manager at least ten minutes before the commencement of the meeting, and the Municipal Manager shall immediately furnish a copy thereof to the Speaker and the chairperson of the [Executive Committee] Mayoral Committee."
8. Section 11(3) of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:

"Any question put in terms of this section shall be replied to by or on behalf of the chairperson of the [Executive Committee] Mayoral Committee and/or Speaker."

Amendment of section 12 of the Dawid Kruiper Municipality: Standing Orders By-Law, 2012:

9. Section 12(1) of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:

"Reporting to the [Executive Committee] Mayoral Committee

A report of a head of department shall be directed to the Municipal Manager who must submit it to the [Executive Committee] Mayoral Committee."

Amendment of section 13 of the Dawid Kruiper Municipality: Standing Orders By-Law, 2012:

10. Section 13(1) of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:

"Composition of a report of the [Executive Committee] Mayoral Committee

A report submitted by the [Executive Committee] Mayoral Committee in terms of the Act, read with section 160(6)(a) to (c) of the Constitution, shall first contain the matters in respect of which recommendations are made (hereinafter referred to as the "first part") and thereafter those matters which have been delegated to-

- (a) the [Executive Committee] Mayoral Committee; and
- (b) committees contemplated in section 79 of the Act"

Amendment of section 14 of the Dawid Kruiper Municipality: Standing Orders By-Law, 2012:

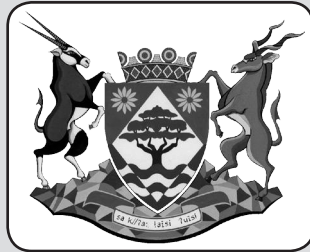
11. Section 14 of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:

"A report of the [Executive Committee] Mayoral Committee, with the exception of a report accepted by the Speaker as a matter of urgency, shall be delivered in the manner provided for in the Act."

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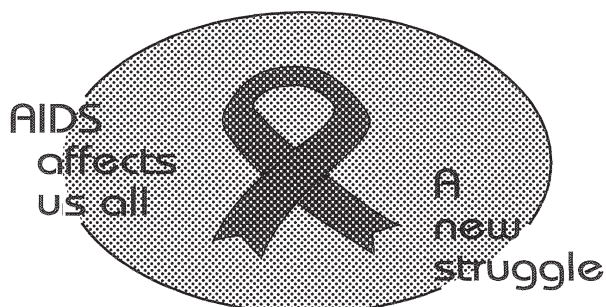
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Amendment of section 15 of the Dawid Kruiper Municipality: Standing Orders By-Law, 2012:

12. Section 15(1) of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:
"The chairperson of the [Executive Committee] Mayoral Committee or member called upon by him or her to do so, shall submit a report of the [Executive Committee] Mayoral Committee, and in doing so, shall move:
"that the report be considered"."
13. Section 15(4)(b) of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:
"a member, excluding the chairperson of the [Executive Committee] Mayoral Committee, shall not, unless permitted by the Council, speak for more than ten minutes, and when a member is permitted to speak for more than ten minutes, the Council shall decide on the period of time;"
14. Section 15(4)(c) of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:
"during such discussion, no other proposal shall be submitted, except a proposal that the [Executive Committee] Mayoral Committee or a committee contemplated in subsection 13(1)(b), as the case may be, be requested to reconsider its decision;"

Amendment of section 16 of the Dawid Kruiper Municipality: Standing Orders By-Law, 2012:

15. Section 15(1) of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:
"**Recommendations of [Executive Committee] the Mayoral Committee shall be regarded as proposals**"

Amendment of section 18 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

16. Section 18(1) of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:
"The chairperson of the [Executive Committee] Mayoral Committee or the member who has made a proposal in terms of section 15, shall reply to and close the debate on any item in a report of the [Executive Committee] Mayoral Committee, without introducing new matters."
17. Section 18(2) of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:
"Notwithstanding the provisions of subsection (1), the Speaker or the member therein mentioned may make an explanatory statement or an announcement prior to the consideration of any particular item contained in the report of the [Executive Committee] Mayoral Committee or during the discussion of such a report."

Amendment of section 19 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

18. Section 19(1)(b) of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:
"The Municipal Manager shall place the memorandum before the [Executive Committee] Mayoral Committee which may receive the deputation and deal with the matter raised in the memorandum in terms of the power delegated to it: Provided that the [Executive Committee] Mayoral Committee may dispense with the necessity of submitting a memorandum."
19. Section 19(1)(c) of the principal By-Law is hereby amended:
 - (a) by the substitution for the words "Executive Committee" of the following words:

"If the [Executive Committee] Mayoral Committee is of the opinion that the matter is one which should be placed before the Council, it shall so report to the Council and, if the Council so orders, an interview shall be granted to the deputation."

Amendment of section 20 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

20. Section 20 of the principal By-Law is hereby amended:
- (a) by the substitution for the words "Executive Committee" of the following words:
"A petition may be presented by a member, but when presenting it, he or she shall not deliver a speech or comment thereon to the Council. Such a petition shall be referred to the [Executive Committee] Mayoral Committee who shall report to Council thereon."

Amendment of section 25 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

21. Section 25(3) of the principal By-Law is hereby amended:
- (a) by the substitution for the words "Executive Committee" of the following words:
"Notwithstanding the provisions of subsections (1) and (2), the Council may at any time rescind or amend a resolution in pursuance of a recommendation of the [Executive Committee] Mayoral Committee contained in a report in accordance with section 15."

Amendment of section 29 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

22. Section 29(d) of the principal By-Law is hereby amended:
- (a) by the substitution for the words "Executive Committee" and "mayor" of the following words:
"After a postponement contemplated in paragraph (c), the [Executive Committee] Mayoral Committee shall investigate the implication of every such resolution and shall report to the Council thereon at the resumption of the meeting. The postponement intends to provide the [mayor] Executive Mayor an opportunity to assess the full impact, particularly financial impact, of such a decision in order to report to the subsequent meeting where the proposed amendments are to be debated."
23. Section 29(e) of the principal By-Law is hereby amended:
- (a) by the substitution for the words "Executive Committee" of the following words:
"After the [Executive Committee] Mayoral Committee has reported in terms of paragraph (e), the Speaker shall –
 - (i) allow a debate thereon;
 - (ii) thereafter again put every proposal contemplated in paragraph (c) and if any such proposal is accepted, the budget shall be amended in accordance with that resolution."

Amendment of section 30 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

24. Section 30 of the principal By-Law is hereby amended:
- (a) by the substitution for the words "Executive Committee" of the following words:

"Referral to [Executive Committee] the Mayoral Committee of proposal affecting budget

A motion or proposal, other than a proposal contemplated in section 16, which will have the effect that the approved budget is increased or decreased, shall not be

accepted before the [Executive Committee] Mayoral Committee has reported thereon."

Amendment of section 31 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

25. Section 31 of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:

"Referral to the [Executive Committee] Mayoral Committee of motion or proposal affecting any matter contemplated in section 30(5) of the Act

A motion or proposal, other than a recommendation of the [Executive Committee], Mayoral Committee affecting a matter contemplated in section 30(5) of the Act shall, before the Council adopts a resolution thereon, be submitted to the [Executive Committee] Mayoral Committee to report and make a recommendation thereon."

Amendment of section 35 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

26. Section 35(2) of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:
"The Council may waive the provisions of subsection (1) in regard to a statement made with the consent of the Council by the chairperson or any other member of the [Executive Committee] Mayoral Committee in relation to any matter arising from a report."

27. Section 35(4)(a) of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:
"the chairperson of the [Executive Committee] Mayoral Committee, when he or she presents the budget and opens the debate thereon;"

28. Section 35(4)(b) of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:
"the chairperson of the [Executive Committee] Mayoral Committee, when he or she or a member of that committee designated by him or her, delivers the budget speech, or replies to the debate in connection with the consideration of the budget;

29. Section 35(4)(c) of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:
"the chairperson of the [Executive Committee] Mayoral Committee, when he or she closes the debate in connection with the consideration of the budget; and"

Amendment of section 39 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

30. Section 39(1) of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Mayor" of the following words:
"The Council may exclude from meetings of the Council, for such period as it may fix, but not exceeding forty-five days, a member who willfully disregards the authority of the Speaker or who willfully obstructs the business at any meeting: Provided that the member concerned may, within 7 days from the Council meeting at which the exclusion decision was taken, direct an appeal in writing to the [Mayor] Executive Mayor, who must convene a special Council meeting to consider the appeal within 7 days from date of receiving such appeal."

Amendment of section 40 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

31. Section 40(2) of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:

“The provisions of subsection (1) shall not apply to a member of the [Executive Committee] Mayoral Committee when the Council considers the budget.”

Amendment of section 52 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

32. Section 52(1) of the principal By-Law is hereby amended:
- (a) by the substitution for the words “Executive Committee” of the following words:
“When a recommendation of the [Executive Committee] Mayoral Committee is before the Council, a member may move that the question be referred back to the [Executive Committee] Mayoral Committee for further consideration.”

Amendment of section 53 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

33. Section 53(4) of the principal By-Law is hereby amended:
- (a) by the substitution for the words “Executive Committee” of the following words:
“Immediately before the report of the [Executive Committee] Mayoral Committee is submitted in terms of section 15, the Speaker shall make known that a proposal and motion in terms of subsection (1), if any, have been handed to him or her and whether he or she is disallowing or allowing them, and in the event of them being allowed, whether they shall be proposed before or after the dispatch of the report of the [Executive Committee] Mayoral Committee.”

Amendment of section 54 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

34. Section 54(2) of the principal By-Law is hereby amended:
- (a) by the substitution for the words “Executive Committee” of the following words:
“A member who has made a request in terms of subsection (1) may, during that meeting orally or within 5 days thereof, in writing require the Municipal Manager to submit the matter to the [Executive Committee] Mayoral Committee and in such event the [Executive Committee] Mayoral Committee shall consider the ruling and report thereon to the Council.”

Amendment of section 57 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

35. Section 57 of the principal By-Law is hereby amended:
- (a) by the substitution for the words “Executive Committee” of the following words:
“Any member of a committee who wishes to resign his or her seat on the committee, shall submit his or her resignation to the Municipal Manager in writing and thereafter such resignation may not be withdrawn. The Municipal Manager should refer the resignation to the [Executive Committee] Mayoral Committee, where after it shall be referred to Council.”

Amendment of section 58 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

36. Section 58 of the principal By-Law is hereby amended:
- (a) by the substitution for the words “Executive Committee” of the following words:
“Every vacancy on a committee, other than the [Executive Committee] Mayoral Committee, shall be notified by the [Executive Committee] Mayoral Committee to the Council not later than the second meeting after the meeting of the committee at which such vacancy is notified and the Council may fill the vacancy.”

Amendment of section 59 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

37. Section 59 of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:
"When any member who is not a member of the [Executive Committee] Mayoral Committee is granted leave of absence from a meeting of a committee, the Council may appoint another member to act during his or her absence on any committee on which the absent member serves."

Amendment of section 60 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

38. Section 60 of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:

"Dates and times of [Executive Committee] Mayoral Committee meetings"

39. Section 60(2) of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:
"No meeting of the [Executive Committee] Mayoral Committee shall be held during a meeting of the Council without the Council's consent."

Amendment of section 61 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

40. Section 61(1) of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:

"Notice of [Executive Committee] Mayoral Committee meetings"

The Speaker shall issue a notice calling a meeting of the [Executive Committee] Mayoral Committee and specify the business to be entertained by that committee."

Amendment of section 62 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

41. Section 62(1) of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:

"Attendance registers for [Executive Committee] Mayoral Committee meetings"

The Municipal Manager shall keep an attendance register in which every member of the [Executive Committee] Mayoral Committee attending a meeting of that committee shall sign his or her name."

42. Section 62(2) of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" and "an" of the following words:

"Any member who is not [an] a [Executive Committee] Mayoral Committee member shall whenever he or she attends a meeting of that committee, enter his or her name in the attendance register and shall write after his or her name the words "not a member"."

Amendment of section 63 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

43. Section 63 of the principal By-Law is hereby amended:

- (a) by the substitution for the words "Executive Committee" of the following words:

"Participation in discussions at [Executive Committee] the Mayoral Committee meeting

Any person requested or allowed by the [Executive Committee] Mayoral Committee to attend a meeting of such committee may, with the permission of the chairperson of the [Executive Committee] Mayoral Committee, speak thereat."

Amendment of section 64 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

44. Section 64 of the principal By-Law is hereby amended:
(a) by the substitution for the words "Executive Committee" of the following words:

"No quorum at [Executive Committee] the Mayoral Committee meeting

If, after expiration of ten minutes after the time at which a meeting of the [Executive Committee] Mayoral Committee is due to commence there is no quorum, the meeting shall be held on a day and at an hour determined by the Speaker."

Amendment of section 65 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

45. Section 65 of the principal By-Law is hereby amended:
(a) by the substitution for the words "Executive Committee" of the following words:

"Manner of voting at meetings of [Executive Committee] the Mayoral Committee

The chairperson of the [Executive Committee] Mayoral Committee shall allow the members of the [Executive Committee] Mayoral Committee to vote by show of hands and any member of that committee then present and voting may call for a division in which event the provision of section 42(5), (6) and (7) shall apply *mutatis mutandis*: Provided that no provision hereof shall affect the right of any member to have his or her vote recorded against the resolution."

Amendment of section 66 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

46. Section 66(1) of the principal By-Law is hereby amended:
(a) by the substitution for the words "Executive Committee" of the following words:

"Approval of minutes of [Executive Committee] the Mayoral Committee meeting

At any ordinary meeting of the [Executive Committee] Mayoral Committee, after considering applications for leave of absence, the minutes of any previous meeting of the committee not yet confirmed shall be read, approved with or without amendments and signed by the chairperson of the [Executive Committee] Mayoral Committee."

Amendment of section 67 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

47. Section 67 of the principal By-Law is hereby amended:
(a) by the substitution for the words "Executive Committee" of the following words:
"The minutes of a meeting of the [Executive Committee] Mayoral Committee may be owing to pressure of work or any other appropriate reason be held over for confirmation at any subsequent meeting."

Amendment of section 68 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

48. Section 68 of the principal By-Law is hereby amended:

- (a) by the substitution for the words “Executive Committee” of the following words:
“**Discussion of minutes of [Executive Committee] the Mayoral Committee meeting**”

Amendment of section 69 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

49. Section 69 of the principal By-Law is hereby amended:

- (a) by the substitution for the words “Executive Committee” and “Mayor” of the following words:
“The Municipal Manager may, on application being made to him or her by any registered newspaper, supply the agenda of the Council to a representative of such newspaper at the commencement of a meeting: Provided that the [Executive Committee] Mayoral Committee or the [Mayor] Executive Mayor may instruct him or her not to supply any particular agenda or item in an agenda or to withhold it until the conclusion of the relevant meeting.”

Amendment of section 71 of the Dawid Kruiper Municipality Standing Orders By-Law, 2012:

50. Section 71(1) of the principal By-Law is hereby amended:

- (a) by the substitution for the words “Executive Committee” of the following words:
“The Municipal Manager shall prepare annually a return on the number of Council meetings attended by each member and of the number of meetings of the [Executive Committee] Mayoral Committee, attended by each member of such committee.”

Amendment of section 73 of the Dawid Kruiper Municipality: Standing Orders By-Law, 2012:

51. The following section is hereby substituted for section 73 of the principal By-Law:

"73. This By-Law is called Dawid Kruiper Municipality: Standing Orders Amendment By-Law, [2012]

NOTICE 118 OF 2017

CRECHES BY-LAW, 2012

By-Law No. 11, 2012

BY-LAW**As Amended by the Crèches Amendment By-Law 2017**

To provide for the establishment of creches in the Dawid Kruiper Municipality; and for matters connected therewith

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control the establishment and operation of creches in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:

Definitions

1. In this By-Law, unless the context otherwise indicates -

"child" means a child admitted to a creche in terms of this By-Law;

"Council" means the Municipal Council of Dawid Kruiper Municipality and includes any committee or employee of the Council exercising powers or performing duties or functions delegated to it or such employee by the Council;

"creche" means any building or premises maintained or used for the custody and care of children of pre-school going age during the whole or part of the day, on all or only some days of the week and which has been registered as a place of care under the Children's Act, 1960 (Act 33 of 1960);

"Manager: Environmental Services" means the Manager: Environmental Services of the Council or any official authorised to act on the Manager's behalf, and

"place of care" means any building or premises maintained or used, whether for profit or otherwise, for the reception, protection and temporary or partial care of children away from their parents, but does not include any boarding school, hostel or any establishment which is

maintained for the tuition or training of children and which is controlled or has been registered or approved by the Department of Social Service & Population Development.

SCOPE OF BY-LAW

2. This By-Law shall apply to all creches.

SPECIFIC REQUIREMENTS IN RESPECT OF BUILDINGS FOR CHILDREN AGED THREE YEARS AND OVER BUT UNDER SCHOOL-GOING AGE FOR ALL-DAY CARE

3. The following minimum accommodation and facilities shall be provided in respect of creches admitting for all-day care children aged three years and over but under school-going age:
- (a) An office.
 - (b) A staff room; provided that one room may, subject to the approval of the Manager: Environmental Services, be used as an office and staff room combined.
 - (c) An isolation room equipped with a first-aid cupboard and equipment and a bed or stretcher.
 - (d) A playroom for play activities, for the serving of meals and for sleeping purposes, with a minimum free-playing area of 3 m² per child.
 - (e) A kitchen or facility where food is handled or prepared must comply with the regulations relating to the control of General Hygienic requirements for premises where food is prepared or handled and the transport of food, as published in Government Gazette Nr. 918 of 30 July 1999 complying with the following requirements:
 - (f) Sanitary and ablution facilities for the staff complying with the following requirements:
 - (i) Sanitary and ablutions facilities for the staff shall be entirely separate from such facilities provided for the children, and shall have no direct communication with any apartment used in connection with the children.
 - (ii) There shall be provided one toilet and one wash-hand basin for every fifteen persons or part of fifteen persons.
 - (iii) A constant supply of water shall be provided to each wash-hand basin.
 - (g) An outdoor play area of not less than 5.5 m² per child shall be provided. This area shall provide for grassy areas and shade and for hard surfaces for wheel-toys. It shall be free of excavations and dangerous steps or levels.

SPECIFIC REQUIREMENTS IN RESPECT OF BUILDINGS FOR CHILDREN UNDER THREE YEARS OF AGE

4. The following minimum accommodation and relevant services shall be provided for the accommodation of children under three years of age:
- (a) A staff room in terms of section 3(b).

- (b) An isolation room equipped with a first-aid cupboard and equipment and a cot or stretcher.
- (c) A nursery which shall provide 3.5 m² indoor area per child. A wash-hand basin shall be provided in each nursery.
- (d) A milk kitchen which shall comprise -
 - (i) a receiving compartment for sterilizing bottles, fitted with a stainless-steel sink, sterilizing unit and a wash-hand basin, and
 - (ii) a preparation compartment separates from the receiving compartment, fitted with a refrigeration unit, stove and wash-hand basin.
- (e) A kitchen in accordance with section 3(e).
- (f) Storage space for bedding and linen.
- (g) Storage space for perambulators.
- (h) Storage space for the personal belongings of children.
- (i) Sanitary and ablution facilities for children, complying with the following requirements:
 - (i) A sluice room, equipped with sluice sink, which is fitted with a splash screen.
 - (ii) A bathing unit with two baby bathing units for every twenty children. The flow of water shall be supplied to bathing units by side inlets or moveable overhead fittings, and the temperature of the water shall be regulated.
 - (iii) For children not using diapers, toilet equipment shall be supplied.
 - (iv) Diapers by means of -
 - (a) a recognized diaper service, in which case provision shall be made for separate storage facilities for clean and soiled diapers.
 - (v) A sufficient number of impervious bins with covers for the temporary storage of soiled paper, tissues, paper towels and other articles pending disposal.
- (j) Storage space for indoor and outdoor play materials and equipment.
- (k) The minimum outdoor area of 3 m² per child shall be provided for the use of perambulators and playpens and outdoor activities for the toddler group. This area shall provide for lawns and shade. It shall be free of excavations and dangerous steps or surfaces.
- (l) There shall be one staff member for every eight children under the age of two years.

GENERAL REQUIREMENTS RELATING TO BUILDINGS

5. (1) All buildings for creches shall comply with the following requirements:

- (a) The buildings shall be constructed of such material and in such a manner as to comply with the National Building Regulations and any other relevant By-Law of the Council.
- (b) Windows in play rooms, offices and isolation rooms shall be not more than 750 mm from the ground level and shall especially constructed so as not to open at a level dangerous to children.
- (c) All rooms shall have ceilings.

EQUIPMENT

6. Equipment for children in creches shall comply with the following requirements:

- (a) Chairs shall be so light that they can be lifted by the child, and shall be of such a height as to permit the child to sit thereon with both feet on the floor.
- (b) All beds, cots, stretchers, mats or other furniture for resting or sleeping shall be suitable for use by the children. Each such piece of furniture shall be used by only one child whose name or symbol shall be clearly affixed thereto.
- (c) Indoor and outdoor playing equipment shall be provided and such equipment shall be of such nature that it will not be possible for a child to injure him-/herself or cause any injury to others.

PERSONAL TOILET ARTICLES

- 7.1 Provision shall be made in the ablution block or in an adjacent room by means of hooks, lockers or other means approved by the Head: Environmental Services for the separate storage of the personal toilet articles of each child in a creche.
- 7.2 Personal toilet articles shall be available.
- 7.3 Provision shall be made for the boiling, washing or disinfecting of children's toilet equipment.

SAFETY MEASURES

- 8. The following measures shall be taken by the holder of a creche for the safety of the children therein:
 - (a) Adequate measures shall be taken for the protection of the children against fires, hot water installations, electrical fittings and appliances, heating appliances and any other article or thing which may be dangerous or cause injury to any child.
 - (b) Any slats or rails used in enclosures, playpens, beds, cots or for any other purpose whatsoever shall be not more than 75 mm apart and shall be firmly fixed and free from splinters or other rough or dangerous surfaces.
 - (c) The premises shall be entirely enclosed by means of a suitable fence, wall or other means so constructed as to preclude children completely from leaving the confines of the premises of their own accord and prevent the entrance of domestic animals. All gates or doors in such boundaries shall be close-fitting and securely locked or otherwise closed so as to prevent children from opening them.

- (d) A first-aid box with the necessary materials and equipment to the satisfaction of the Head: Environmental Services shall be provided and shall be readily available for use and kept out of the children's reach at all times.
- (e) All medicines and, corrosive or other harmful substances shall be stored in a safe manner and shall not be accessible to children.
- (f) No noxious or poisonous plant or shrub shall be permitted on the premises.
- (g) No person suffering from any infectious communicable disease, and no person who has been in contact with any person so suffering and who has not cleansed his/her person and clothing so effectively as render him/her incapable of spreading such disease, and no person whose body is not in a clean and healthy condition shall be allowed on the premises of a creche.

DUTIES OF THE HOLDER

9. Every holder of a creche shall -

- (a) maintain every part of the creche, including outdoor areas and all things belonging thereto, at all times in good repair and in a tidy condition and free from dirt, filth or other noxious matters or things;
- (b) keep all cutlery, crockery, utensils, vessels, containers, receptacles, appliances and equipment used for the storage, preparation and serving of foodstuffs in a clean and sanitary condition and free from any defect;
- (c) provide and maintain efficient measures for the prevention and destruction of flies, cockroaches, rodents and other vermin in such creche;
- (d) provide and maintain at all times suitable means for protecting all foodstuffs from contamination by dust, dirt, flies or any other cause;
- (e) provide at all times an adequate supply of soap, clean towels and nailbrushes at wash-hand basins;
- (f) ensure that all persons engaged in the creche are clean in person and clothing at all times;
- (g) provide sound and clean overalls or coats of washable material for the persons engaged in the handling, preparation and serving of food, and ensure that such overalls or coats are worn at all such times;
- (h) provide adequate storage space for toys, books and other indoor and outdoor play materials and ensure that such storage space shall be within easy reach of children from floor level;
- (i) ensure that the children are at all times under the direct supervision of at least one adult;
- (j) ensure that each child uses his/her own personal toilet articles;

- (k) keep a record of menus of all meals, which shall be open to inspection at all times;
- (l) ensure that no person suffering from a contagious disease or with a festering abscess on his/her body which can be spread, use any crockery, cutlery, implements or equipment or anything which is used for the handling of food or allow such a person to be present in any area or facility where food is handled.

REGISTERS

- 10.1 The holder shall keep an admission and discharge register of all the children admitted and discharged from the creche.
- 10.2 The holder shall keep a record of attendance in which the presence of children at a creche shall be noted daily.

MEDICAL REPORT

- 11. A medical report containing the following data shall be obtained in respect of each child and kept by the holder:
 - (a) Information concerning the child's general state of health.
 - (b) Children's ailments and other communicable diseases from which the child has suffered and the dates on which such child had them.
 - (c) Details of immunization against smallpox, polio myelitis, tetanus, measles, whooping cough, diphtheria and tuberculosis.
 - (d) Possible allergies and diseases such as epilepsy.

JOURNAL

- 12.1 A journal shall be kept by the holder in which important and outstanding events such as accidents requiring hospitalization are noted in respect of each child.
- 12.2 Notwithstanding the preceding provisions of this By-Law, the Council retains the right in certain special cases to waive such provisions.

APPLICATION

- 13.1 This By-Law shall apply to creches where more than ten children are cared for. The following shall be applicable where ten or less children are cared for:
- 13.2 The building, sanitary facilities, outdoor and indoor play facilities, safety measures, first-aid facilities, registers, cutlery and crockery, cooking, washing and refrigeration facilities, and other facilities shall be subject to the prior approval of the Council.

OFFENCES AND PENALTIES

- 14. Any person contravening the provisions of this By-Law shall be guilty of an offence and upon conviction liable to a fine or imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

SHORT TITLE AND DATE OF COMMENCEMENT

- 15. This By-Law shall be called the By-Law relating to Creches, 2012.

DAWID KUIPER MUNICIPALITY

CRECHES AMENDMENT BY-LAW, 2017

GENERAL EXPLANATORY NOTE

- [] Words in bold type and square brackets indicate omissions from existing enactments.
 _____ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Creches By-Law, 2012; to provide for the substitution of the name "//Khara Hais", wherever it appears; to provide for the insertion of a preamble; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kruiper Municipality, as follows: -

Insertion of a preamble of the Dawid Kruiper Municipality Creches By-Law, 2012:

1. The Dawid Kruiper Municipality: Creches By-Law, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

"WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control the establishment and operation of creches in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:"

Amendment of section 1 of the Dawid Kruiper Municipality: Creches By-Law, 2012

2. Section 1 of the municipal By-Law, 2012.
 - (a) by the substitution of the definition of "Council" of the following definition:

"Council" means the [m]Municipal Council of the [//Khara Hais] Dawid Kruiper Municipality and includes any committee or employee of the Council exercising powers or performing duties or functions delegated to it or such employee by the Council;

- (b) by the substitution of the definition of "Manager: Environmental Services" of the following definition: "Manager: Environmental Services" means the Manager: Environmental Services of the Council or any official authorised to act on the [Head's] Manager's behalf".

Amendment of section 15 of the Dawid Kruiper Municipality: Creches By-Law, 2012:

3. The following section is hereby substituted for section 15 of the principal By-Law:
"15. This By-Law is called Dawid Kruiper Municipality: Creches Amendment By-Law, [2012]
2017 "

NOTICE 119 OF 2017

FIRE BRIGADE BY-LAW, 2012

By-Law No. 10, 2012

BY-LAW**As Amended by the Fire Brigade Amendment By-Law 2017**

To provide for a fire brigade service in the Dawid Kruiper Municipality; and for matters connected therewith.

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to provide fire brigade services;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:

ARRANGEMENT OF SECTIONS

1. Definitions
2. Composition of service
3. Duty to assist
4. Procedure on the outbreak of fire
5. Obstruction or damage
6. Wearing of uniform and insignia
7. Combustible material
8. Safety of premises and buildings
9. Exits
10. Gas filled devices
11. Making of fires
12. Fires in chimneys, flues and smoke ducts
13. Attendance of fireman
14. Removal of liquid or other substances
15. Payment for attendance and service
16. Exemption from payment of charges-
17. False information
18. Telephones, fire alarms and other apparatus
19. Penalty clause
20. Short title

Definitions

1. In this By-Law, unless the context otherwise indicates -

"**approved**" means approved by the chief fire officer;

"**chief fire officer**" means the person appointed by the Municipality in terms of section 5(1) of the Fire Brigade Services Act, 1987 (Act No. 99 of 1987) as head of the service;

"**emergency situation**" means a situation or event which constitutes or may constitute a serious danger to life or property;

"**Municipal Manager**" means the person appointed as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal System Act, 2000;

"**Municipality**" means the Dawid Kruiper Municipality;

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

"**owner**" means an owner as defined in section 18(4) of the Fire Brigade Services Act, 1987 (Act No. 99 of 1987);

"**service**" means the fire brigade service of the Municipality established in terms of section 3 of the Fire Brigade Services Act, 1987 (Act No. 99 of 1987) and intended to be employed for -

- (a) preventing the outbreak or spread of a fire;
- (b) fighting or extinguishing a fire;
- (c) the protection of life or property against a fire or other threatening danger;
- (d) the rescue of life or property from a fire or other danger;
- (e) subject to the provisions of any other law, the rendering of an ambulance service as an integral part of the fire brigade service; or
- (f) the performance of any other function connected with any of the matters referred to in paragraphs (a) to (e);

"**tariffs**" means the tariff of charges determined from time to time by Municipality; and

"**the Act**" means the Fire Brigade Services Act, 1987 (Act No. 99 of 1987).

Composition of service

2. The service shall be comprised of -

- (a) the fulltime members of the service, appointed by the Municipality in accordance with section 6 of the Act; and
- (b) members of the fire brigade reserve force, appointed by the Municipality in accordance with section 6A of the Act, as temporary members of the service, to

perform such functions as may be assigned to them from time to time by the chief fire officer.

Duty to assist

3. Any member of the service or fire extinguishing organisation whether controlled by the Municipality or not, shall, when called upon to do so by the chief fire officer, render all assistance in his or her power in connection with the combating or containing of a fire or any other emergency situation.

Procedure on the outbreak of fire or another emergency situation

4. (1) Where the service is notified, or there is reason to believe that a fire has broken out or another situation has occurred where the services of the service are required, the chief fire officer shall, together with such personnel and equipment as he or she may deem necessary, forthwith proceed to the place where the fire or other situation is taking place or is occurring, or to where he or she has reason to believe that it is taking place or is occurring.
- (2) The chief fire officer may assume command of, or interfere with, or put a stop to any existing situation or any action being taken in connection with a fire by any person not employed in the service, including the owner of the premises and his or her employee or agent and no person shall fail to comply with any lawful order or direction given by the chief fire officer in the execution of this subsection.

Obstruction or damage

5. (1) No person shall interfere with, or hinder any member of the service in the execution of his or her duties under this By-Law.
- (2) No person shall drive a vehicle over any hose, or damage, tamper or interfere with any such hose or any other appliance or apparatus of the service.

Wearing of uniform and insignia

6. (1) The chief fire officer and every member of the service shall wear the uniform, rank markings and insignia prescribed and provided by the Municipality.
- (2) No person other than a member of the service shall wear a uniform of the service or wear any uniform intended to convey the impression that he or she is such a member, or in any other manner represent himself or herself to be a member of the service.

Combustible material

7. (1) Where the chief fire officer is of the opinion that any person -
- (a) stores or causes or permits to be stored, whether inside or outside any building, any timber, crates, forage, straw or other combustible material in such quantities or in such a position or in such manner as to create a danger of fire to any building or any premises;
- (b) in occupation or in control of any premises, permits grass, weeds, trees, or other vegetation to grow on the premises, or permits any waste to accumulate there in a manner or in quantities as to create a danger of fire

to any building or premises, the chief fire officer may, by notice in writing, request such person to remove the said combustible materials or to take such other reasonable steps to remove, by a specified date, the danger of fire as he or she may prescribe in such notice.

- (2) Where there has been no compliance with the requirements of the notice, the chief fire officer may take such steps as he or she deems necessary to remove such danger and the cost thereof shall be paid to the Municipality by the person to whom the notice was directed.

Safety of premises and buildings

8. (1) The chief fire officer may, whenever he or she deems it necessary, at any time which in his or her opinion is reasonable in the circumstances -
- (a) enter any land, premises or building and inspect-
 - (i) such land, premises or building to ascertain whether any condition exists which may cause a fire or emergency situation, or which may increase the danger of, or contribute towards the spread of fire, or the creation of an emergency situation, or jeopardise or ape of persons to safety;
 - (ii) any fire alarm, sprinkler system or other firefighting or fire detecting appliance;
 - (iii) any manufacturing process involving the danger of fire or explosion;
 - (iv) the method of storing of any flammable gas, chemicals, fireworks or any other hazardous substance; and
 - (v) any plant making use of the substances referred to in subparagraph (iv);
 - (b) give such directions as he or she may deem necessary for lowering the risk of fire or for the protection of life and property.
- (2) Where the chief fire officer finds on any premises -
- (a) any flammable, combustible or explosive matter so stored or used as to increase the risk of fire or danger to life or property in case of fire;
 - (b) any situation or practice existing, which in his or her opinion is likely to cause or increase such danger or is likely to interfere with the operation of the service or the escape of persons to safety; or
 - (c) any defective, inferior or insufficient number of fire extinguishers, he or she shall, subject to the provisions of subsection (3), direct the owner or occupier of such land, premises or building to forthwith take such steps as he or she may deem necessary for the elimination of the danger.
- (3) Should the chief fire officer find in any building or on any premises -
- (a) any obstruction on or in any fire escape, staircase, passage, doorway or window; or

- (b) any emergency exit which, in his or her opinion would, in the event of fire be inadequate for the escape to safety of the number of persons likely to be in such building or premises at any time; or
 - (c) any other object or condition of a structural nature or otherwise, which, in his or her opinion, may increase the risk of fire or the danger to life or property; or
 - (d) that a fire alarm or other communication system is required, the chief fire officer shall notify the owner or occupier of such building, in writing, of his or her findings and require the owner to take such steps as stated in such notice, at such owner's or occupier's own cost, to rectify the irregularity within such time as stated in the notice.
 - (e) that the premises are not equipped with the required total of fire extinguishers as determined by the Chief: Fire Services.
- (4) Where the owner or occupier fails or refuses to comply within a reasonable time with a direction in terms of subsection (2), or to implement the requirements of a notice in terms of subsection (3) within the time specified in such notice, the Municipality may take such steps as are, in the opinion of the chief fire officer, necessary to remove such risk or danger' and the Municipality may recover from such owner or occupier any expenditure incurred.

Exits

9. Every door which affords an escape route from a public building to safety shall be kept unlocked and shall be clearly indicated with approved exit signs:

Provided that such door may be locked by means of an approved device installed in such a manner as to enable such door at all times to be opened from the inside of such building.

Gas filled devices

10. (1) No person shall fill any balloon, toy or other device with flammable gas without the written permission of the chief fire officer, who may impose such conditions as he or she may require after having regard to all the circumstances of the case.
- (2) No person shall keep, store, use or display or permit to be kept, used, stored or displayed any balloon, toy or other device filled with flammable gas on or in any land, building or premises to which the public has access or which is used as a club or any place of assembly.
- (3) Nothing contained in this section shall be so construed as to prohibit the use of any balloon filled with hydrogen for meteorological or other *bona fide* scientific or educational purposes.

Making of fires

11. (1) No person shall make a fire, or cause or permit a fire to be made in such a place or in such a manner as to endanger any building, premises or property.
- (2) Subject to the provisions of any other law, no person shall, without the written permission of the chief fire officer, burn any rubbish, wood, straw or other material

in the open air or cause or permit it to be done, except for the purpose of preparing food.

- (3) Any permission granted in terms of subsection (2), shall be subject to the conditions imposed by the chief fire officer.

Fires in chimneys, flues and smoke ducts

12. No owner or occupier of any building shall allow shoot or any other combustible substance to accumulate in any chimney, flue or duct of such building in such quantities or in such manner as to create a fire hazard.

Attendance of fireman

13. (1) If, at any function to be held at a place of entertainment or recreation, excluding the showing of a film at a cinema or a performance in a theatre, one hundred or more persons are likely to be present, the person convening such function shall deliver a notice, in writing, to the chief fire officer, not less than 48 hours before such function takes place, indicating the time when and premises on which such function is to take place.
- (2) Where, in the opinion of the chief fire officer, the presence of a fireman is necessary on account of safety, he or she may provide one or more firemen to be in attendance at any premises during the whole or part of such function.
- (3) The person in control of such function shall pay to the Municipality the Charges set out in the tariffs.

Removal of liquid or other substances

14. The chief fire officer may, at the request of the owner or occupier of any premises, pump or otherwise remove any liquid or other substance from such premises, subject to payment of the fees set out in the tariffs.

Payment for attendance and service

15. (1) Subject to the provisions of section 16, the owner or occupier of land or premises, or both such owner and occupier jointly and severally, or the owner of a vehicle, as the case may be, wherefore or in connection with which the attendance or the service was requested or any service was rendered, shall pay to the Municipality the charges determined by the chief fire officer, to be due in accordance with the charges set out in the tariffs for such attendance or service, including the use and supply of water, chemicals, equipment and other means.

- (2) Notwithstanding the provisions of subsection (1), the chief fire officer may access the whole or portion only of the charges contemplated in Subsection (1):

Provided that such portion shall not be more than ninety percent lower than the aggregate of the charges which would be payable in terms subsection (1):

Provided further that in assessing such charges or portion thereof, due regard shall, amongst other relevant factors, be had to -

- (a) the fact that the amount so assessed, shall be commensurate with the service rendered;

- (b) the manner and place of origin of the fire; and
- (c) the loss which may have been caused by the fire to the person liable to pay the charges if the services had not been rendered.

Exemption from payment of charges

16. Notwithstanding the provisions of section 15, no charges shall be payable where –
- (a) a false alarm has been given in good faith;
 - (b) the service was required as a result of civil commotion, riot or natural disaster;
 - (c) the service was rendered in the interest of public safety;
 - (d) the chief fire officer is of the opinion that the service rendered was of a purely humanitarian nature or was rendered solely for the saving of a life;
 - (e) the owner of a vehicle furnishes proof to the satisfaction of the chief fire officer that such vehicle was stolen and that it had not been recovered by him or her at the time when the service was rendered in respect thereof;
 - (f) any person, including the State, has entered into an agreement with the Municipality in terms of section 12 of the Act, whereby the services of the service are made available to such person against payment as determined in such agreement.

False Information

17. No person shall wilfully give to any member of the service any notice, or furnish any information regarding an outbreak of fire, or any other emergency situation requiring the attendance of the service, and which, to his or her knowledge, is false or inaccurate, and such person shall, notwithstanding the provisions of section 16, be liable to pay the turning out charges as prescribed in the tariffs.

Telephones, fire plans and other apparatus

18. (1) The Municipality may affix to, or remove from any building, wall, fence or other structure any telephone, fire alarm, or other apparatus for the transmission of calls relating to fire, as well as any notice indicating the nearest fire hydrant or other firefighting equipment.
- (2) No person shall move, remove, deface, damage or interfere with anything affixed in terms of subsection (1).

Penalty clause

19. Any person who contravenes or fails to comply with any provision of this By-Law shall be guilty of an offence and liable on conviction to a fine or, in default of the payment, to imprisonment not exceeding 6 months, or to both a fine and such imprisonment.

Short title

20. This By-Law shall be called the Fire Brigade By-Law, 2012.

DAWID KUIPER MUNICIPALITY

FIRE BRIGADE AMENDMENT BY-LAW, 2017

GENERAL EXPLANATORY NOTE

- [] Words in bold type and square brackets indicate omissions from existing enactments.
____ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Fire Brigade By-Law, 2012; to provide for the substitution of the name "[//Khara Hais]", wherever it appears; to provide for the insertion of a preamble; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kuiper Municipality, as follows: -

Insertion of a preamble of the Dawid Kuiper Municipality Fire Brigade By-Law, 2012:

1. The Dawid Kuiper Municipality: Fire Brigade By-Law, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

"WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kuiper Municipality has been established, subsequent to the disestablishment of the Mier and [//Khara Hais Municipalities;

WHEREAS the disestablished Mier and [//Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kuiper Municipality;

WHEREAS the Dawid Kuiper Municipality intends to provide fire brigade services;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kuiper Municipality as follows:"

Amendment of section 1 of the Dawid Kuiper Municipality: Fire Brigade By-Law, 2012.

2. Section 1 of the principal By-Law is hereby amended:
- (a) by the substitution for the definition of "Municipal Manager" of the following definition:
"“Municipal Manager” means the person appointed [in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)] as the accounting officer of the Dawid Kuiper Municipality in terms of the Local Government: Municipal System Act, 2000."
 - (b) by the substitution for the definition of "Municipality" of the following definition:
"“Municipality” means the [//Khara Hais] Dawid Kuiper M[m]unicipality";

Amendment of section 20 of the Dawid Kruiper Municipality: Fire Brigade By-Law, 2012:

3. The following section is hereby substituted for section 20 of the principal By-Law:
"20. This By-Law is called Dawid Kruiper Municipality: Fire Brigade Amendment By-Law,
[2012] 2017 "

NOTICE 120 OF 2017

BARBER, HAIRDRESSER, BEAUTICIAN, BODY PIERCER OR TATTOOIST

By-Law No. 23, 2012

BY-LAW**As Amended by the Barber, Hairdresser, Beautician, Body Piercer
or Tattooist Amendment By-Law 2017**

To provide for the establishment of barber, hairdresser, beautician, body piercer or tattooist in the Dawid Kruiper Municipality; and for matters connected therewith.

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control the provision of barber, hairdresser, beautician, body piercer and tattooist services in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:

1. Definition

"barber, hairdresser, beautician, body piercer or tattooist" means a person who carries on the business of barber, hairdresser, beautician, body piercer or tattooist in a salon or another place, which business comprises anyone or more of the following or similar services or activities, or a combination thereof, which is applied to the male or female human body:

- (a) cutting, shaving, singeing, shaping, shampooing, cleansing, conditioning, treating, chemical reformation (such as but not limited to permanent waving) relaxing, straightening and colouring (such as but not limited to tinting, dyeing, colouring, whether by permanent or temporary or semi-permanent means, and including the use of colour rinses, shampoos, gels or mousses, and lightening by means of tints, bleaches, highlights or high lighting tinting or toning of the hair on the human head;
- (b) other than by a process contemplated in paragraph (a), removing hair by means of, but not limited to, waxing, chemical compounds (such as but not limited to depilatories), electrical or mechanical means, whether or not heat or an appliance or apparatus is used in any of these activities;
- (c) treating hair by means of a trophological process or method;

- (d) adding to hair of natural or artificial hair by means of, but not limited to an extension, beard work, or a wig;
- (e) shaping, shaving, plucking, treating or tinting an eyebrow or eyelashes or applying an artificial eyebrow or eyelashes;
- (f) skin care of the face, including but not limited to the application of cosmetics;
- (g) applying nail technology, such as but not limited to manicuring, pedicuring, or applying false nails or extensions;
- (h) piercing of the skin ("*body piercing*") or tattooing;
- (i) massaging;
- (j) bronzing such as by means of, but not limited to, ultraviolet radiation; and
- (k) contouring, such as but not limited to, slimming.

"**person**" means a natural and legal person, including but not limited to an association of persons, a partnership, and a company;

"**potable water**" means water that complies with SANS 241;

"**premises**" means any building, structure, or tent together with the land on which it is situated and the adjoining land used in connection with it and includes any land without any building, structure or tent and any vehicle, conveyance or ship;

"**salon**" means a place where anyone or more of the services or activities contemplated in the definition of "*barber, hairdresser, beautician, body piercer or tattooist*" are normally carried on;

"**waste**" means any matter or waste material arising from the use of any land or premises, excluding hazardous waste and health care waste;

2. Health requirements

- 2.1 No person may use the premises of a salon for a purpose other than for the carrying on of the business of barber, hairdresser, beautician, body piercer or tattooist.
- 2.2 A person who carries on the business of barber, hairdresser, beautician, body piercer or tattooist in a salon or any other premises, must-
 - (a) install or have available in the salon an appliance or other means whereby an instrument that has come into contact with human skin, hair or bodily fluid, such as, but not limited to, blood, must be sterilized or disinfected;
 - (b) ensure that only professional tattooing and body piercing machines designed and assembled in a manner which prevents contamination of sterilized needle sets may be used for applying permanent tattoos or body piercing, and all tubes and needles must be stored in single service, sterile, sealed autoclave bags which must be opened in the presence of the client;

- (c) after each use of a blade, razor, pair of scissors, comb, brush, roller, nail file, clippers, or other instrument which was applied to the human hair, nail or skin, dispose of disposable instruments or disinfect reusable instruments by applying a suitable disinfectant;
 - (d) wear new disposable latex or nitrile examination gloves for the duration of a procedure where he or she implants hair, pierces or tattoos skin, or uses a chemical or chemical compound in an activity;
 - (e) disinfect his or her hands before and after rendering *any* service to a client;
 - (f) directly after treatment of the client, clean and disinfect a surface that has been contaminated by body fluid; and
 - (g) dispose of any disposable glove or other disposable material after each use;
 - (h) at least once a day wash, with a disinfectant, all clothing such as aprons and caps, all surfaces such as, but not limited to, walls, floors counters and chairs;
 - (i) dispose of all sharp instruments, bloodied and otherwise contaminated disposable towels and paper in accordance with section 27;
 - (j) store sharp instruments such as, but not limited to, a razor, blade or needle in a separate container in accordance with section 27;
 - (k) after each use, wash and clean all surfaces and towels;
 - (l) generally, keep the premises, tools, equipment and clothing in a hygienic condition at all times;
 - (m) after every service, collect waste such as, but not limited to, hair clippings and towelling paper, and store or dispose of such waste in accordance with best practice methods;
 - (n) ensure that no animal, excluding a guide dog accompanying a blind person, enters the premises; and
 - (o) provide his or her employees with protective clothing, train any person working on the premises, and ensure that the employee complies with the provisions of this By-Law.
- 2.3 A person who contravenes a provision of subsection 2.1 or 2.2 commits an offence.

3. Requirements for premises

- 3.1 A person who carries on the business of barber, hairdresser, beautician, body piercer or tattooist in a salon or another place, must ensure that the premises comply with the following:
- (a) basins, with a supply of running hot and cold potable water, must be available for the washing of hair and hands;

- (b) lighting, ventilation, water and toilet facilities as prescribed in the National Building Regulations and Buildings Standards Act, 1977 (Act 103 of 1977) must be provided;
 - (c) shelves, counters, table tops or other fixtures on which instruments are placed must be constructed of impervious material that is easy to clean;
 - (d) adequate facilities for the storage of clothes, instruments and appliances must be provided;
 - (e) facilities for the disposal of waste water must be provided; and
 - (f) the walls and floors must be constructed of materials that are easy to clean
- 3.2 Should the owner, occupier or person in charge of the premises upon which the business is carried on fail to comply with a provision in subsection, an offence is committed.

4. Penalty Clause

- 4.1 Any person contravening the provisions of this By-Law shall be guilty of an offence and upon conviction liable to a fine or imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.

5. Short title

This By-Law shall be called barber, hairdresser, beautician, body piercer or tattooist By-Law, 2012.

DAWID KRUIPER MUNICIPALITY

BARBER, HAIRDRESSER, BEAUTICIAN, BODY PIERCER OR TATTOOIST AMENDMENT BY-LAW, 2017

GENERAL EXPLANATORY NOTE

[] Words in bold type and square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Barber, Hairdresser, Beautician, Body Piercer or Tattooist By-Law, 2012; to provide for the substitution of the name "//Khara Hais", wherever it appears; to provide for the insertion of a preamble; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kruiper Municipality, as follows: -

Insertion of a preamble of the Dawid Kruiper Municipality Barber, Hairdresser, Beautician, Body Piercer or Tattooist By-Law, 2012:

1. The Dawid Kruiper Municipality: Barber, Hairdresser, Beautician, Body Piercer or Tattooist By-Law, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

"WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control the provision of barber, hairdresser, beautician, body piercer and tattooist services in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:"

Amendment of section 5 of the Dawid Kruiper Municipality: Barber, Hairdresser, Beautician, Body Piercer or Tattooist By-Law, 2012:

2. The following section is hereby substituted for section 5 of the principal By-Law:
"5. This By-Law is called Dawid Kruiper Municipality: Barber, Hairdresser, Beautician, Body Piercer or Tattooist Amendment By-Law, [2012] 2017"

NOTICE 121 OF 2017

LAW ENFORCEMENT BY-LAW, 2012

By-Law No. 22, 2012

BY-LAW**As Amended by the Law Enforcement Amendment By-Law 2017**

To provide for the prevention of crime in the Dawid Kruiper Municipality; and for matters connected therewith.

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to promote crime prevention within its area of jurisdiction;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:

Definitions

1. In this By-Law, unless the context otherwise indicates -

"car guard" means a person rendering a service to another person for reward at a public place or at a place which is commonly used by the public or any section thereof by making himself or herself available for the protection of vehicles in accordance with an arrangement with such other person, and

"organisation for car guards" shall have a corresponding meaning;

"law enforcement officer" means a person authorised by or under any law to police or enforce any By-Law of the Municipality;

"Municipality" means the Dawid Kruiper Municipality;

"public place" includes any land, park or open space, road, street, sanitary passage or thoroughfare, bridge, building or structure which is commonly used by the public and is the property of the Municipality or, of which the control, to the entire exclusion of the owner, is vested in the Municipality or to which the inhabitants of the Municipality have a common right or access;

"public property" includes any bridge, building, structure or permanent fixture that forms part of a public place or is to be found in, on or at a public place, or is by law public property; and

"street" includes a sidewalk.

Application

2. This By-Law is applicable throughout the jurisdiction of the municipality.

Damage to public property prohibited

3. No person shall remove, damage, deface, conceal or tamper with public property.

Surface of streets may not be defaced

4. Except in the performance of his or her official duties, no person shall mark, paint or, in any manner, deface the surface of any street or part thereof.

Display of signs, posters and banners regulated

5. (1) No person shall display any sign, poster or banner that is indecent, offensive or lewd-
- (a) in, on or at a public place; or
 - (b) in such a manner that it is readily visible from a public place.
- (2) Except with the prior written permission of the Municipality and in accordance with the conditions determined by the Municipality, no person shall -
- (a) at a public place; or
 - (b) on private property (except private property zoned for business related or industrial related purposes by or under any law, guide plan, town planning scheme or title deed) in such a manner that it is readily visible from a public place, advertise by displaying any sign, poster or banner.

Display of street numbers

6. The owner or occupant of built up premises must display the street number allocated to such premises by the Municipality, at a prominent place, facing the street concerned in such a way that it is readily legible from the street.

Damage of street names and street numbers prohibited

7. No person shall damage, deface, remove or render illegal-
- (a) a plate displaying a street name;
 - (b) a street number contemplated in section 5; or
 - (c) any sign authorised or erected by the Municipality.

Regulation of begging in or from public places

8. (1) Except with the prior written permission of the Municipality and in accordance with the conditions determined by the Municipality, no person shall -
- (a) beg or collect alms in or from a public place;
 - (b) beg or collect alms from door to door.
- (2) Conditions contemplated in subsection (1) must include, but shall not be limited to -
- (a) delimitation of the area in which such person may beg or collect alms;
 - (b) hours during which such person may beg or collect alms;
 - (c) places prohibited for such person to beg or collect alms; and
 - (d) the period (not exceeding one year) for which the permission is granted.
- (3) A person who begs or collects alms in accordance with a written permission contemplated in subsection (1) must be in possession of such written permission and produce it on request to -
- (a) a person approached by that person;
 - (b) any person with an apparent interest in his or her conduct; or
 - (c) a law enforcement officer.

Regulation of car guards

9. (1) No person shall act as a car guard unless that person is -
- (a) registered as a security service provider in terms of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001); and
 - (b) employed by an organisation for car guards and acts in the employ of and under the control of that organisation.
- (2) An organisation for car guards shall not render a car guard service unless that organisation -
- (a) has obtained the prior written permission of the Municipality and acts in accordance with the conditions set out in that written permission;
 - (b) is a "**security business**" as defined in the Private Security Industry Regulation Act, 2001, and complies with the provisions of section 20(2) of that Act;
 - (c) ensures that any of its employees rendering a car guard service -

- (i) is at all times duly registered as a security service provider in terms of the Private Security Industry Regulation Act, 2001; and
 - (ii) complies with the provisions of the code of conduct for security service providers referred to in section 28 of the Private Security Industry Regulation Act, 2001.
 - (3) Conditions contemplated in subsection (2)(a) must include, but shall not be limited to-
 - (a) delimitation of the area in which such organisation for car guards may render a car guard service;
 - (b) hours during which such organisation for car guards may render a car guard service;
 - (c) places prohibited for such organisation for car guards to render a car guard service; and
 - (d) the period (not exceeding one year) for which the permission is granted.
- Unlawful acts in relation to public places**
10. (1) No person shall leave, spill, drop or place in, on or at a public place any matter or substance -
- (a) that may impede the cleanliness of such public place; or
 - (b) that may cause annoyance or danger to any person, animal or vehicle using such public place.
- (2) No person shall spit, urinate or defecate in, on or at a public place.
- (3) No person shall be drunk in, on or at a public place.
- Inhalation, provision or disposal of certain substances prohibited**
11. (1) Subject to the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992), no person shall inhale the fumes of any glue, adhesive or volatile substance that has an intoxicating or hallucinating effect.
- (2) No person shall dispose of any container of a substance referred to in subsection (1) -
- (a) through the municipal refuse system; or
 - (b) by leaving it in, on or at a public place.
- (3) Subject to the Drugs and Drug Trafficking Act, 1992, no person shall, for payment or otherwise, provide a substance referred to in subsection (1) to any person if it is reasonably evident that the substance is acquired with the purpose of contravention of that subsection.

Dumping, leaving or accumulation of certain objects or substances in public places prohibited

12. (1) No person shall dump, leave or accumulate any garden refuse, motor vehicle wreck or spare part, building waste, rubbish or other waste -
- (a) in, on or at a public place;
- (b) except at a place designated by the Municipality for dumping.
- (2) Except with the prior written permission of the Municipality and in accordance with any condition as may be determined by the Municipality, no person shall place or permit any object or substance referred to in subsection (1) to be placed in, on or at a public place from premises owned or occupied by such person.

Unlawful acts in relation to trees in public places

13. (1) No person shall -
- (a) break or damage a tree in a public place; or
- (b) mark or paint such tree.
- (2) Except with the prior written permission of the Municipality, no person shall-
- (a) display an advertisement on a tree in a public place;
- (b) lop, top, trim, cut down or remove such tree.

Gathering or obstruction of streets prohibited

14. Subject to the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993), no person shall gather, sit, lie or walk in a street in such manner as to cause obstruction to traffic or to jostle or otherwise impede any other person using such street.

Prohibitions in relation to places of religious worship

15. (1) No person shall, without reasonable cause, linger in the immediate proximity of a place of religious worship immediately before, during or after assembly of the congregation.
- (2) No person shall vex, hinder or impede any member of a congregation attending religious worship or proceeding to or leaving from a place of religious worship.

Nuisance prohibited

16. (1) No person shall, in, on or at a public place -
- (a) use indecent, offensive or lewd language;
- (b) ignite or burn rubble or refuse;
- (c) burn any matter that produces an offensive smoke;
- (d) cause an offensive smell;

- (e) fight, threaten anyone with violence or disturb other persons by shouting or arguing;
 - (f) cause excessive noise by -
 - (i) singing;
 - (ii) playing musical instruments;
 - (iii) the running of an engine;
 - (iv) the use of a loudspeaker, radio, television or similar device; or
 - (v) any other means.
- (2) No person shall, in, on or at a private premise or private reserve -
- (a) ignite or burn rubble or refuse;
 - (b) burn any matter that produces an offensive smoke;
 - (c) cause an offensive smell;
 - (d) cause excessive noise by-
 - (i) singing; or
 - (ii) by playing a music instrument, radio or similar device extremely loud or in such a way that it may cause material interference with the ordinary comfort, convenience, peace or quiet of persons in the neighbourhood.

Disturbance of peace prohibited

17. (1) No person shall disturb the peace in a residential area by causing excessive noise or by fighting, shouting or arguing in a boisterous way.
- (2) Except with the prior written permission of the Municipality and in accordance with any condition that may be determined by the Municipality, no person shall explode a firecracker or any other firework causing a loud noise.
- (3) The provisions of subsection (1) shall not be construed so as to prohibit noise emanating from a *bona fide* cultural or religious gathering.

Advertising by sound-amplifying equipment regulated

18. Except with the prior written permission of the Municipality and in accordance with any condition that may be determined by the Municipality, no person shall, by the use of any sound-amplifying equipment on business premises -
- (a) play music; or
 - (b) use a microphone or recording to invite any member of the public to enter those premises or to do business there, in such a way that it can be heard from a public place.

Touting regulated

19. Except in an area designated by the Municipality and during hours determined by the Municipality, no person shall, in or from a public place-

- (a) tout; or
- (b) in any way indicate to any member of the public his or her willingness to do for reward any work or perform any task.

Exhibition of obscene visual images regulated

20. (1) Except in a separate private room to which access can only be attained through a door on which the words "Admittance only for persons of 18 years and older" have been printed boldly and which is situated inside the business premises concerned, no person conducting business in -

- (a) the selling, hiring out or screening of films; or
- (b) the selling of publications, shall exhibit a film or publication, the container or cover, as the case may be, of which contains a drawing, picture, illustration, painting, photograph or image or combination thereof, depicting sexual conduct.

(2) For the purposes of subsection (1)-

"film" means -

- (a) any sequence of visual images recorded on any substance, whether a film, magnetic tape, disc or any other material, in such manner that by using such substance such images will be capable of being seen as a moving picture;
- (b) the soundtrack associated with and any exhibited illustration relating to a film as defined in paragraph (a);
- (c) any picture intended for exhibition through the medium of any mechanical, electronic or other device;

"publication" means -

- (a) any newspaper, book, periodical, pamphlet, poster or other printed matter;
- (b) any writing or typescript, which has in any manner been duplicated;
- (c) any drawing, picture, illustration or painting;
- (d) any print, photograph, engraving or lithograph;
- (e) any record, magnetic tape, soundtrack, except a soundtrack associated with a film, or any other object, in or on which sound has been recorded for reproduction;

- (f) computer software, which is not a film;
- (g) the cover or packaging of a film;
- (h) any figure, carving, statue or model;
- (i) any message or communication, including a visual presentation, placed on any distributed network, including, but not confined to, the Internet; and

"sexual conduct" means the display of genitals, masturbation, sexual intercourse, which includes anal sexual intercourse, the fondling, or touching with any object, of genitals, the penetration of a vagina or anus with any object, oral genital contact, or oral anal contact.

- (3) The provisions of subsection (1) shall not apply to a person contemplated in section 24(1) of the Films and Publications Act, 1996 (Act No. 65 of 1996), who is the holder of a licence to conduct the business of adult premises, while such person conducts business on such premises.

Parking of heavy vehicles, trailers or caravans

21. No person shall park-

- (a) a vehicle with a gross mass exceeding 9000 kg, or a trailer with a gross mass exceeding 1000 kg, for longer than 2 hours; or
- (b) a caravan for longer than 24 hours, in a street.

Distribution of handbills regulated

22. Without the prior written permission of the Municipality, no person shall-

- (a) place or cause a handbill or similar advertising item to be placed in or on any vehicle parked at a public place; or
- (b) hand out or cause a handbill or similar advertising item to be handed out to any person in or at a public place.

Penalty clause

23. (1) Any person who contravenes or fails to comply with any provision of this By-Law or any requirement or condition thereunder, shall be guilty of an offence.
- (2) Any person convicted of an offence in terms of subsection (1) shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

Short title

24. This By-Law shall be called the Law Enforcement By-Law, 2012.

DAWID KUIPER MUNICIPALITY

LAW ENFORCEMENT AMENDMENT BY-LAW, 2017

GENERAL EXPLANATORY NOTE

- [] Words in bold type and square brackets indicate omissions from existing enactments.
____ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Law Enforcement By-Law, 2012; to provide for the substitution of the name "//Khara Hais", wherever it appears; to provide for the insertion of a preamble; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kruiper Municipality, as follows: -

Insertion of a preamble of the Dawid Kruiper Municipality Law Enforcement By-Law, 2012:

1. The Dawid Kruiper Municipality: Law Enforcement By-Law, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

"WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to promote crime prevention within its area of jurisdiction;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:"

Amendment of section 1 of the Dawid Kruiper Municipality: Law Enforcement By-Law, 2012

2. Section 1 of the principal By-Law is hereby amended:
- (a) by the substitution for the definition of "Municipality" of the following definition:
"“Municipality” means the [//Khara Hais] Dawid Kruiper M[m]unicipality";

Amendment of section 24 of the Dawid Kruiper Municipality: Law Enforcement By-Law, 2012:

3. The following section is hereby substituted for section 24 of the principal By-Law:
"24. This By-Law is called Dawid Kruiper Municipality: Law Enforcement Amendment By-Law, [2012] 2017 "

NOTICE 122 OF 2017**REFUSE REMOVAL BY-LAW, 2012**

By-Law No. 21, 2012

BY-LAW**As Amended by the Refuse Removal Amendment By-Law 2017**

To provide for a refuse removal service in the Dawid Kruiper Municipality; and for matters connected therewith.

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to provide a refuse removal service in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:

ARRANGEMENT OF SECTIONS**CHAPTER 1****SERVICE FOR THE REMOVAL OF REFUSE**

1. Definitions
2. Removal of refuse
3. Notice to the Municipality
4. Provision of refuse bins or container units
5. Positioning of refuse bins, container units, etc.
6. Use and care of containers and bin liners

CHAPTER 2**COMPACTION OF REFUSE**

7. Compaction of refuse

CHAPTER 3**GARDEN REFUSE, BULKY GARDEN REFUSE AND OTHER BULKY REFUSE**

8. Removal and disposal of garden refuse, bulky garden refuse and other bulky refuse
9. The Municipality's special service
10. Responsibility for builders refuse
11. Containers
12. Disposal of builders refuse

**CHAPTER 4
SPECIAL INDUSTRIAL REFUSE**

13. Notification of generation of special industrial refuse
14. Storing of special industrial refuse
15. Removal of special industrial refuse

**CHAPTER 5
DISPOSAL SITES**

16. Conduct at disposal sites
17. Ownership of refuse

**CHAPTER 6
LITTERING, DUMPING AND ANCILLARY MATTERS**

18. Littering and dumping
19. Abandoned things

**CHAPTER 7
GENERAL PROVISIONS**

20. Access to premises
21. Accumulation of refuse

**CHAPTER 8
TARIFF CHARGES AND PENALTIES**

22. Charges
23. Penalty clause
24. Short title

**CHAPTER 1
SERVICE FOR THE REMOVAL OF REFUSE
Definitions**

1. In this By-Law, unless the context otherwise indicates -

"bin" means a standard type of refuse bin with a capacity of 0,1 cubic meters or 85 litres as approved by the Municipality and which can be supplied by the Municipality. The bin may be constructed of galvanised iron, rubber or polythene;

"bin liner" means a plastic bag approved by the Municipality which is placed inside a bin with a maximum capacity of 0,1 cubic meters. These bags must be of a dark colour, 950 mm x 750 mm in size, of low density, minimum 35 micrometre diameter;

"builders refuse" means refuse generated by demolition, excavation or building activities on premises;

"bulky garden refuse" means refuse such as tree stumps, branches of trees, hedge stumps and branches of hedges and any other grade refuse of quantities more than 2 cubic meters;

"bulky refuse" means refuse which emanates from any premises, excluding industrial refuse, and which cannot by virtue of its mass, shape, size or quantity be conveniently accumulated or removed in a refuse bin with a bin liner;

"business refuse" means refuse generated by the use of premises other than a private dwelling-house used solely as a residence, but shall not include builders refuse, bulky refuse, domestic refuse or industrial refuse;

"domestic refuse" means refuse normally originating from a building used for dwelling purposes, including flats, hospitals, schools, hostels, compounds, benevolent societies, churches and halls situated on private property and which can be easily removed without damaging the bin liner;

"garden refuse" means refuse which is generated as a result of normal gardening activities such as grass cuttings, leaves, plants and flowers;

"Municipality" means the Dawid Kruiper municipality;

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

"owner" means -

- (a) the person in whom from time to time is vested the legal title to the premises;
- (b) in a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, manager, liquidator or other legal representative;
- (c) in any case where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of such premises or a building thereon;
- (d) in the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof;
- (e) in relation to-
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), and without restricting the above, the developer or the body corporate in respect of the common property; or
 - (ii) a section as defined in that Act, the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;
- (f) any legal person including, but not limited to -
 - (i) a company registered in terms of the Companies Act, 2008 (Act No.71 of 2008), a trust *inter vivos*, a trust *mortis causa*, a close corporation

- registered in terms of the Close Corporations Act, 1984 (Act No. 69 of 1984), a voluntary association;
- (ii) any Department of State;
 - (iii) any municipality or board established in terms of any legislation applicable in the Republic of South Africa;
 - (iv) any embassy or other foreign entity;

"public place" means any road, street, square, park, recreation ground, sport ground, sanitary lane or open space which has-

- (a) in connection with any subdivision or layout of land into erven, lots of plots, been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, lots of plots, whether or not it is shown on a general plan, plan of subdivision or diagram;
- (b) at any time been dedicated to the public;
- (c) been used without interruption by the public for a period of at least 30 years expiring after 31 December 1959; or
- (d) at any time been declared or rendered as such by the Municipality or other competent authority;

"special Industrial refuse" means refuse, consisting of a liquid or sludge, resulting from a process or the pre-treatment for disposal purposes of any industrial liquid waste, which in terms of the Municipality's By-Laws may not be discharged into a drain or sewer; and

"tariff" means the tariff of charges as determined from time to time by the Municipality.

Removal of refuse

- 2. (1) The Municipality shall provide a service for the collection and removal of business and domestic refuse from premises at the tariff determined by the Municipality.
- (2) The occupier of the premises on which business or domestic refuse is generated, shall avail himself or herself of the Municipality's service for the collection and removal of such refuse, except where special exemption is granted by the Municipality.
- (3) The owner of the premises on which business or domestic refuse is generated, shall be liable to the Municipality for all charges in respect of the collection and removal of refuse from such premises.

Notice to the Municipality

- 3. The occupier of the premises, or in the case of premises being occupied by more than one person, the owner of such premises on which business refuse or domestic refuse is generated, shall within seven days after the commencement of the generation of such refuse notify the Municipality -
 - (a) that the premises are being occupied;
 - (b) whether business refuse or domestic refuse is being generated on the premises.

Provision of refuse bins or container units

4. (1) The Municipality shall determine the type and number of containers required on premises.
- (2) If a container is supplied by the Municipality, such container shall be supplied free of charge, or at the ruling prices, or at a hiring tariff, as the Municipality may determine;
- (3) If required by the Municipality, the owner of a premise shall be responsible for the supply of a pre-determined number and type of containers.
- (4) The Municipality may supply container units to a premise if, having regard to the quantity of business refuse generated on the premises conceded, the suitability of such refuse for storage in refuse bins, and the accessibility of the space provided by the owner of the premises in terms of section 5 to the Municipality's refuse collection vehicles, if it considers container units more appropriate for the storage of the refuse than refuse bins:

Provided that container units shall not be supplied to the premises unless the space provided by the owner of the premises in terms of section 5 is accessible to the Municipality's refuse collection vehicles for container units.

Positioning of refuse bins, container units, etc.

5. (1) The owner of the premises shall provide adequate space on the premises for the storage of the refuse bins supplied by the Municipality in terms of section 4 or for the equipment and containers mentioned in section 7(1).
- (2) The space provided in terms of subsection (1) shall-
- (a) be in such a position on the premises as will allow the storage of refuse bins without the bins being visible from a street or other public place;
- (b) where domestic refuse is generated on the premises-
- (i) be in such a position as will allow the collection and removal of refuse by the Municipality's employees without hindrance;
- (ii) be not more than 20 m from the entrance to the premises, used by the Municipality's employees;
- (c) if required by the Municipality, be so located as to permit convenient access to and egress from such space for the Municipality's refuse collection vehicles;
- (d) be sufficient to house any receptacle used in the sorting and storage of the refuse contemplated in subsections 6(1)(a)(i) and 7(9), as well as any such refuse not being stored in a receptacle:

Provided that this requirement shall not apply in the case of buildings erected, or the building plans whereof have been approved, prior to the coming into operation of this Bylaw;

- (e) be secured to the satisfaction of the Municipality to ensure that it is not accessible to the public.
 - (3) The occupier of the premises, or in the case of premises being occupied by more than one person, the owner of such premises shall place the refuse bins supplied in terms of section 4, in the space provided in terms of subsection (1) and shall at all times keep them there.
 - (4) Notwithstanding anything to the contrary in subsection (3) contained-
 - (a) in the case of buildings erected, or of which the building plans have been approved prior to the coming into operation of this By-Law; and
 - (b) in the event of the Municipality, in its opinion being unable to collect and remove business refuse from the space provided in terms of subsection (1), the Municipality may, having regard to the avoidance of nuisance and the convenience of collection of refuse, indicate a position within or outside the premises where the refuse bins shall be placed for the collection and removal of such refuse and such refuse bins shall then be placed in such position at such times and for such periods as the Municipality may determine.
- Use and care of containers and bin liners**
6. (1) Every occupier of premises, or in the case of premises being occupied by more than one person, the owner of such premises shall ensure that-
- (a) all the domestic or business refuse generated on the premises is placed and kept in bin liners for removal by the Municipality:

Provided that the provisions of this subsection shall not prevent any occupier or owner, as the case may be -

 - (i) who has obtained the Municipality's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material being an element of business refuse, for recycling in a manufacturing process or, in the case of swill, for consumption;
 - (ii) from utilising such domestic refuse as may be suitable for making compost;
 - (b) no hot ash, unwrapped glass or other business or domestic refuse which may cause damage to bin liners or which may cause injury to the Municipality's employees while carrying out their duties in terms of this By-Law, is placed in bin liners before he or she has taken such steps as may be necessary to avoid such damage or injury;
 - (c) no material, including any liquid which, by reason of its mass or other characteristics, is likely to render such bin liners unreasonably difficult for the Municipality's employees to handle or carry, is placed in such bin liners;

- (d) every container on the premises is covered, save when refuse is being deposited therein or discharged there from, and that every container is kept in a clean and hygienic condition;
 - (e) no person deposits refuse in any other place than in the containers provided for that purpose.
- (2) No container may be used for any purpose other than the storage of business, domestic or garden refuse and no fire shall be lit in such container.
 - (3) In the event of a container having been delivered to premises in terms of subsection 4(4), the occupier of such premises shall, 24 hours before the container is likely to be filled to capacity, inform the Municipality thereof.
 - (4) The owner of premises to which bins or container units have been supplied in terms of section 4 or 11, shall be liable to the Municipality for the loss thereof and for any damage caused thereto, except for such loss or damage as may be caused by the employees of the Municipality.
 - (5) Plastic bin liners with domestic or garden refuse, or both, shall be properly closed and be placed outside the property next to the fence and near the entrance or access road before 07:00 on the day determined by the Municipality for removal of refuse.
 - (6) No person shall open, tamper with or remove anything from a plastic bin liner placed outside a property in accordance with subsection (5).

CHAPTER 2
COMPACTION OF REFUSE
Compaction of refuse

- 7. (1) Should the quantity of domestic or business refuse generated on premises be such that, in the opinion of the Municipality, the major portion of such refuse is compactable, or should the owner or occupier of premises wish to compact such refuse, such owner or occupier, as the case may be, shall increase the density of that portion of such refuse as is compactable by means of approved equipment designed to shred or compact refuse and shall put the refuse so treated into an approved plastic, paper or other disposable container or into a compaction unit container, and the provisions of section 4 shall not apply to such compactable refuse.
- (2) The capacity of the plastic, paper or other disposable container referred to in subsection (1) shall not exceed 0,1 cubic meters.
- (3) After the refuse, treated as contemplated in subsection (1), has been put into a plastic, paper or other disposable container, such container shall be placed in a container or container unit.
- (4) Insofar as the provisions of subsection (1) make the compaction of domestic or business refuse compulsory, such provisions shall not apply until a period of 6 months has elapsed from the date of the serving of a notice to this effect by the Municipality.

- (5) "**Approved**" for the purpose of subsection (1), shall mean approved by the Municipality, regard being had to the suitability of the equipment or container for the purpose for which it is to be used, as well as the reasonable requirements of the particular case from a public health, storage and refuse collection and removal point of view.
- (6) The containers mentioned in subsection (1) shall be supplied by the owner or the occupier, as the case may be.
- (7) If the container referred to in subsection (1) is made of steel, such container shall, after the collection thereof and after it has been emptied by the Municipality, be returned to the premises.
- (8) The Municipality shall remove and empty the containers referred to in subsection (1) at such intervals as the Municipality may deem necessary in the circumstances.
- (9) The provisions of this section shall not prevent any owner or occupier of premises, as the case may be, after having obtained the Municipality's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material being an element of business refuse, for recycling in a manufacturing process or, in the case of swill, for consumption.

CHAPTER 3

GARDEN REFUSE, BULKY GARDEN REFUSE AND OTHER BULKY REFUSE

Removal and disposal of garden refuse, bulky garden refuse and other bulky refuse

- 8. (1) The occupier, or in the case of premises occupied by more than one person, the owner of premises on which garden refuse, bulky garden refuse or other bulky refuse is generated, shall ensure that such refuse be disposed of in terms of this Chapter within a reasonable time after the generation thereof.
- (2) Any person may remove and dispose of garden refuse, bulky garden refuse or other bulky refuse.
- (3) Garden refuse, bulky garden refuse or other bulky refuse removed from the premises on which it was generated, shall be disposed of on a site designated by the Municipality as a disposal site for such refuse.

The Municipality's special service

- 9. At the request of the owner or any occupier of any premises, the Municipality shall remove bulky garden refuse and other refuse from premises, if the Municipality is able to do so with its refuse removal equipment. All such refuse shall be placed within 3 m of the boundary loading point, but not on the sidewalk.

Responsibility for builders refuse

- 10. (1) The owner of premises on which builder's refuse is generated and the person engaged in the activity, which causes such refuse to be generated, shall ensure that -
 - (a) such refuse be disposed of on the terms of section 12 within a reasonable time after the generation thereof;

- (b) until such time as builder's refuse is disposed of, such refuse, together with the containers used for the storing or removal thereof, be kept on the premises on which it was generated.

- (2) Any person may operate a builder refuse removal service. Should the Municipality provide such a service, it shall be done at the prescribed tariff.

Containers

- 11. (1) If containers or other receptacles used for the removal of builders refuse, bulky refuse of other waste material from premises can, in the opinion of the Municipality, not be kept on the premises, such containers or other receptacles may, with the written consent of the Municipality, be placed in the roadway for the period of such consent.
- (2) Any consent given in terms of subsection (1), shall be subject to such conditions as the Municipality may deem necessary: Provided that in giving or refusing its consent or in laying down conditions, the Municipality shall have regard to the convenience and safety of the public.
- (3) Every container or other receptacle used for the removal of builder's refuse shall -
 - (a) have clearly marked on it the name and address or telephone number of the person in control of such container or other receptacle;
 - (b) be fitted with reflecting chevrons or reflectors, which shall completely outline the front and the back thereof; and
 - (c) be covered at all times, other than when actually receiving or being emptied of such refuse, so that no displacement of its contents or dust nuisance may occur.

Disposal of builders refuse

- 12. (1) Subject to the provisions of subsection (2), all builders refuse shall be deposited at the Municipality's refuse disposal sites, after the person depositing the refuse has paid the tariff charge therefor.
- (2) For the purpose of reclamation of land, builders refuse may, with the written consent of the Municipality, be deposited at a place other than the Municipality's refuse disposal sites.
- (3) Any consent given in terms of subsection (2), shall be subject to such conditions as the Municipality may deem necessary:

Provided that in giving or refusing its consent or in laying down conditions, the Municipality shall have regard to -

 - (a) the safety of the public;
 - (b) the environment of the proposed disposal site;
 - (c) the suitability of the area, including the drainage thereof;

- (d) the expected manner and times of depositing of refuse at the site;
- (e) the levelling of the site;
- (f) the control of dust; and
- (g) any other relevant factors.

CHAPTER 4

SPECIAL INDUSTRIAL REFUSE

Notification of generation of special industrial refuse

13. (1) The person engaged in the activity, which causes special industrial refuse to be generated, shall inform the Municipality of the composition thereof, the quantity generated, how it is stored and how and when it will be removed.
- (2) If so required by the Municipality, the notification referred to in subsection (1), shall be substantiated by an analysis certified by a qualified industrial chemist.
- (3) Subject to the provisions of this By-Law, any person duly authorised by the Municipality, may enter premises at any reasonable time to ascertain whether special industrial refuse is generated on such premises and may take samples and test any refuse found on the premises to ascertain its composition.
- (4) The person mentioned in subsection (1), shall notify the Municipality of any changes in the composition and quantity of the special industrial refuse that may occur from time to time.

Storing of special Industrial refuse

14. (1) The person referred to in section 13(1), shall ensure that the special industrial refuse generated on the premises is kept and stored thereon in terms of subsection (2), until it is removed from the premises in terms of section 15.
- (2) Special industrial refuse stored on premises, shall be stored in such a manner that it does not become a nuisance or pollute the environment.
- (3) If special industrial refuse is not stored in terms of subsection (2) on the premises on which it is generated, the Municipality may order the owner of the premises and the person referred to in subsection 13(1), to remove such refuse within a reasonable time and, if thereafter such refuse is not removed within such time, the Municipality may remove it at the owner's expense.

Removal of special industrial refuse

15. (1) No person shall remove special industrial refuse from the premises on which it was generated without or otherwise than in terms of the written consent of the Municipality.
- (2) The Municipality may give its consent in terms of subsection (1), subject to such conditions as it may deem fit. In laying down conditions, the Municipality shall have regard to -

- (a) the composition of the special industrial refuse;
 - (b) the suitability of the vehicle and container to be used;
 - (c) the place where the refuse shall be dumped; and
 - (d) proof to the Municipality of such dumping.
- (3) The Municipality shall not give its consent in terms of subsection (1), unless it is satisfied that the person applying for such consent is competent and has the equipment to remove the special industrial refuse and complies with the conditions laid down by the Municipality.
- (4) The person referred to in subsection 13(1), shall inform the Municipality, at such intervals as the Municipality may stipulate, having regard to the information to be given to the Municipality in terms of subsection 13(1), of the removal of special industrial refuse, the identity of the remover, the date of such removal, the quantity and the composition of the special industrial refuse removed.
- (5) Should any person be caught in the act of contravening the provisions of this section, such person shall dispose of the refuse removed by him or her as directed by the Municipality.

CHAPTER 5
DISPOSAL SITES
Conduct at disposal sites

16. (1) Any person who, for the purpose of disposing of refuse, enters a refuse disposal site controlled by the Municipality shall -
- (a) enter the disposal site only at an authorised access point;
 - (b) give the Municipality all the particulars required in regard to the composition of the refuse; and
 - (c) follow all instructions given to him or her in regard to access to the actual disposal point, the place where and the manner in which the refuse should be deposited.
- (2) No person shall bring intoxicating liquor onto a disposal site controlled by the Municipality.
- (3) No person shall enter a disposal site controlled by the Municipality for any purpose other than the disposal of refuse in terms of this By-Law and then only at such times as the Municipality may from time to time determine.
- Ownership of refuse**
17. (1) All refuse removed by the Municipality and all refuse at disposal sites controlled by the Municipality shall be the property of the Municipality and no person who is not authorised by the Municipality to do so, may remove or interfere therewith.
- (2) Only refuse which is generated on premises within the Municipality's area of jurisdiction may be disposed of on the Municipality's refuse disposal sites.

CHAPTER 6
LITTERING, DUMPING AND ANCILLARY MATTERS
Littering and dumping

18. No person shall -
- (a) throw, discard, deposit or spill any refuse of any nature into or onto any public place, vacant stand, vacant erf, stream or watercourse;
 - (b) sweep any refuse into a gutter on a public place; or
 - (c) allow any persons under his or her control to do any of the acts referred to in paragraphs (a) and (b).
- Abandoned things**
19. (1) Anything, other than a vehicle, left in a public place, and which may, having regard to-
- (a) the place where it was left;
 - (b) the period that it was left; and
 - (c) its nature and condition, be regarded as abandoned, may be removed and disposed of by the Municipality.
- (2) If the identity of the owner of the abandoned thing is known to the Municipality, the Municipality may recover the costs concerning the removal and disposal of such thing, if any, from the owner.
- (3) For the purpose of subsection (1), a shop trolley shall be deemed not to be a vehicle.

CHAPTER 7
GENERAL PROVISIONS
Access to premises

20. (1) Where the Municipality provides a refuse collection service, the occupier of premises shall grant the Municipality access to the premises for the purpose of collecting and removing refuse and shall ensure that nothing obstructs, frustrates or hinders the Municipality in the carrying out of its service.
- (2) Where, in the opinion of the Municipality, the collection or removal of refuse from any premises is likely to result in damage to the premises or the Municipality's property, or injury to the refuse collectors or any other person, it may, as a condition for the provision of a refuse collection service to the premises, require the owner or occupier to indemnify it, in writing, in respect of any such damage or injury or any claims arising out of either.

Accumulation of refuse

21. If any category of refuse defined in Chapter 1 of this By-Law accumulates on premises so as to constitute or so as to render it likely that a nuisance will be created thereby, or dumped as contemplated in section 18(a), the Municipality may make a special removal of such refuse and the owner shall be liable in respect of such special removal to pay the tariff charge therefor.

CHAPTER 8

TARIFF CHARGES AND PENALTIES

Charges

22. (1) Save where otherwise provided in this By-Law, the person to whom any service mentioned in this By-Law has been rendered by the Municipality, shall be liable to the Municipality for the tariff charge in respect thereof.
- (2) Services rendered by the Municipality in respect of which a monthly tariff charge is prescribed, shall only be discontinued by the Municipality after receipt of a written notification from the owner or occupier of the premises to which the services are rendered, that the generation of domestic or business refuse on the premises has ceased, or when it has become obvious to the Municipality that the generation of such refuse on the premises has ceased.
- (3) Monthly tariff charges shall be payable until receipt by the Municipality of the notice mentioned in subsection (2), or when it has become obvious to the Municipality that the generation of such refuse on the premises has ceased.

Penalty clause

23. Any person who contravenes or fails to comply with any provision of this By-Law shall be guilty of an offence and liable on conviction to a fine or, in default of payment, to imprisonment not exceeding 6 months, or to both a fine and such imprisonment.

Short title

24. This By-Law shall be called the Refuse Removal By-Law. 2012.

DAWID KUIPER MUNICIPALITY

REFUSE REMOVAL AMENDMENT BY-LAW, 2017

GENERAL EXPLANATORY NOTE

- [] Words in bold type and square brackets indicate omissions from existing enactments.
____ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Refuse Removal By-Law, 2012; to provide for the substitution of the name "//Khara Hais", wherever it appears; to provide for the insertion of a preamble; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kuiper Municipality, as follows: -

Insertion of a preamble of the Dawid Kuiper Municipality Refuse Removal By-Law, 2012:

1. The Dawid Kuiper Municipality: Refuse Removal By-Law, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

"WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kuiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kuiper Municipality;

WHEREAS the Dawid Kuiper Municipality intends to provide a refuse removal service in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kuiper Municipality as follows:"

Amendment of section 1 of the Dawid Kuiper Municipality: Refuse Removal By-Law, 2012

2. Section 1 of the principal By-Law is hereby amended:
- (a) by the substitution of the definition of "Municipality" of the following definition:
"Municipality" means the [//Khara Hais] Dawid Kuiper [m]Municipality";
 - (b) by the substitution of paragraph (f)(i) of the definition of "owner" of the following paragraph:

"a company registered in terms of the Companies Act, [1973] 2008 (Act No. [61 of 1973] 71 of 2008), a trust *inter vivos*, a trust *mortis causa*, a close corporation registered in terms of the Close Corporations Act, 1984 (Act No. 69 of 1984), a voluntary association-";

Amendment of section 24 of the Dawid Kruiper Municipality: Refuse Removal By-Law, 2012:

3. The following section is hereby substituted for section 24 of the principal By-Law:
"24. This By-Law is called Dawid Kruiper Municipality: Refuse Removal Amendment By-Law, [2012] 2017"

NOTICE 123 OF 2017

SWIMMING POOL BY-LAW, 2012

By-law No. 20, 2012

BY-LAW**As Amended by the Swimming Pool Amendment By-Law 2017**

To provide for the establishment of municipal swimming pools in the Dawid Kruiper municipality; and for matters connected therewith.

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control municipal and public access swimming pools in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:

Definitions

1. In this By-law, unless the context otherwise indicates -

"caretaker" means the officer appointed by the Municipality in terms of section 3(1);

"Health Practitioner" means the person appointed by the Municipality to investigate the implementation of rules and regulations relating to environmental factors that may affect human health, safety in the workplace and safety of processes for the production of goods and services";

"Municipality" means the Dawid Kruiper Municipality;

"municipal land" means land situated inside the area of jurisdiction of the Municipality, of which the Municipality is the owner, or of which the control, to the entire exclusion of the owner, is vested in the Municipality;

"municipal swimming pool" means a swimming pool established or deemed to be established under section 2; and

"person" means a natural and legal person, including but not limited to an association of persons, a partnership and a company";

"premises" means any building, structure or tent together with the land on which it is situated and the adjoining land used in connection with it and includes any land without any building, structure or tent and any vehicle, conveyance or ship";

"rules" means rules made in terms of section 5(1).

"swimming pool" means a swimming pool, spa bath, including a jacuzzi, that is accessible to the public and includes swimming pools at schools or other tertiary institutions";

"swimming pool manager" means the person responsible for controlling the resources, assets and facilities of a swimming pool.

Establishment of municipal swimming pools

2. (1) The Municipality may, on municipal land, establish, maintain and administer municipal swimming pools.
- (2) Any swimming pool situated on municipal land already administered by the Municipality when this By-law comes into operation, shall for all purposes, be deemed to have been established in accordance with subsection (1).
- (3) The Municipality shall provide dressing rooms, toilets and other facilities for visitors at a municipal swimming pool.

Appointment of caretaker

3. (1) The Municipality shall, for each municipal swimming pool, appoint a caretaker.
- (2) The caretaker appointed in terms of subsection (1), shall be responsible -
 - (a) for the proper and hygienic upkeep of the swimming pool and its facilities;
 - (b) for the introduction and upkeep of adequate safety measures at the swimming pool;
 - (c) for collecting the fees to be paid by a visitor to the swimming pool;
 - (d) to ensure that the rules are adhered to; and
 - (e) to deal with the day-to-day administration of the swimming pool and with matters incidental thereto.

Fees

4. The Municipality may levy fees to be paid by a visitor to a municipal swimming pool.

Rules to be observed by visitors to municipal swimming pools

5. (1) The Municipality may make rules to be observed by a visitor to a municipal swimming pool.

- (2) Rules made in terms of subsection (1), may provide for matters regarding the safety and general conduct of visitors to a municipal swimming pool.
- (3) A copy of the rules applicable at a municipal swimming pool must be displayed in bold lettering on a sign board posted both at the entrance and on the inside of the municipal swimming pool.
- (4) Any visitor to a municipal swimming pool who contravenes or fails to comply with a rule to be observed at that swimming pool -
 - (a) may be directed by the caretaker to leave the swimming pool forthwith;
 - (b) may be prohibited by the Municipality from entering the swimming pool for a specified period of time or, in case of severe or continuous contravention, permanently.

5A 1. Duties of a swimming pool manager

1.1 A swimming pool manager must-

- (a) at all times keep the premises in a safe, clean and sanitary condition; and
- (b) ensure that the water is at all times purified, treated and maintained.

1.2 A person who operates a swimming pool or spa bath in contravention of the provisions of subsection (1) commits an offence."

2. Water supply

2.1 A person who operates a swimming pool or spa bath may, for the purpose of cleaning, filling or maintaining the water level in a swimming pool or spa bath, only use water from an approved source.

2.2 The Health Practitioner may take samples of the water for the purpose of chemical analysis or bacteriological analysis at times that he or she considers appropriate.

2.3 A person who contravenes subsection (1) commits an offence.

3. Provision of sanitary fixtures and public amenities

3.1 Any person who carries on a public swimming pool, shall comply with the requirements prescribed by this regulation.

3.2 Water latrine facilities shall be provided as follows:

- (a) In the case of a swimming pool having a water surface equal in or less than 300m², at least three latrines for each sex, of which one of the latrines intended for males may be replaced by a urinal or urinal space of at least 600mm in length: or
- (b) in the case of a swimming pool having a water surface greater than 300m², one latrine for each sex for every additional water surface area of 250m² or part thereof:

Provided that in the case of latrines for males, up to maximum of 25% of the required number of latrines may be replaced by urinals or urinal spaces of at least 600mm in length each.

- 3.3 Where swimming pool facilities are available at an accommodation undertaking or cluster housing premises as part of the general amenities, separate latrine and ablution facilities shall not be required if adequate facilities are available within a reasonable distance of the pool.

4. Water Safety

- 4.1 The water in a swimming pool shall be effectively filtered continuously during the period in which swimming takes place and when water must be treated effectively by an approved method of disinfecting and, even if chlorinated, must at any time conform to the following standards (sampling to be done in the morning before swimming commences)-

- (a) the water must be free from floating, suspended or settled debris or swimming organisms and the walls, floor, access ladders or steps and gutters must be free from slime or algae;
- (b) the swimming pool manager must ensure that water in the pool at all times contains 0,5 to 1,0 parts per mega litre by weight, free or available chlorine and that faecal *Escherichia coli* are absent in a sample of 100 ml of the swimming-bath water; and must further ensure that the pool is at all times kept free from snails;
- (c) where an approved disinfectant other than chlorine is used or is found naturally in the water, it shall be equivalent in effect to the residual level of the chlorine prescribed in paragraph (b);
- (d) the pH of the water may not be less than 7,0 and not more than 7,6; and
- (e) best practice methods should be practiced to ensure safe water quality.

5. Offences

- 5.1 A person who contravenes this By-law, commits an offence.

6. Penalty Clause

- 6.1 Any person who contravenes or fails to comply with any provision of this By-law or any requirement or condition thereunder, shall be guilty of an offence, and if convicted shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment."

5B.1. Repeal Provision

The //Khara Hais Municipality: Swimming Pool By-law No. 15, 2012 is hereby repealed."

Short title

6. This By-law shall be called the Swimming Pool By-law, 2012.

DAWID KUIPER MUNICIPALITY

SWIMMING POOL AMENDMENT BY-LAW, 2017

GENERAL EXPLANATORY NOTE

- [] Words in bold type and square brackets indicate omissions from existing enactments.
 _____ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Swimming Pool By-law No. 20, 2012; to provide for the substitution of the name “//Khara Hais”, wherever it appears; to provide for the insertion of a preamble; to provide for the repeal of the Swimming Pool By-Law No. 15, 2012; to provide for the establishment of public access swimming pools, other than municipal swimming pools; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kuiper Municipality, as follows: -

Insertion of a preamble of the Dawid Kuiper Municipality Swimming Pool By-law No. 20, 2012:

1. The Dawid Kuiper Municipality: Swimming Pools By-Law, No. 20, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

“WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kuiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kuiper Municipality;

WHEREAS the Dawid Kuiper Municipality intends to regulate and control municipal and public access swimming pools in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kuiper Municipality as follows:”

Amendment of section 1 of the Dawid Kuiper Municipality: Swimming Pool By-Law No 20, 2012:

2. Section 1 of the principal By-law is hereby amended:
- (a) by the insertion after the definition of “caretaker” of the following definition:
““Health Practitioner” means the person appointed by the Municipality to investigate the implementation of rules and regulations relating to environmental factors that may affect human health, safety in the workplace and safety of processes for the production of goods and services”;
 - (b) by the substitution for the definition of “Municipality” of the following definition:
““Municipality” means the [//Khara Hais] Dawid Kuiper M[m]unicipality”;

(c) by the insertion after the definition of “municipal swimming pool” of the following definition:

““person” means a natural and legal person, including but not limited to an association of persons, a partnership and a company”;

(d) by the insertion after the definition of “municipal swimming pool” of the following definition:

““premises” means any building, structure or tent together with the land on which it is situated and the adjoining land used in connection with it and includes any land without any building, structure or tent and any vehicle, conveyance or ship”;

(e) by the insertion after the definition of “rules” of the following definition:

““swimming pool” means a swimming pool, spa bath, including a jacuzzi, that is accessible to the public and includes swimming pools at schools or other tertiary institutions”;

(f) by the insertion after the definition of “rules” of the following definition:

““swimming pool manager” means the person responsible for controlling the resources, assets and facilities of a swimming pool”.

Amendment of section 5 of the Dawid Kruiper Municipality: Swimming Pool By-Law No 20, 2012:

3. Insertion of section 5A after section 5 of the principal By-law:

“5A 1. Duties of a swimming pool manager

1.1 A swimming pool manager must-

(a) at all times keep the premises in a safe, clean and sanitary condition; and

(b) ensure that the water is at all times purified, treated and maintained.

1.2 A person who operates a swimming pool or spa bath in contravention of the provisions of subsection (1) commits an offence.”

2. Water supply

2.1 A person who operates a swimming pool or spa bath may, for the purpose of cleaning, filling or maintaining the water level in a swimming pool or spa bath, only use water from an approved source.

2.2 The Health Practitioner may take samples of the water for the purpose of chemical analysis or bacteriological analysis at times that he or she considers appropriate.

2.3 A person who contravenes subsection (1) commits an offence.

3. Provision of sanitary fixtures and public amenities

3.1 Any person who carries on a public, swimming pool, shall comply with the requirements prescribed by this regulation.

3.2 Water latrine facilities shall be provided as follows:

(a) In the case of a swimming pool having a water surface equal in or less than 300m², at least three latrines for each sex, of which one of the latrines intended for males may be replaced by a urinal or urinal space of at least 600mm in length: or

(b) in the case of a swimming pool having a water surface greater than 300m², one latrine for each sex for every additional water surface area of 250m² or part thereof: Provided that in the case of latrines for males, up to maximum of 25% of the required number of latrines may be replaced by urinals or urinal spaces of at least 600mm in length each.

3.3 Where swimming pool facilities are available at an accommodation undertaking or cluster housing premises as part of the general amenities,

separate latrine and ablution facilities shall not be required if adequate facilities are available within a reasonable distance of the pool.

4. Water Safety

4.1 The water in a swimming pool shall be effectively filtered continuously during the period in which swimming takes place and when water must be treated effectively by an approved method of disinfecting and, even if chlorinated, must at any time conform to the following standards (sampling to be done in the morning before swimming commences)-

- (a) the water must be free from floating, suspended or settled debris or swimming organisms and the walls, floor, access ladders or steps and gutters must be free from slime or algae;
- (b) the swimming pool manager must ensure that water in the pool at all times contains 0,5 to 1,0 parts per mega litre by weight, free or available chlorine and that faecal Escherichia coli are absent in a sample of 100 ml of the swimming-bath water; and must further ensure that the pool is at all times kept free from snails;
- (c) where an approved disinfectant other than chlorine is used or is found naturally in the water, it shall be equivalent in effect to the residual level of the chlorine prescribed in paragraph (b);
- (d) the pH of the water may not be less than 7,0 and not more than 7,6; and
- (e) best practice methods should be practiced to ensure safe water quality.

5. Offences

5.1 A person who contravenes this By-law, commits an offence.

6. Penalty Clause

6.1 Any person who contravenes or fails to comply with any provision of this By-law or any requirement or condition thereunder, shall be guilty of an offence, and if convicted shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment."

4. Insertion of section 5B after section 5 of the principal By-law

"5B. 1. Repeal Provision

The //Khara Hais Municipality: Swimming Pool By-law No. 15, 2012 is hereby repealed."

Amendment of section 6 of the Dawid Kruiper Municipality: Swimming Pool By-Law, 2012:

5. The following section is hereby substituted for section 6 of the principal By-Law:

"6. This By-Law is called Dawid Kruiper Municipality: Swimming Pool Amendment By-Law, [2012] 2017"

NOTICE 124 OF 2017

MUNICIPAL COMMONAGE BY-LAW. 2012

By-law No. 19, 2012

BY-LAW**As Amended by the Municipal Commonage Amendment By-Law 2017**

To provide for a municipal commonage for the Dawid Kruiper Municipality; and for matters connected therewith.

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to provide for a municipal commonage in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:

Definitions

1. In this By-law. unless the context otherwise indicates -

"Communal grazing" That part of the commonage within the jurisdiction of //Khara Hais Municipality which is availed to members of the community for the purpose of grazing.

"Grazing agreement" Agreement between the Municipality and an emerging farmer to graze on the commonage.

"grazing permit" A notice granting permission. on application. to graze on the commonage.

"Municipal land" means land situated inside the area of jurisdiction of the Municipality. but outside the boundaries of any township. of which the Municipality is the owner. or of which the control. to the entire exclusion of the owner. is vested in the Municipality;

"Municipal Manager" means the person appointed as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal System Act, 2000;

"Municipality" means the Dawid Kruiper Municipality;

"this By-law" includes the prescripts issued in terms of section 7; and

"**Township**" a township as defined in section 1 of the Land Survey Act, 1997 (Act No.8 of 1997).

Application

2. This by-law is applicable to land that is assigned for the purpose of grazing, including any land which will be assigned in future for purpose of grazing.

Reservation of land as common pasture

3. (1) The Municipality may subject to the provisions of any law or any restriction regarding the use of land in the title deed of that land. By notice in the *Provincial Gazette* and with effect from a date mentioned in the notice -
- (a) reserve as common pasture municipal land;
 - (b) at any time add any additional defined piece or pieces of municipal land to the common pasture so reserved; and
 - (c) subject to the provisions of subsection (2), at any time, withdraw partly or wholly any land which forms part of the common pasture, from the reservation thereof as such pasture.
- (2) The Municipality shall not alienate or deal with the land referred to in subsection (1)(a) or (b) under subsection (1)(c) except-
- (a) after a notice in the *Provincial Gazette*-
 - (i) stipulating which piece or pieces of land it intends to withdraw or alienate;
 - (ii) calling on interested persons to attend a meeting at a venue and on a date mentioned in the notice, to discuss the intended withdrawal or alienation;
 - (iii) stating the intended date or dates of withdrawal or alienation of any such piece or pieces of land; and
 - (b) after the lapse of any permit for grazing of stock on the piece or pieces of land it intends to withdraw or alienate.

Office of the Commonage Manager

4. (1) The Municipality shall appoint or designate a person as Commonage Manager, who shall report directly to the Municipal Manager.
- (2) The Commonage Manager shall be responsible for the proper management and maintenance of all land forming part of the commonage.
- (3) In the Office of the Commonage Manager, the Municipality shall appoint-
- (a) for each piece of land forming part of the commonage, a ranger who shall deal with the day-to-day administration of that piece of land;

- (b) such persons as may be necessary to maintain proper records regarding land forming part of the commonage, maps, camps, allocation of stock, movement of stock, holders of grazing permits on the commonage, marking of stock, stock disease, payments and other matters regarding the administration of the commonage;
- (c) a veterinary surgeon on a full time or part time basis, to fulfil the functions prescribed by or under any law relating to stock:

Provided that these functions may also be fulfilled by an officer of the National or Provincial Department of Agriculture.

- (4) A single ranger may be appointed for more than one piece of land if the pieces of land are so situated that it is practically possible for one ranger to maintain proper control over each of the pieces of land.
- (5) A ranger shall visit the land for which he or she is appointed on a regular basis and shall, subject to the labour legislation relating to leave, be present on the land for at least one full working day during each week of the year.
- (6) The veterinary surgeon appointed by the Municipality, shall on a regular basis, but at least once every three months, do an inspection on, report on and make recommendations to the Commonage Manager regarding the state of health of each animal on the commonage.

Grazing permit required to graze stock on common pasture

5. No person shall graze stock on the common pasture of the Municipality, unless-

- (a) he or she is the holder of a grazing permit issued by the Municipality and subject to the conditions of such permit;
- (b) the animal is the progeny of a female animal grazed in terms of a grazing permit contemplated in paragraph (a) and is not older than 6 months; and
- (c) he or she has paid the commonage fees, determined by the Municipality, in respect of the period for which the grazing permit was issued:

Provided that a permit holder may partly or wholly be exempted of such payment in terms of the indigent policy of the Municipality.

Application for and issue of grazing permit

6. (1) Any application for the issue of a grazing permit shall-

- (a) be directed to the Municipal Manager;
- (b) be in writing on the form made available by the Municipality for that purpose;
- (c) must be accompanied by proof that the applicant has entered into a grazing agreement with the municipality.

- (d) contain such further particulars as the Municipality may require.
- (2) On receipt of the application, the Municipal Manager shall refer it to the Commonage Manager, who shall verify the particulars contained in the application and report thereon to the Municipal Manager.
- (3) When considering the application, the Municipal Manager shall take into account -
 - (a) the report of the Commonage Manager;
 - (b) the availability and condition of land in the common pasture of the Municipality to accommodate the required number of stock for which application is made;
 - (c) the criterions for categories of preference that applicants shall take as set out in a notice by the Municipality in the *Provincial Gazette*.
- (4) After consideration of the application, the Municipal Manager shall-
 - (a) issue the permit as applied for by the applicant;
 - (b) issue a permit for a lesser number of stock than applied for; or
 - (c) in writing notify the applicant that his or her application was not successful and state the reasons therefor.
- (5) A person whose rights are affected may appeal to the Municipality against a finding of the Municipal Manager and, in respect of such appeal, the provisions of section 62 of the local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), shall *mutatis mutandis* apply.
- (6) A permit for the grazing of stock on the municipal common pasture is issued -
 - (a) for a period of one year or less;
 - (b) subject to the conditions set out in the permit;
 - (c) subject to prior payment of the fees determined by the Municipality.
 - (d) a grazing permit is annually renewed.
- (7) A permit for the grazing of stock on the municipal common pasture may be renewed twice without submitting a new application by paying the renewal fees determined by the Municipality no later than the last day of May of the year in which the permit lapses: Provided that the Municipal Manager may refuse to renew the permit if he or she is of the opinion that -
 - (a) due to the condition of the land to which the permit holder's stock is allocated, the permit should not be renewed; or

- (b) there is sufficient evidence that the circumstances of the permit holder have changed to such an extent that the application of any new applicant must take preference in terms of a notice referred to in subsection (3)(c).
 - (8) A permit for the grazing of stock on the municipal common pasture may be withdrawn by the Municipality if the holder of the permit contravenes or fails to comply with -
 - (a) a condition subject to which the permit was issued;
 - (b) any provision of this By-law; or
 - (c) a lawful direction by the ranger in charge of the land on which his or her stock is grazed or of the veterinary surgeon appointed by the Municipality.
 - (9) A permit to graze stock on the common pasture of the Municipality may not be transferred.
- Criteria for Preference of users of grazing-land**
7. (1) Users of the grazing-land must be treated fairly, particularly
- (a) individual emerging farmers must be distinguished from associations.
 - (b) Preferential access should be given to the poor, underprivileged, woman, youth and people living with disabilities.

Specific tasks of the Commonage Manager

8. The Commonage Manager shall -
- (a) divide each piece of land reserved as common pasture in terms of section 2(1) in camps suitable for the grazing of stock and allocate a number to each camp;
 - (b) provide, in each camp, such facilities as may be necessary for the maintenance of stock in that camp;
 - (c) draft, or cause to be drafted, proper maps of each piece of land reserved as part of the common pasture, indicating at least the boundaries of camps, gates and waterholes;
 - (d) allocate the stock of each permit holder to a specific camp or camps and notify such permit holder accordingly;
 - (e) develop, implement and adjust according to changing circumstances, a proper program of rotation of grazing on land reserved as common pasture by the Municipality; and
 - (f) keep proper records, open for inspection by any person who has an interest therein, regarding -
 - (i) all permit holders;

- (ii) dates of expiry of all permits;
- (iii) payments or exemptions of payment of all permit holders, and any other matter which, in his or her opinion, needs to be recorded.

Prescripts

9. (1) The Municipality may issue prescripts relating to the control, management and use of the municipal common pasture, including -
- (a) the construction and maintenance of dipping tanks, the moneys payable in connection with the use thereof, and the persons responsible for the payment thereof;
 - (b) the marking of stock kept thereon;
 - (c) the prohibition of the keeping of dangerous and undesirable animals thereon, and the definition of such animals;
 - (d) the prevention and treatment of stock diseases in respect of stock kept thereon, and the exclusion of stock which in the opinion of the veterinary surgeon appointed by the Municipality may spread such diseases;
 - (e) the destruction of carcasses of animals;
 - (f) the impounding of animals trespassing thereon or grazed thereon without a permit;
 - (g) the planting, care and protection, and the destruction, chopping or cutting off of grass, trees, shrubs or any other plants or crop, and the sale thereof;
 - (h) the burning of grass and the eradication of noxious weeds;
 - (i) the hunting of game thereon by any means, including the use of firearms or dogs;
 - (j) the duties and functions of rangers;
 - (k) the prohibition to put out poison; and
 - (l) generally, any matter which the Municipality deems necessary or expedient in connection with the control, management or use of the common pasture or the achievement of the objects of this By-law.
- (2) Any prescript issued in terms of subsection (1) must be published in the *Provincial Gazette*.
- (3) If the Municipality is of the opinion that it is in the public interest, it may, for such period and subject to such conditions as it may deem fit, exempt any person, group or category of persons in writing from compliance with any prescripts issued in terms of subsection (1).

Penalty clause

10. (1) Any person who contravenes or fails to comply with any provision of this By-law or any requirement or condition thereunder, shall be guilty of an offence.
- (2) Any person convicted of an offence in terms of subsection (1) shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

Short title

11. This By-law shall be called the Municipal Commonage By-law, 2012.

DAWID KUIPER MUNICIPALITY

MUNICIPAL COMMONAGE AMENDMENT BY-LAW, 2017

GENERAL EXPLANATORY NOTE

- [] Words in bold type and square brackets indicate omissions from existing enactments.
____ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Municipal Commonage By-Law, 2012; to provide for the substitution of the name "//Khara Hais", wherever it appears; to provide for the insertion of a preamble; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kruiper Municipality, as follows: -

Insertion of a preamble of the Dawid Kruiper Municipality Municipal Commonage By-law, 2012:

1. The Dawid Kruiper Municipality: Municipal Commonage By-Law, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

"WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to provide for a municipal commonage in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:"

Amendment of section 1 of the Dawid Kruiper Municipality: Municipal Commonage By-Law, 2012

2. Section 1 of the principal By-Law is hereby amended:
- (a) by the deletion of the definition of "Municipality";
 - (b) by the substitution for the definition of "Municipal Manager" of the following definition:
"Municipal Manager" means the person appointed [in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)] as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal System Act, 2000."

- (c) by the insertion before the definition of "this By-Law" of the following:
""Municipality" means the Dawid Kruiper Municipality".

Amendment of section 11 of the Dawid Kruiper Municipality: Municipal Commonage By-Law, 2012:

3. The following section is hereby substituted for section 11 of the principal By-Law:
"11. This By-Law is called Dawid Kruiper Municipality: Municipal Commonage Amendment
By-Law, [2012] 2017"

NOTICE 125 OF 2017**ELECTRICITY BY-LAW, 2012**

By-Law No. 18, 2012

BY-LAW**As Amended by the Electricity Amendment By-Law 2017**

To provide for the provision of an electrical service in the Dawid Kruiper Municipality; and for matters connected therewith.

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control the provision of an electrical service in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:

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2. Other terms
3. Headings and titles

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16. Electricity tariffs and fees
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**CHAPTER 1
GENERAL**

Definitions

- 1. In this By-Law, unless the context otherwise indicates-

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

"applicable standard specification" means the standard specifications as listed in Schedule 2;

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

"consumer" in relation to premises means -

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

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

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

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

"high voltage" means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of $44\text{kV} < U_n \leq 220\text{ kV}$ [SANS 1019];

"law" means any applicable law, proclamation, ordinance, Act of Parliament or enactment having force of law;

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

"medium voltage" 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];

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

"motor load, total connected" means the sum total of the kW input ratings of all the individual motors connected to an installation;

"motor rating" means the maximum continuous kW output of a motor as stated on the maker's rating plate;

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

"Municipal Manager" means the person appointed as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal Systems Act, 2000;

"Municipality" means the Dawid Kruiper Municipality;

"occupier" in relation to any premises means -

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

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

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

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

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

"point of metering" means the point at which the consumer's consumption of electricity is metered and which may be at the point of supply or at any other point on the distribution system of the Municipality or the electrical installation of the consumer, as specified by the Municipality or any duly authorised officer of the Municipality:

Provided that it shall meter all of, and only, the consumer's consumption of electricity;

"point of supply" means the point determined by the Municipality or any duly authorised officer of the Municipality at which electricity is supplied to any premises by the Municipality. Guidelines for the determination of the point of supply are:

- (a) Residential premises with underground connection - the erf boundary.
- (b) Residential premises with overhead connection - the secondary side of the control circuit breaker on the overhead network.
- (c) Supplies to private networks - the point of connection to the private network.

- (d) Other supplies - the point from where the connection becomes the individual supply to the erf only;

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

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

"Regulations" means Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993) and published by G.N. R2920 of 23 October 1992, as amended;

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

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

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

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

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

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

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

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

Other terms

2. All other terms used in this By-Law shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Act, 1987 (Act No. 41 of 1987).

Headings and titles

3. The headings and titles in this By-Law shall not affect the construction thereof.

CHAPTER 2 GENERAL CONDITIONS OF SUPPLY

Provision of Electricity Services

4. Only the Municipality shall supply or contract for the supply of electricity within its area of jurisdiction.

Supply by agreement

5. No person shall use or be entitled to use an electricity supply from the Municipality unless or until such person shall have entered into an agreement in writing with the Municipality for such supply, and such agreement together with the provisions of this By-Law shall in all respects govern such supply. If a person uses an electricity supply without entering into an agreement he or she shall be liable for the cost of electricity used as stated in section 44.

Service of notice

6. (1) Any notice or other document that is served on any person in terms of this By-Law is regarded as having been served -
- (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.
- (2) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.
- (3) Any legal process is validly served on the Municipality when it is delivered to the Municipal Manager or a person in attendance at the Municipal Manager's office.

Compliance with notices

7. 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.

Application for supply of electricity

8. (1) Application for the supply of electricity shall be made in writing by the prospective consumer on the prescribed form obtainable at the office of the Municipality, and the estimated load, in kVA, of the installation, shall be stated therein. Such application shall be made as early as possible before the supply of electricity is required in order to facilitate the work of the Municipality.
- (2) An application for an electricity supply for a period of less than one year shall be regarded as an application for a temporary supply of electricity and shall be

considered at the discretion of the Municipality or any duly authorised officer of the Municipality, which may specify any special conditions to be satisfied in such case.

Processing of requests for supply

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

Wayleaves

10. (1) The Municipality may refuse to lay or erect a service connection above or below ground on any thoroughfare or land not vested in the Municipality or on any private property, unless and until the prospective consumer shall have obtained and deposited with the Municipality written permission granted by the owner of the said private property or by the person in whom is vested the legal title to the land or thoroughfare as aforesaid exists, as the case may be, authorising the laying or erection of a service connection thereon.
- (2) If such permission is withdrawn at any time or if the aforesaid private property or thoroughfare changes ownership and the new owner refuses to grant or continue such permission, the cost of any alteration required to be made to a service connection in order that the supply of electricity may be continued, and of any removal thereof which may become necessary in the circumstances, shall be borne by the consumer to whose premises the supply of electricity is required to be continued.

Statutory servitude

11. (1) Subject to the provisions of subsection (3) the Municipality may within its municipal area -
- (a) provide, establish and maintain electricity services;
 - (b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and destroy electricity supply mains;
 - (c) construct, erect or lay any electricity supply main on, across, through, over or under any street or immovable property and the ownership of any such main shall vest in the Municipality;
 - (d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by paragraphs (a) to (c).
- (2) If the Municipality constructs, erects or lays any electricity supply main on, across, through, over or under any street or immovable property not owned by the Municipality or under the control of or management of the Municipality it shall pay to the owner of such street or property compensation in an amount agreed upon by such owner and the Municipality or, in the absence of agreement, as determined either by arbitration or a court of law.
- (3) The Municipality shall, before commencing any work other than repairs or maintenance on or in connection with any electricity supply main on immovable property not owned by the Municipality or under the control or management of the

Municipality, give the owner or occupier of such property reasonable notice of the proposed work and the date on which it proposes to commence such work.

Right of admittance to inspect, test or do maintenance work

12. (1) The Municipality shall, through its employees, contractors and their assistants and advisers, have access to or over any property for the purposes of -
- (a) doing anything authorised or required to be done by the Municipality under this By-Law or any other law;
 - (b) inspecting and examining any service mains and anything connected therewith;
 - (c) enquiring into and investigating any possible source of electricity supply or the suitability of immovable property for any work, scheme or undertaking of the Municipality and making any necessary survey in connection therewith;
 - (d) ascertaining whether there is or has been a contravention of the provisions of this By-Law or any other law; and
 - (e) enforcing compliance with the provisions of this By-Law or any other law.
- (2) The Municipality shall pay to any person suffering damage as a result of the exercise of the right of access contemplated by subsection (1), except where the Municipality is authorised to execute on the property concerned any work at the cost of such person or some other person or to execute on such property any work and recover the cost thereof from such person or some other person, compensation in such amount as may be agreed upon by the Municipality and such person or, in the absence of agreement, as may be determined by arbitration or a court of law.
- (3) An employee of the Municipality authorised thereto by such Municipality may, by notice in writing served on the owner or occupier of any property, require such owner or occupier to provide, on the day and at the hour specified in such notice, access to such property to a person and for a purpose referred to in subsection (1):

Provided that in the case of an emergency, no such written notice shall be required.

Refusal or failure to give information

13. No person shall refuse or fail to give such information as may be reasonably required of him or her by any duly authorised officer of the Municipality or render any false information to any such officer regarding any electrical installation work completed or contemplated.

Refusal of admittance

14. No person shall wilfully hinder, obstruct, interfere with or refuse admittance to any duly authorised officer of the Municipality in the performance of his or her duty under this By-Law or of any duty connected therewith or relating thereto.

Improper use

15. If the consumer uses the electricity for any purpose or deals with the electricity in any manner which the Municipality has reasonable grounds for believing interferes in an

improper or unsafe manner or is calculated to interfere in an improper or unsafe manner with the efficient supply of electricity to any other consumer, the Municipality may, with or without notice, disconnect the electricity supply but such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed. The fee as prescribed by the Municipality for the disconnection and reconnection shall be paid by the consumer before the electricity supply is restored, unless it can be shown that the consumer did not use or deal with the electricity in an improper or unsafe manner.

Electricity tariffs and fees

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

Deposits

17. The Municipality reserves the right to require the consumer to deposit a sum of money as security in payment of any charges which are due or may become due to the Municipality. The amount of the deposit in respect of each electricity installation shall be determined by the Municipality and each such deposit may be increased if the Municipality deems the deposit held to be inadequate. Such deposit shall not be regarded as being in payment or part payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff referred to in this Bylaw. 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.

Payment of charges

18. (1) The consumer shall be liable for all charges listed in the prescribed tariff for the electricity service as approved by the Municipality. A copy of the prescribed tariff is obtainable free of charge from the Municipality.
- (2) All accounts shall be deemed to be payable when issued by the Municipality and each account shall, on its face, reflect the due date and a warning indicating that the supply of electricity may be disconnected should the charges in respect of such supply remain unpaid after the due date.
- (3) An error or omission in any account or failure to render an account shall not relieve the consumer of his or her obligation to pay the correct amount due for electricity supplied to the premises and the onus shall be on the consumer to satisfy himself or 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 officer of the Municipality has visited the premises for the purpose of disconnecting the supply of electricity in terms of subsection (2) and he or she is obstructed or prevented from effecting such disconnection, the prescribed fee shall become payable for each subsequent visit necessary for the purpose of such disconnection.
- (5) After disconnection for non-payment of an account, the prescribed fees and all amounts due for electricity consumed shall be paid before the electricity supply is re-connected.

Interest on overdue accounts

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

Principles for the resale of electricity

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

Right to disconnect supply

21. (1) The Municipality may disconnect the supply of electricity to any premises if the person liable to pay for such supply fails to pay any charge due to the Municipality in connection with any supply of electricity which he or she may at any time have received from the Municipality in respect of such premises, or, where any of the provisions of this By-Law or the Regulations are being contravened:

Provided that the Municipality has given the person 14 days' notice to remedy his or her default and the person has failed to remedy such default after notice has been given, or, in the case of a grave risk to person or property, or as envisaged in terms of section 26, without notice. After disconnection for non-payment of an account or the improper or unsafe use of electricity, the fee as prescribed by the Municipality shall be paid.

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

Non-liability of the Municipality

22. 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 fault on the part of the Municipality.

Leakage of electricity

23. 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.

Failure of supply

24. The Municipality is not obliged to attend to a failure of supply of electricity due to a fault in the electrical installation of the consumer, except when such failure is due to the operation of the service protective device of the Municipality. When any failure of supply of electricity is found to be due to a fault in the electrical installation of the consumer or to the faulty operation of apparatus used in connection therewith, the Municipality may 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.

Seals of the Municipality

25. The meter, service protective devices and all apparatus belonging to the Municipality shall be sealed or locked by a duly authorised officer of the Municipality, and no person not being an officer 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.

Tampering with service connection or supply mains

26. (1) No person shall in any manner or for any reason whatsoever tamper or interfere with any meter or metering equipment or service connection or service protective device or supply mains of the Municipality.
- (2) Where *prima facie* evidence exists of a consumer or any other person having contravened subsection (1), the Municipality may disconnect the supply of electricity immediately and without prior notice to the consumer and such consumer or person shall be liable for all fees and charges levied by the Municipality for such disconnection.
- (3) Where a consumer or any person has contravened subsection (1) and such contravention has resulted in the meter recording less than the true consumption, the Municipality shall have the right to recover from the consumer the full cost of his or her estimated consumption.

Protection of Municipality's supply mains

27. (1) No person shall, except with the consent of the Municipality and subject to such conditions as may be imposed -
- (a) construct, erect or lay, or permit the construction, erection or laying of any building, structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the supply mains;
- (b) excavate, open up or remove the ground above, next to, under or near any part of the supply mains;
- (c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains;
- (d) make any unauthorized connection to any part of the supply mains or divert or cause to be diverted any electricity there from.

- (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. 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.
- (3) 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 of this By-Law.
- (4) 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.

Prevention of tampering with service connection or supply mains

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

Unauthorised connections

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

Unauthorised reconnections

30. (1) No person other than a person specifically authorised thereto by the Municipality in writing shall reconnect, attempt to reconnect or cause or permit to be reconnected to the supply mains or service connection any electrical installation which has been disconnected by the Municipality.
- (2) Where the supply of electricity that has previously been disconnected is found to have been reconnected, the consumer using the supply of electricity shall be liable for all charges for electricity consumed between the date of disconnection and the date the electricity supply was found to be reconnected and any other charges raised in this regard. Furthermore, the Municipality may 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.

Temporary disconnection and reconnection

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

- (2) In the event of the necessity arising for the Municipality to affect 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 consumer shall not be liable to pay any fee.
- (3) The Municipality may only under exceptional circumstances temporarily disconnect the supply of electricity to any premises without notice, for the purpose of effecting repairs or carrying out tests or for any other legitimate purpose. In all other instances, adequate notice shall be given.

Temporary supply of electricity

- 32. It shall be a condition of the giving of any temporary supply of electricity, in terms of 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.

Temporary work

- 33. An electrical installation requiring a temporary supply of electricity shall not be connected directly or indirectly to the supply mains except with the permission in writing of the Municipality. Full information as to the reasons for and nature of such temporary work shall accompany the application for the aforesaid permission, and the Municipality may refuse such permission or may grant the same upon such terms and conditions as it may appear desirable and necessary.

Load reduction

- 34. (1) At times of peak load, or in an emergency, or when, in the opinion of the Municipality, it is necessary for any reason to reduce the load on the electricity supply system of the Municipality, the Municipality may without notice interrupt and, for such period as the Municipality may deem necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation.
- (2) The Municipality may install upon the premises of the consumer such apparatus and equipment as may be necessary to give effect to the provisions of subsection (1), and any duly authorised officer of the Municipality may at any reasonable time enter any premises for the purpose of installing, inspecting, testing adjusting or changing such apparatus and equipment.
- (3) Notwithstanding the provisions of subsection (2), the consumer or the owner, as the case may be, shall, when installing an electrically operated water storage heater, provide such necessary accommodation and wiring as the Municipality may decide to facilitate the later installation of the apparatus and equipment referred to in subsection (2).

Medium and low voltage switchgear and equipment

- 35. (1) In cases where a supply of electricity is given at either 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 Municipality or any duly authorised officer of the Municipality, be paid for by the consumer.

- (2) In the case of a medium voltage supply of electricity, all such equipment shall be approved by any duly authorised officer of the Municipality and installed by or under the supervision of any duly authorised officer of the Municipality.
- (3) No person shall operate medium voltage switchgear without the written authority of the Municipality.
- (4) All earthing and testing of medium voltage equipment linked to the Municipality's network shall be conducted by or under the supervision of a duly authorised officer of the Municipality.
- (5) In the case of a low voltage supply of electricity, the consumer shall provide and install a low voltage main switch or any other equipment required by the Municipality or any duly authorised officer of the Municipality.

Substation accommodation

- 36. (1) The Municipality may, on such conditions as it may deem fit, require the owner to provide and maintain accommodation which shall constitute a substation and which shall consist of a separate room or rooms to be used exclusively for the purpose of housing medium voltage cables and switchgear, transformers, low voltage cables and switchgear and other equipment necessary for the supply of electricity requested by the applicant. The accommodation shall be situated at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.
- (2) The Municipality may, however, 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.

Wiring diagram and specification

- 37. (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 be supplied to the Municipality in duplicate for approval before the work commences.
- (2) Where an electrical installation is to be supplied from a substation on the same premises on which the current is transformed from high voltage, or from one of the substations of the Municipality through mains separate from the general distribution system, a complete specification and drawings for the plant to be installed by the consumer shall, if so required, be forwarded to the Municipality for approval before any material in connection therewith is ordered.

Standby supply

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

Consumer's emergency standby supply equipment

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

Circular letters

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

CHAPTER 3 RESPONSIBILITIES OF CONSUMERS

Consumer to erect and maintain electrical installation

41. 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 or her own expense and in accordance with this By-Law and the Regulations.

Fault in electrical installation

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

Discontinuance of use of supply

43. In the event of a consumer desiring to discontinue using the electricity supply, he or she shall give at least two full working days' notice in writing of such intended discontinuance to the Municipality, failing which he or 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.

Change of occupier

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

Service apparatus

45. (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 or replacing such equipment.
- (3) Where there is a common metering position, the liability detailed in subsection (1) shall devolve on the owner of the premises.

CHAPTER 4 SPECIFIC CONDITIONS OF SUPPLY

Service connection

46. (1) The consumer shall bear the cost of the service connection, as determined by the Municipality.
- (2) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection, laid or erected by the Municipality, shall vest in the Municipality, and the Municipality shall be responsible for the maintenance of such service connection up to the point of supply. The consumer shall not be entitled to any compensation from the Municipality in respect of such service connection.
- (3) The work to be carried out by the Municipality at the cost of the consumer for a service connection to the consumer's premises shall be determined by the Municipality or any duly authorised officer of the Municipality.

- (4) A service connection shall be laid underground, whether the supply mains are laid underground or erected overhead, unless an overhead service connection is specifically required by the Municipality.
- (5) The consumer shall provide, fix and maintain on his or her premises such ducts, wire ways, trenches, fastenings and clearance to overhead supply mains as may be required by the Municipality for the installation of the service connection.
- (6) The conductor used for the service connection shall have a cross-sectional area according to the size of the electrical supply but shall not be less than 10 mm² (copper or copper equivalent), and all conductors shall have the same cross-sectional area, unless otherwise approved by any duly authorised officer of the Municipality.
- (7) Unless otherwise approved, the Municipality shall only provide one service connection to each registered erf. In respect of two or more premises belonging to one owner and situated on adjacent erven, a single bulk supply of electricity may be made available if the erven are consolidated or notarially tied.
- (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.

Metering accommodation

47. (1) The consumer shall, if required by the Municipality or any duly authorised officer of the Municipality, provide accommodation in an approved position, for the meter board and adequate conductors for the Municipality's metering equipment, service apparatus and protective devices. Such accommodation and protection shall be provided and maintained, to the satisfaction of the Municipality, at the cost of the consumer or the owner, as the circumstances may demand, and shall be situated, in the case of credit meters, at a point to which free and unrestricted access shall be had at all reasonable hours for the reading of meters but at all times for purposes connected with the operation and maintenance of the service equipment. Access at all reasonable hours shall be afforded for the inspection of prepayment meters.
- (2) Where sub metering equipment is installed, accommodation separate from the Municipality's metering equipment shall be provided.
- (3) The consumer or, in the case of a common meter position, the owner of the premises shall provide adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus.

- (4) Where in the opinion of the Municipality the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a course of danger to life or property or in any way becomes unsuitable, the consumer shall remove it to a new position, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.
- (5) The accommodation for the Municipality's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices. No apparatus other than that used in connection with the supply of electricity and use of electricity shall be installed or stored in such accommodation unless approved.

CHAPTERS SYSTEMS OF SUPPLY

Load requirements

48. Alternating current supplies shall be given as prescribed by the Electricity Act, 1987 (Act No. 41 of 1987), and in the absence of a quality of supply agreement, as set out in the applicable standard specification.

Load limitations

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

Interference with other persons' electrical equipment

50. (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 or her own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.

Supplies to motors

51. Unless otherwise approved by the Municipality or any duly authorised officer of the Municipality the rating of motors shall be limited as follows:

- (1) Limited size for low voltage motors
The rating of a low voltage single-phase motor shall be limited to 2kW and the starting current shall not exceed 70A. All motors exceeding these limits shall be wound for three phases at low voltage or such higher voltage as may be required.
- (2) Maximum starting and accelerating currents of three-phase alternating current motors
The starting current of three-phase low voltage motors permitted shall be related to the capacity of the consumer's service connection, as follows:

Insulated service cable, size (copper equivalent)	Maximum permissible starting current	Maximum motor rating in kW		
		Direct on line (6x full-load current)	Star/Delta (2,5 x full-load current)	Other means (1,5 x full-load current)
mm ²	A	kW	kW	kW
16	72	6	13,5	23
25	95	7,5	18	30
35	115	9	22	36,5
50	135	10	25	45
70	165	13	31	55
95	200	16	38	67
120	230	18	46	77
150	260	20	52	87

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

Power factor

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

Protection

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

CHAPTER 6 MEASUREMENT OF ELECTRICITY

Metering

54. (1) The Municipality shall, at the consumer's cost in the form of a direct charge or prescribed fee, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring the electricity supplied.
- (2) Except in the case of prepayment meters, the electricity used by a consumer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the Municipality and read at the end of such period except where the metering equipment is found to be defective, or the Municipality invokes the provisions of section 58(2), 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 may meter the supply to blocks of shops and flats, tenement-houses and similar buildings for the buildings as a whole, or for individual units, or for groups of units.
- (5) No alterations, repairs or additions or electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the Municipality or any duly authorised officer of the Municipality.

Accuracy of metering

55. (1) A meter shall be presumed to be registering accurately if its error, when tested in the manner prescribed in subsection (5), is found to be within the limits of error as provided for in the applicable standard specifications.
- (2) The Municipality may from time to time test its metering equipment. If it is established by test or otherwise that such metering equipment is defective, the Municipality shall -
- (a) in the case of a credit meter, adjust the account rendered;
- (b) in the case of prepayment meters-
- (i) render an account where the meter has been under registering; or
- (ii) issue a free token where the meter has been over registering, in accordance with the provisions of subsection (6).
- (3) The consumer may 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 subsections (2) and (6) shall be made and the aforesaid fee shall be refunded.
- (4) In case of a dispute, the consumer shall have the right at his or her 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 subsection (2) or (3), such adjustment shall either be based on the percentage error of the meter as determined by the test referred to in subsection (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 subsection (6), the adjustment may not exceed a period of six months preceding the date on which the metering equipment was found to be inaccurate. The application of this section does not bar a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in the normal legal process.
- (8) Where the actual load of a consumer differs from the initial estimated load provided for under section 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 subsection (6), the Municipality shall –
 - (i) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefore;
 - (ii) in such notification provide sufficient particulars to enable the consumer to submit representations thereon; and
 - (iii) call upon the consumer in such notice to provide it with reasons in writing, if any, within 21 days or such longer period as the Municipality may permit why his or her account should not be adjusted as notified.
 - (b) Should the consumer fail to make any representations during the period referred to in paragraph (a)(iii), the Municipality shall be entitled to adjust the account as notified in paragraph (a)(i).
 - (c) The Municipality shall consider any reasons provided by the consumer in terms of paragraph (a) and shall, if satisfied that a case has been made out therefor, adjust the account appropriately.
 - (d) If a duly authorized officer of the Municipality decides after having considered the representation made by the consumer that such representations do not establish a case warranting an amendment to the monetary value established in terms of subsection (6), the Municipality shall be entitled to adjust the account as notified in terms of paragraph (a)(i).

Reading of credit meters

- 56. (1) Unless otherwise prescribed, credit meters shall normally be read at intervals of one month and the fixed or minimum charges due in terms of the tariff shall be assessed accordingly. The Municipality shall not be obliged to affect 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 6 months 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.

Prepayment metering

57. (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 or tokens.
 - (5) Where a consumer is indebted to the Municipality for electricity consumed or to the Municipality for any other service supplied by the Municipality (including rates) or for any charges previously raised against him or 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 terminate such appointments after reasonable notice.

CHAPTER 7 ELECTRICAL CONTRACTORS

Additional requirements

58. In addition to the requirements of the Regulations, the following requirements shall apply:

- (1) Where an application for a new or increased supply of electricity has been made to the Municipality, any duly authorised officer of the Municipality may at his or 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 duly authorised officer of the Municipality, be inspected, tested and connected to the supply mains as though it were a complete installation.
- (2) The examination, test and inspection that may be carried out at the discretion of the Municipality or any duly authorised officer of the Municipality in no way relieves the electrical contractor or accredited person or the user or lessor, as the case may be, from his or her 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.

Municipality not responsible

59. The Municipality shall not be held responsible for the work done by an electrical contractor or accredited person on a consumer's premises or 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

Cost of work

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

CHAPTER 9 PENALTIES

Penalty clause

61. (1) Any person who contravenes any of the provisions of sections 5, 7, 13, 14, 20, 25, 26, 27, 29 and 30 shall be guilty of an offence.
- (2) Any person who continues to commit an offence after notice has been served on him or her to cease committing such offence or after he or 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 or imprisonment for a period not exceed six months or to such imprisonment without the option of a fine or to both a fine and such imprisonment and, in the case of a continuing offence, to an additional fine

or additional imprisonment for a period not exceeding ten days or to such additional imprisonment without the option of a fine or to both an 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 Municipality for any loss or damage suffered or sustained by it in consequence of such breach.

Short title

62. This By-Law shall be called the Electricity By-Law, 2012.

SCHEDULE 1

LAWS REPEALED

TITLE OF LAW	EXTENT OF REPEAL

SCHEDULE 2**"applicable standard specification" means**

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

DAWID KRUIPER MUNICIPALITY

ELECTRICITY AMENDMENT BY-LAW, 2017

GENERAL EXPLANATORY NOTE

[] Words in bold type and square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Electricity By-Law, 2012; to provide for the substitution of the name "//Khara Hais", wherever it appears; to provide for the insertion of a preamble; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kruiper Municipality, as follows: -

Insertion of a preamble of the Dawid Kruiper Municipality Electricity By-Law, 2012:

1. The Dawid Kruiper Municipality: Electricity By-Law, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

"WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control the provision of an electrical service in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:"

Amendment of section 1 of the Dawid Kruiper Municipality: Electricity By-Law, 2012.

2. Section 1 of the principal By-Law is hereby amended:
- (a) by the deletion of the definition of "Municipality"
 - (b) by the substitution for the definition of "Municipal Manager" of the following definition:
 ""Municipal Manager" means the [P]erson appointed [in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)] as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal Systems Act, 2000";
 - (c) by the insertion before the definition of "occupier" of the following definition:
 ""Municipality" means the Dawid Kruiper Municipality".

Amendment of section 62 of the Dawid Kruiper Municipality: Electricity By-Law, 2012:

3. The following section is hereby substituted for section 62 of the principal By-Law:
 "62. This By-Law is called Dawid Kruiper Municipality: Electricity Amendment By-Law, [2012] 2017"

NOTICE 126 OF 2017

ADVERTISING SIGNS; 2012

By-Law 1, 2012

BY-LAW**As Amended by the Advertising Signs Amendment By-Law 2017**

To provide for the control of advertising signs and the prohibition of disfigurement of the fronts or frontages of streets in the Dawid Kruiper Municipality; and for matters connected therewith.

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control advertising signs in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:

DEFINITIONS

1. In this By-Law, unless the context indicates otherwise, the following words and expressions have the meanings hereby assigned to them:

"**Council**" means the Municipal Council of Dawid Kruiper Municipality;

"**facade**" means the gable at the main entrance to a building;

"**Municipal Manager**" means the person appointed as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal Systems Act, 2000;

"**person**" also includes corporate body and ant reference to the male gender includes the female gender and vice versa;

"**prescribed form**" means an application form to erect advertisements obtainable from the Town Planning Section;

"**prescribed fees**" means the fees as from time to time determined by the Council;

"**Schedule**" means the document South African Manuel for Outdoor Advertising Control

(SAMOAC) as amended.

INTERPRETING OF UNSPECIFIED REFERENCES

2. Reference in this By-Law to sections, tables or schedule shall, unless otherwise stated, be deemed to be references to the sections, tables and schedules in this By-Law.

APPLICATION & CONFLICT OF LAWS

- 3.1 This By-Law applies to all advertising signs and signage structures in/or visible from a public place within the area of jurisdiction of the Municipality.
- 3.2 if there is a conflict between this By-Law and any other By-Law or policy of the Dawid Kruiper Municipality this By-Law prevails in respect of any outdoor advertising and signage matter.

ADMINISTRATION AND GENERAL EXEMPTIONS

4. This By-Law shall not apply to signs as defined in paragraph 1.1.1 on page 4 of the schedule (SAMOAC) as amended.

APPLICATION FOR AUTHORISATION

5.
 - (1) Unless the content indicates otherwise, no person shall. Without the prior written permission of the Council and on payment of the prescribed fees, erect or display an outdoor sign or permit it to be erected or displayed.
 - (2) Council *may* if any sign is being displayed, for which no permission has been granted by the Council, or for which the permission has expired, or which does not comply with the specifications supplied as required by subsection 5(1), serve a written notice under the hand of the Municipal Manager or his delegate upon the applicant in which he is ordered, within a specified period, to remove, repair or alter such sign, or alter the manner or place or circumstances in which it is displayed or act in the manner as prescribed in the notice.
 - (3) If a person to whom a notice has been served in terms of subsection 5(1) fails to comply with any direction contained in such notice within the specified period therein, the Council may at any time, thereafter, give effect thereto and evoke any permission it may have given in respect of such sign and recover the costs of such action from the person upon whom the notice in question was served unless such person proves that he did not display the sign.
 - (4) No prescribed fees are payable in respect of an outdoor sign-
 - (i) which merely discloses the name of a building and the name and nature of any professional, business or other undertaking carried on therein or the name of the owner or manager of such professional, business or other undertaking;

- (ii) which merely contains directions regarding the location of the entrance of a building, or of the box office (if any) in a building, or information regarding the programme of any performance or entertainment being given or to be given in such building, or any other information of a similar nature.
- (5) No compensation shall be payable by the Council to any person due to any action Instituted In terms of subsection 5(3).

APPLICATION FOR LICENCE OR OTHER WRITTEN PERMISSION

- 6. (1) (a) An application for the permission of the Council, as envisaged in section 5 (1), must be submitted on the prescribed form.
- (b) The prior written consent of the owner of the site where the proposed advertisement is to be erected, altered or displayed must be obtained.
- (2) The following information must accompany an application as envisaged in section 5 (1):
 - (a) (i) the dimensions and mass of such sign;
 - (ii) its location or proposed location on a building or other supporting structure;
 - (iii) the materials of construction;
 - (iv) the name and address of the contractor erecting the sign;
 - (v) the name and address of the manufacturer; and
 - (vi) if applicable, the number of electric lights and electrical details in regard thereto.
 - (b) (i) A block plan indicating the position of such sign on the site, drawn to a scale of 1:500;
 - (ii) full detail drawings on one of the following scales: 1:25, 1:20, 1:10, 1:5 or 1: 1; and
 - (iii) an elevation showing such sign in relation to the facade.
- (3) The Council may refuse or grant such application subject to condition that are not inconsistent with the provisions of this By-Law, the schedule or any other applicable legislation.

EXISTING SIGNS

- 7. This By-Law shall not be applicable to existing contracts regarding the erecting of advertising signs, entered into prior to the adoption of this By-Law.

CONSTRUCTION OF SIGNS

- 8. The applicant when erecting the sign, must ensure that the requirements, as set out in the schedule, are met.

MAINTENANCE SIGNS

9. The owner of premises upon which a sign is erected or displayed and the applicant, shall be jointly and separately responsible for the maintenance of such sign as provided for in paragraph 2.4.1 and 2.4.2 of the Schedule

PROHIBITION OR RESTRICTION IN AREAS UNDER SPECIAL CONTROL

10. The Council must take into consideration the areas of special control, as envisaged in paragraph 2.3 of the Schedule, when dealing with applications in terms of section 6 (3).

PROHIBITED TOKENS

11. Signs, contrary to the provisions, as set out in paragraph 2.4.1.3 of the Schedule, shall under no circumstances be displayed.

PENALTIES

12. (1) Any person contravening any provisions of this By-Law shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R1 000 (one thousand) rands or imprisonment for a period not exceeding 6 (six) months or a subsequent conviction to an additional fine not exceeding R50 (fifty) rands or additional imprisonment for a period not exceeding 10 (ten) days or to both such additional fine and imprisonment.

SHORT TITLE

13. This By-Law is called the Advertising Signs By-Law, 2012.

DAWID KRUIPER MUNICIPALITY

ADVERTISING SIGNS AMENDMENT BY-LAW, 2017

GENERAL EXPLANATORY NOTE

[] Words in bold type and square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Advertising Signs By-Law, 2012; to provide for the substitution of the name "//Khara Hais", wherever it appears; to provide for the insertion of a preamble; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kruiper Municipality, as follows: -

Insertion of a preamble of the Dawid Kruiper Municipality: Advertising Signs By-Law, 2012:

1. The Dawid Kruiper Municipality: Advertising Signs By-Law, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

"WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control advertising signs in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:"

Amendment of section 1 of the Dawid Kruiper Municipality: Advertising Signs By-Law, 2012.

2. Section 1 of the principal By-Law is hereby amended:
 - (a) by the substitution for the definition of "council" of the following definition:
""Council" means the Municipal Council of Dawid Kruiper Municipality";
 - (b) by the insertion before the definition of "person" of the following definition:
""Municipal Manager" means the person appointed as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal Systems Act, 2000"

Amendment of section 3 of the Dawid Kruiper Municipality: Advertising Signs By-Law, 2012.

3. Section 3 of the principal By-Law is hereby amended by the substituting of the following sections:

"APPLICATION AND CONFLICT OF LAWS

- 3.1 [This By-Law is subject to the provisions of the Advertising on Roads and Ribbon Development Act, 1940 (Act No. 21 of 1940), and any regulations promulgated in terms of the said Act.] This By-Law applies to all advertising signs and signage structures in/or visible from a public place within the area of jurisdiction of the Municipality.
- 3.2. if there is a conflict between this By-Law and any other By-Law or policy of the Dawid Kruiper Municipality this By-Law prevails in respect of any outdoor advertising and signage matter."

Amendment of section 4 of the Dawid Kruiper Municipality: Advertising Signs By-Law, 2012.

4. Section 4 of the principal By-Law is hereby amended by the substitution for the number "6" of the following number: "[6]4"

Amendment of section 5 of the Dawid Kruiper Municipality: Advertising Signs By-Law, 2012.

5. Section 5 of the principal By-Law is hereby amended:
(a) by the substitution for words in subsection 4 of the following words:
"(4) No Prescribed fees are payable in respect of an outdoor [sing] sign – "

Amendment of section 13 of the Dawid Kruiper Municipality: Advertising Signs By-Law, 2012:

6. The following section is hereby substituted for section 13 of the principal By-Law:
"13. This By-Law is called Dawid Kruiper Municipality: Advertising Signs Amendment By-Law, [2012] 2017 "

NOTICE 127 OF 2017

CEMETERIES BY-LAW, 2012

By-law No.2, 2012

BY-LAW**As Amended by the Cemeteries Amendment By-Law 2017**

To provide for the establishment and management of cemeteries in the Dawid Kruiper Municipality; and for matters connected therewith.

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control cemeteries in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:

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CHAPTER 1 **Interpretation** **Definitions**

1. In this By-law, unless the context otherwise indicates-

"**adult**" (where the word is used to describe a corpse) means the corpse of a person 9 years of age or older;

"**ashes**" · means the remains of a corpse after it has been cremated;

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

"**burial**" means burial in earth or any other method of disposal of a corpse, ashes or a cadaver in the manner provided for in this By-law;

"**burial order**" means an order issued in terms of the provisions of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992) authorising a burial;

"**caretaker**" means the officer appointed by the Municipality to supervise and control a municipal cemetery or municipal cemeteries, and his or her delegates;

"**cemetery**" means land or part thereof, including the buildings and works thereon, duly set aside and reserved for the purpose of burials and shall include a columbarium;

"**child**" (where the word is used to describe a corpse) means the corpse of a person younger than 9 years of age;

"**columbarium**" means a memorial wall or a wall of remembrance provided by the owner of a cemetery for the burial of ashes;

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

"**developed area**" means that portion of the area of jurisdiction of the Municipality which -

- (a) has by actual survey been subdivided into erven;
- (b) is surrounded by surveyed erven; or
- (c) is an informal settlement;

"**grave**" means a piece of land in a cemetery laid out, prepared and used for a burial;

"**holder**" means a person to whom a reservation certificate for a specific grave in a municipal cemetery has been issued in terms of section 6 [or a law repealed by section 29];

"**Medical Officer of Health**" means the officer appointed by the Municipality from time to time in such position and his or her delegates;

"**memorial work**" means any headstone, monument, inscription or other similar work or portion thereof erected or intended to be erected upon a grave or a columbarium;

"**municipal cemetery**" means a cemetery that is owned and controlled by the Municipality and made available for public use from time to time;

"**Municipality**" means the Dawid Kruiper Municipality;

"**Municipal Manager**" means the person appointed as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal System Act, 2000;

"**niche**" means the cavity in a columbarium provided for the burial of ashes;

"**plaque**" means a tablet erected on the columbarium for identification purposes;

"**prescribed fees**" means the fees as determined from time to time by the Municipality;

"**private cemetery**" means a cemetery situated -

- (a) inside the area of jurisdiction of the Municipality; and
- (b) outside a developed area, not owned and controlled by the Municipality, made available from time to time by the owner thereof for private use and shall include a single grave;

"**resident**" means a person who at the time of his or her death, was ordinarily resident within the Municipality or under law liable for the payment of assessment rates, rent, service charges or levies to the Municipality;

"**responsible person**" means the nearest surviving relative of the deceased person or a person authorised by such relative, or if the caretaker is satisfied that such person does not exist or that the signature of such relative or authorised person cannot be obtained timeously for the purpose of completing the necessary application forms, another person who satisfies the caretaker as to his or her identity, interest in the burial, capacity to pay the prescribed fees and to comply with the applicable provisions of this By-law; and

"**stillborn**" in relation to a Child, means that it had at least 26 weeks of intra-uterine existence, but showed no sign of life after complete birth.

CHAPTER 2

Establishment and management of cemeteries Establishment of cemeteries

- 2. (1) The Municipality may from time to time set aside and reserve suitable municipal land within the Municipality for the establishment and management of a municipal cemetery.
- (2) The Municipality may, in accordance with the provisions of Chapter 9, consider and approve an application for the establishment and maintaining of a private cemetery or a private columbarium on private land.
- (3) A cemetery established under a law repealed by this By-law, or that otherwise existed when this By-law came into operation, shall be deemed to be established under this section.
- (4) The Municipality may set aside, reserve and demarcate within a municipal cemetery, in accordance with an approved layout plan, such areas as the Municipality may deem expedient for exclusive use by the members of a particular religion or denomination, or for the burial of adults, children, members of security forces or war heroes, or for the creation and management of -
 - (a) a berm section where memorial work of a restricted size may be erected only on a concrete base provided by the Municipality at the top or bottom end of a grave, while the top surface of the grave is levelled;

- (b) a monumental section where memorial work erected shall cover the entire grave area;
 - (c) a semi-monumental section where memorial work, without a restriction on the size, may be erected only on a concrete base at the top end of a grave, which base will not be provided by the Municipality;
 - (d) a natural-grass section where the surface of graves is levelled and identified by numbers affixed on top of the graves in such a way that a lawnmower can be used to cut the natural grass without damaging the numbers;
 - (e) a traditional section where the surface of graves is levelled and memorial work does not have to cover the entire grave area, and may be erected on graves that are not supplied with a concrete base as required in the berm section;
 - (f) a columbarium section where ashes may be buried in a niche in a memorial wall or wall of remembrance provided by the Municipality.
- (5) The setting aside, reservation and demarcation mentioned in subsection 2(4) above shall not be executed in a matter constituting unfair discrimination.

Official hours

3. (1) The municipal cemetery and the office of the caretaker shall be open during the hours as determined by the Municipality and the cemetery office of the caretaker shall be open from Monday to Friday.
- (2) Burials in a municipal cemetery shall take place on the days and during the hours determined by the Municipality.
- (3) The Municipality has the right to close a municipal cemetery or any portion thereof to the public for such periods and for such reasons as the Municipality may deem fit.
- (4) No person shall be or remain in a municipal cemetery or part thereof before or after the official hours as determined by the Municipality or during any period when it is closed for the public, without the permission of the caretaker.

Register

4. A register of graves and burials shall be kept by the caretaker of a municipal cemetery and such register shall be completed as far as possible immediately after a burial has taken place, with reference to the prescribed particulars contained in the burial order concerned.

Numbering of graves

5. (1) All graves in a municipal cemetery that are occupied or for which a burial has been authorised in terms of the provisions of section 9, shall be numbered by the Municipality.

- (2) The number shall be affixed to the grave and indicated on a plan to be kept available in the caretaker's office.

Reservation of graves and niches in municipal cemeteries

- 6. (1) Any person who wishes to reserve a specific grave for future use in a municipal cemetery, must apply to the caretaker of that cemetery and such application must-
 - (a) be done in writing on the form provided by the Municipality; and
 - (b) be accompanied by the prescribed fees.
- (2) The Municipality may grant or refuse the application.
- (3) If the application is granted, the Municipality must issue a reservation certificate to the applicant setting out the conditions subject to which the certificate is issued.
- (4) If the Municipality refuses the application, it must set out its reasons for such refusal in writing, and return the fees referred to in subsection (1)(b) to the applicant.
- (5) The reservation of a grave made and recorded in the official records of the Municipality in terms of a previous law, shall be deemed to be done under this section.
- (6) The provisions of subsections (1) to (5) shall apply *mutatis mutandis* in respect of the reservation of a specific niche in a municipal columbarium.

Transfer of reserved rights

- 7. (1) A reserved right as contemplated in section 6 may not be transferred without the prior written approval of the Municipality.
- (2) Application to transfer such right shall be made to the caretaker in writing by completing and submitting a prescribed application form.
- (3) If the application is granted, a certificate shall be issued in favour of the transferee who will become the holder.
- (4) The reserved right may be cancelled on request of the holder and if the request is approved by the Municipality, the amount paid by the holder (if any), minus 10 % administration fees, will be refunded to the holder.

Number of corpses in a single grave in a municipal cemetery

- 8. (1) Only one corpse may be buried in a grave with measurements as contemplated in section 14(1) or (2).
- (2) Only two corpses may be buried in a grave with measurements as set out in section 14(4):

Provided that application for the burial of two corpses has been made to the caretaker in writing by submitting an application mentioned in section 9(1) before the first corpse is buried.

- (3) After the reopening of a grave for the purpose of the burial of a second corpse as mentioned in subsection (2) in that grave, a layer of soil of at least 150 mm must be left undisturbed on top of the coffin, and in no instance, may the lid of the second coffin be nearer than 900 mm measured from the natural surrounding surface.
- (4) If on reopening any grave, the soil is found by the Medical Officer of Health to be offensive or dangerous to the general health of people, the situation shall be handled in consultation with the Medical Officer of Health.

CHAPTER 3

Burials

Application for a burial

9. (1) "Application for permission for a burial in a municipal cemetery shall be made to the municipal manager or his duly authorised delegate on the prescribed application form and such application shall be accompanied by –
 - (a) the prescribe burial order;
 - (b) the prescribed fees; and
 - (c) a reservation certificate, where applicable."
- (2) No person shall, without the prior written permission of the Municipality, execute, cause or allow a burial, including the burial of ashes or a cadaver, in any other place in the Municipality than in a municipal cemetery.
- (3) An application for permission for a burial must be submitted to the municipal manager or his duly authorized delegate at least 24 working hours prior to the planned burial, failing which the municipal manager or his duly authorized delegate may refuse the application.
- (4) No person shall execute a burial or cause or allow a burial to be executed in a municipal cemetery, unless written approval for the burial has been obtained, a specific grave has been allocated for the purpose of the burial and a date and time for the burial has been arranged with the municipal manager or his duly authorized delegate.
- (5) In allocating a date and time for a burial, the municipal manager or his duly authorized delegate shall have regard to the customs of the deceased's relatives and their religion or church affiliation.
- (6) The allocation of a specific grave is the responsibility and in the sole discretion of the municipal manager or his duly authorized delegate and a burial shall be executed only in a grave allocated by him or her:

Provided that in allocating a grave the municipal manager or his duly authorized delegate shall as far as practicable allow the responsible person access to a plan of the cemetery showing the various sections, and allow him or her to select the section of his or her choice, but not the individual grave of his or her choice.

- (7) The Municipality may allow in its discretion a burial without payment of the prescribed fees in a part of a municipal cemetery set aside for such purposes and in such manner as it may deem fit.
- (8) Notice of cancellation or postponement of a burial must be submitted to the municipal manager or his duly authorized delegate at least 4 working hours before the time set for the burial.
- (9) The granting of permission for a burial and the allocation of a specific grave in a cemetery, does not give the applicant, the responsible person or any other person any right in respect of such grave other than to bury a corpse in the grave.

Burial of a corpse

- 10. (1) No graves in a municipal cemetery shall be provided by the caretaker.
- (2) There shall be at least 1200 mm of soil between the top of an adult coffin and the ground surface, and at least 900 mm of soil between the top of a child coffin and the ground surface.
- (3) All corpses shall be placed in a coffin for the burial thereof, except as provided by a particular religion.
- (4) No person shall, without the prior permission of the caretaker, conduct any religious ceremony or service according to the rites of one denomination in any portion of a municipal cemetery reserved by the Municipality in terms of the provisions of section 2(4) for the use of some other denomination.
- (5) No person shall permit any hearse in a municipal cemetery to leave the roads provided, and every hearse shall leave the cemetery as soon as possible after the funeral for which it was engaged.
- (6) Every person taking part in any funeral procession or ceremony shall comply with the directions of the caretaker as to the route to be taken within the municipal cemetery.
- (7) No person shall convey, or expose a corpse or any part thereof, in an unseemly manner in any street, cemetery or public space.
- (8) Every application and every document relating to a burial in a municipal cemetery shall be marked with a number corresponding to the number in the register referred to in section 4 and shall be filed and preserved by the Municipality for a period of not less than ten years.

Burial of ashes in municipal cemeteries

11. (1) Ashes may be buried in a municipal cemetery.
- (2) No person shall execute a burial or cause a burial of ashes to be executed in a municipal cemetery, unless written approval for the burial has been obtained, a specific grave or niche has been allocated for the purposes of the burial and a date and time for the burial has been arranged with the caretaker of the municipal cemetery.
- (3) Application for the burial of ashes for definite periods or in perpetuity, or for the provision of memorial tablets of approved material to be fixed on the building, columbarium or other facility, shall be made to the caretaker of the municipal cemetery on the prescribed application form.
- (4) Subject to section 6, niches shall be allocated by the caretaker of the municipal cemetery strictly in the order in which the applications therefor are received.
- (5) An application for permission for a burial must be submitted at least 24 working hours prior to the planned burial, failing which the caretaker of the municipal cemetery may refuse the application.
- (6) An urn or casket containing ashes that has been deposited in a building, columbarium or other facility of the Municipality, shall not be removed without the caretaker's prior written consent.
- (7) Every niche containing ashes shall be sealed by a tablet approved by the Municipality and shall only be opened for the purpose of withdrawing an urn or casket contained therein for disposal elsewhere, or for the purpose of depositing an additional urn or casket therein where after it shall once again be sealed.
- (8) Application for the opening of a niche shall be made to the caretaker of the municipal cemetery on the prescribed application form.
- (9) No person shall introduce any material into the columbarium for the purpose of constructing or erecting any memorial work therein, unless and until-
- (a) approval for the burial has been obtained in terms of the provisions of section 9;
- (b) approval for the erection of the memorial work has been obtained in terms of the provisions of section 17(1); and
- (c) the prescribed fees have been paid.
- (10) Any person engaged upon any work on the columbarium, shall execute such work to the satisfaction of the caretaker, and such work shall be undertaken during the official hours of the caretaker as set out in section 3.
- (11) No permanent wreaths, sprays, flowers or floral tributes may be placed in or on a columbarium.

- (12) The columbarium may be visited daily during the official hours set out in section 3.
- (13) Plaques shall be made of material approved by the Municipality and shall be affixed simultaneously with the placing of the ashes and within 30 days of the obtaining of the consent.

Burial of a cadaver

- 12. The remains of a corpse used at an educational institution for the education of students, generally known as a cadaver, may be buried in one coffin and two such coffins containing cadavers may be buried in an extra deep grave as contemplated in section 14(4):

Provided that a coffin does not exceed the average body weight of 70 kg, and furthermore, that the grave is readjusted to the prescribed depth and measurements.

Persons dying outside the area of the Municipality

- 13. The provisions of this By-law shall apply *mutatis mutandis* to any burial in a cemetery of a person who has died outside the Municipality.

Measurements of graves

- 14. (1) The excavation of a grave for a person 9 years of age or older shall be at least 1800 mm deep, 2300 mm long and 750 mm wide.
- (2) The excavation of a grave for a person younger than 9 years of age shall be at least 1300 mm deep, 1500 mm long and 750 mm wide.
- (3) In the event that a grave of a greater depth, length and width than those specified above is required, an application in respect thereof, together with extra prescribed fees that are due, shall be made to the caretaker of the municipal cemetery, together with the application to obtain permission for a burial.
- (4) The excavation of an extra deep grave for the burial of two corpses shall be at least 2400 mm deep, 2300 mm long and 750 mm wide.
- (5) Permitted deviation from measurements of graves shall be as follows:

Extra wide	2300 mm long 840 mm wide
Extra-long	2530 mm long 760 mm wide
Rectangular small	2300 mm long 810 mm wide
Rectangular big	2400 mm long 900 mm wide

Brick nogging 2500 mm long
 1050mmwide

- (6) The area of a rectangular grave for an adult shall be 1500 mm wide and 2600 mm long.
- (7) The area of a grave for an adult shall be 1210 mm wide and 2430 mm long.
- (8) The area of a grave for a child shall be 1210 mm wide and 1520 mm long, and if a coffin is too large, an adult grave shall be used.

CHAPTER 4 **Cremation**

- 15. Cremation within the Municipality shall only take place in an approved crematorium established for that purpose, and in accordance with the provisions of the Cremation Ordinance, 1926 (Ordinance NO.6 of 1926).

CHAPTER 5 **Exhumation** **Exhumation from a municipal cemetery**

- 16. (1) No person shall, without the written approval contemplated in section 3 of the Exhumation Ordinance, 1980 (Ordinance No. 12 of 1980), and then only after notifying the Municipality, exhume or cause or allow any corpse or the mortal remains of a corpse to be exhumed from a municipal cemetery.
- (2) Any person duly authorised to exhume a corpse as set out above, shall furnish such authority to the caretaker at least 8 working hours before the time proposed for the exhumation of such corpse, and shall at the same time pay the prescribed fees.
- (3) An exhumation and removal of any corpse from a municipal cemetery shall be made only in the presence of the caretaker or any authorised member of the cemetery personnel, accompanied by the funeral undertaker and in accordance with the stipulated legislation applicable to exhumations and reburials.
- (4) A grave from which any corpse is to be removed shall, if required by the caretaker, be effectively screened from public view during the exhumation.
- (5) The person who applied for the exhumation of a corpse shall provide an acceptable receptacle for the remains and shall remove the remains after the exhumation.
- (6) No person shall be permitted to reopen a grave in a municipal cemetery, unless he or she has satisfied the caretaker that he or she is authorised thereto.
- (7) After the exhumation of a corpse and the removal of the remains from a municipal cemetery, all rights in the grave shall revert to the Municipality, and the reuse of the grave shall be done in consultation with the Medical Officer of Health.

- (8) If at any time and for whatever reason the exhumation and transfer of a corpse to another grave in a municipal cemetery shall become necessary, the Municipality may, after the relatives of the deceased person have been notified accordingly, exhume such body and transfer it to another grave.

CHAPTER 6

Memorial work

17. (1) Application for the erection of memorial works shall be made to the caretaker of the municipal cemetery on the prescribed application form.
- (2) The erection of a trellis around a grave is prohibited.
- (3) No person shall bring or cause any material to be brought into any municipal cemetery for the purpose of the erection or construction of any memorial work, unless and until -
- (a) approval for the burial has been obtained in terms of the provisions of section 9;
 - (b) approval for the erection of the memorial work has been obtained in terms of the provisions of subsection (1); and
 - (c) the prescribed fees have been paid.
- (4) Graves of war heroes which are in the care of or maintained by the South African War Graves Board or by any other recognised body or by the government of any foreign country, shall upon application to the Municipality, be exempted from the requirement of payment of the prescribed fees.
- (5) The Municipality may refuse its consent for the erection of any proposed memorial work if the plan and specification thereof reveals that it will be of inferior quality or in any manner likely to disfigure a cemetery or which bears any inscription likely to cause offence to users of the municipal cemetery or to visitors thereto.
- (6) No person engaged upon any memorial work in a municipal cemetery shall at any time disturb any adjacent graves and on completion of such work he or she shall leave the grave and the cemetery in a clean and tidy condition and remove any building material or surplus ground therefrom.
- (7) A person engaged in the erection of a memorial work in a municipal cemetery, shall-
- (a) make arrangements beforehand with the caretaker with regard to the date and time of the intended erection;
 - (b) ensure that all separate parts of any memorial work other than masonry-construction are affixed by copper or galvanised iron dowel-pins of a length and thickness sufficient to ensure the permanent stability of the work;
 - (c) ensure that any part of such work which rests upon any stone or other foundation is fairly squared and pointed;

- (d) ensure that the underside of every flat stone memorial and the base or landing of every headstone is set at least 50 mm below the natural level of the ground;
 - (e) ensure that all headstones are securely attached to their bases;
 - (f) ensure that flat stones consist of one solid piece in the case of all graves;
 - (g) ensure that all headstones consist of granite, marble, bronze or any other durable metal or stone approved by the Municipality;
 - (h) ensure that all curbing or memorial work on graves are erected on concrete foundations at least 150 mm wide and 200 mm deep;
 - (i) ensure that the sizes of monumental tombstones (all inclusive) are:

Single grave	2400 mm long 1070 mm wide
Child grave	1400 mm long 1000 mm wide
Double grave	2400 mm long 2400 mm wide;
 - (j) ensure that all curbs on larger graves than single graves shall be fixed on substantial concrete mats at the four corners and where joints occur;
 - (k) ensure that any concrete foundation on any grave, upon instruction of the Municipality, is reinforced where it is considered necessary owing to the weight of the memorial work.
- (8) No person shall erect any memorial work within a municipal cemetery, unless the number (if any) and section-letter of the grave upon which such work is to be erected, are engraved thereon in such a position that it will be legible at all times from a pathway, and, only with the consent of the family of the deceased, the name of the maker of such memorial work may be placed upon any footstone.
 - (9) Memorial work shall be constructed and erected in a municipal cemetery only during the official office hours as contemplated in section 3.
 - (10) No person shall fix or place any memorial work in a municipal cemetery during inclement weather or where the soil is in an unsuitable condition.
 - (11) Every person carrying out work within a municipal cemetery shall under all circumstances comply with the directions of the caretaker.
 - (12) The Municipality may, after due notice, at any time change or alter the position of any memorial work in any municipal cemetery:

Provided that in any case where any memorial work has originally been placed in a certain position with the express consent of the caretaker, any alterations of such position in terms of the provisions of this By-law, shall be executed at the expense of the Municipality.

Graves supplied with a berm

18. (1) Notwithstanding anything to the contrary contained in this By-law, a grave which is supplied with a berm shall be subject to the conditions set out in subsection (2).
- (2) (a) No kerbing shall be erected at such grave.
- (b) The berm provided by the Municipality shall be 1200 mm long, 500 mm wide and 300 mm deep.
- (c) The base of the memorial work to be erected on the berm of a single grave shall not be larger than 1000 mm long and 230 mm wide, and the memorial work, together with the base, may not be higher than 1200 mm from the ground surface.
- (d) A memorial work shall not protrude beyond the base.
- (e) No object shall be placed and kept on any grave:

Provided that a memorial work or a vase for flowers or foliage placed in the orifice provided in the berm, may be placed and kept on a grave until such time as the ground surface over the grave is levelled.

CHAPTER 7 Maintenance Maintenance of graves

19. (1) (a) A memorial work erected upon a grave shall at all times be maintained in good order and condition by the responsible person.
- (b) Should any such work fall into a state of disrepair or constitute a danger or be a disfigurement of the municipal cemetery, the Municipality may by written notice addressed to the responsible person by registered post at his or her last known postal address, require of him or her to affect such repairs as may be considered necessary.
- (c) On failure to affect the required repairs within 1 month of the date of such notice, the Municipality may have the repairs effected or may have the memorial work removed as it deems fit and may recover the costs for such repairs or removal from the responsible person.
- (2) Unless otherwise provided for in this By-law, the Municipality shall be responsible for keeping municipal cemeteries in a neat and tidy condition.

- (3) Grass may be planted on a grave by family members of the deceased, subject to the directions of the caretaker:

Provided that the Municipality shall maintain the grave, as part of the cemetery, at its own cost and in accordance with its own standards and programs.

- (4) (a) All memorial work which has been dismantled for purposes of a further burial, shall be re-erected or removed from the municipal cemetery within 2 months of the date of such dismantling.
- (b) On failure to do so, the Municipality shall be entitled to remove any such dismantled memorial work from the cemetery without further notice, and to recover the costs of such removal from the responsible person.
- (5) No person shall plant any tree, shrub, bush or any other plant on or in the vicinity of a grave.
- (6) The Municipality shall have the right to remove, trim or prune any plants which extend beyond the limits of any grave or which are untidy.
- (7) No person shall deposit any flowers, grass, weeds or other materials removed from a grave, on any other grave, roadway or any other place in the cemetery, except in the refuse bins intended for that purpose.

CHAPTER 8

General conduct in municipal cemeteries

20. (1) No person under the age of 12 years shall enter a municipal cemetery unless he or she is in the care of an adult or with the approval of the caretaker.
- (2) No person shall enter or leave any municipal cemetery, except through the gates provided for that purpose, nor shall any person enter any office or enclosed place in any cemetery, except on business or with the consent of the caretaker.
- (3) No person shall make a false statement or provide false information in an application or other form or document to be completed and submitted in terms of this By-law.
- (4) No person shall carry on any trade or hawking activity, or solicit any business, or exhibit, distribute or leave any business card or advertisement within any cemetery or on any public place within 30 m of the boundary of any municipal cemetery, except with the written approval of the Municipality and on such conditions as the Municipality may determine.
- (5) No person shall sit, stand or climb upon or over any tombstone, memorial work, gate, wall, fence or building in any municipal cemetery.
- (6) No person shall hold a demonstration of any kind in any municipal cemetery or allow or participate in such demonstration.
- (7) No person shall bring into or allow any animal to enter any municipal cemetery, and any animal found in a cemetery may be impounded.

- (8) Directives from the caretaker to ensure the orderly procession of the ceremony concerning the placement of structures, chairs, voice amplification equipment, volume and the type of music to be played, shall be adhered to.
- (9) No person shall within any municipal cemetery obstruct, resist or oppose the caretaker or any official of the Municipality, whilst acting in the course of his or her official duty, nor refuse to comply with any reasonable order or request of the caretaker or any official of the Municipality.
- (10) No person shall remove from the municipal cemetery any soil, sand or other substance or thing of a similar nature without the express permission of the caretaker.
- (11) No person shall wantonly or wilfully damage or cause to be damaged, nor shall any person mark, draw or erect any advertisement, bill or placard upon or in any manner deface any grave, tombstone, monument, wall, building, fence, path or other construction within any municipal cemetery.
- (12) No person shall bribe or try to bribe any employee in the service of the Municipality in regard to any matter in connection with a cemetery or burial, neither with money, gifts or any other benefit.
- (13) No person shall, except where expressly permitted by this By-law, or with the consent of the caretaker, disturb the soil, or plant or uproot any plant, shrub or flower, or in any way interfere with any grave or construction in any municipal cemetery.
- (14) No person shall play any game or take part in any sport, or discharge any firearm, except as a salute at a military funeral, or discharge any airgun or catapult within any municipal cemetery, or disturb or annoy any person present therein.
- (15) No musical instrument shall be played in a municipal cemetery without the consent of the caretaker.

CHAPTER 9

Private cemeteries

Establishment of private cemeteries

- 21. (1) The owner of land situated outside a developed area may, with the prior written permission of the Municipality, and subject to the conditions determined by the Municipality, establish a private cemetery on such land:

Provided that a private cemetery consisting of a columbarium only, may also be established inside a developed area.
- (2) Any existing private cemetery shall be deemed to have been established in terms of subsection (1).
- (3) The owner of land on which a private cemetery is situated, shall be responsible for keeping such cemetery in a neat and tidy condition.

Application to establish private cemeteries

22. (1) The owner of land situated outside a developed area, desirous of establishing a private cemetery on such land, must-
- (a) on the form provided by the Municipality, direct his or her application to the Municipal Manager;
 - (b) provide the Municipal Manager with a plan -
 - (i) indicating the location of the proposed private cemetery on the land concerned; and
 - (ii) containing the detail layout of the proposed private cemetery, showing the exact location and number of each grave; and
 - (c) provide such further information as may be required by the Municipal Manager.
- (2) The Municipal Manager shall refer the application to the building control officer, who shall do, or cause to be done, an inspection of the land concerned and make a recommendation regarding the application to the Municipality.
- (3) After the Municipality has considered the recommendations of the building control officer, it shall -
- (a) grant the permission contemplated in section 21(1); or
 - (b) refuse the application, stating its reasons for such refusal, and forthwith, in writing, notify the applicant accordingly.
- (4) The owner of land on which a private cemetery is deemed to have been established in terms of section 21(1) must, in respect of that cemetery, within a year after the commencement of this By-law, provide the Municipality with -
- (a) the plan contemplated in subsection (1)(b); and
 - (b) a declaration stating the name of the deceased person buried in each grave if it is known to the owner.

Record of private cemeteries to be kept by the Municipality

23. (1) The Municipality must keep proper record of all private cemeteries, established or deemed to have been established, within its area of jurisdiction.
- (2) The Municipality must update the records of private cemeteries within its area of jurisdiction regarding -
- (a) each new grave added to a private cemetery by the owner of the land not already shown on the plan contemplated in section 22(1)(b)(ii); and
 - (b) each burial that takes place in a private cemetery.

- (3) The owner of land on which a private cemetery is situated, must provide the Municipality with the particulars referred to in subsection (2), within 7 days after a burial has taken place, accompanied by a copy of the burial order and a statement indicating the number of the grave in which the deceased person has been buried.

Land on which a private cemetery has been established may be used for burials only

24. A private cemetery may be used for burials only, except where the Municipality gives written permission to the owner of the land to discontinue the use of the private cemetery for burials and determines how the mortal remains of persons buried in such cemetery must further be disposed of.

Exhumation of corpses from private cemeteries

25. No person may, without the prior written permission of the Municipality and subject to any law governing the exhumation of corpses, exhume a corpse from a private cemetery.

**CHAPTER 10
Miscellaneous
Injuries and damages**

26. A person using a municipal cemetery shall do so on his or her own risk, and the Municipality accepts no liability whatsoever for any personal injuries sustained by such person or for any loss of or damage to such person's property relating to or resulting from the aforementioned usage of the cemetery.

Firearms and traditional weapons

27. No firearm or traditional weapon shall be allowed in a municipal cemetery.

Penalty clause and expenses

28. (1) Any person contravening or failing to comply with any of the provisions of this By-law, shall be guilty of an offence and upon conviction by a court be liable to a fine or imprisonment for a period not exceeding 3 years or to both a fine and such imprisonment.
- (2) Any expense incurred by the Municipality as a result of a contravention of this By-law, or in the doing of anything which a person was directed to do under this By-law, and which he or she failed to do, may be recovered by the Municipality from the person who committed the contravention or who failed to do such thing.

Short title

29. This By-law shall be called the Cemeteries By-law, 2012

DAWID KRUIPER MUNICIPALITY

CEMETERIES AMENDMENT BY-LAW, 2017

GENERAL EXPLANATORY NOTE

[] Words in bold type and square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Cemeteries By-Law, 2012; to provide for the substitution of the name "//Khara Hais", wherever it appears; to provide for the insertion of a preamble; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kruiper Municipality, as follows: -

Insertion of a preamble of the Dawid Kruiper Municipality: Cemeteries By-law, 2012:

1. The Dawid Kruiper Municipality: Cemeteries By-Law, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

"WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control cemeteries in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:"

Amendment of Section 1 of the Dawid Kruiper Municipality: Cemeteries By-Law, 2012

2. Section 1 of the principal By-Law is hereby amended:
 - (a) by the substitution for the definition of "holder" of the following definition:

""holder" means a person to whom a reservation certificate for a specific grave in a municipal cemetery has been issued in terms of section 6 [or a law repealed by section 29]";

- (b) by the substitution for the definition of "Municipality" of the following definition:
"Municipality" means the [//Khara Hais] Dawid Kruiper Municipality";
- (c) by the substitution for the definition of "Municipal Manager" of the following definition:
""Municipal Manager" means the person appointed [in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)] as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal System Act, 2000."

Amendment of section 9 of the Dawid Kruiper Municipality: Cemeteries By-Law, 2012

3. Section 9(1) of the principal By-Law is hereby amended:
 - (a) by the substitution for the word "caretaker" of the following words:
"Application for permission for a burial in a municipal cemetery shall be made to the [caretaker] municipal manager or his duly authorised delegate on the prescribed application form and such application shall be accompanied by -
 - (d) the prescribe burial order;
 - (e) the prescribed fees; and
 - (f) a reservation certificate, where applicable."
4. Section 9(3) of the principal By-law is hereby amended:
 - (a) by the substitution for the words "caretaker" and "of a municipal cemetery" of the following words:
"An application for permission for a burial must be submitted to the [caretaker] [of a municipal cemetery] municipal manager or his duly authorized delegate at least 24 working hours prior to the planned burial, failing which the [caretaker] municipal manager or his duly authorized delegate may refuse the application."
5. Section 9(4) of the principal By-law is hereby amended:
 - (a) by the substitution for the word "caretaker" of the following words:
"No person shall execute a burial or cause or allow a burial to be executed in a municipal cemetery, unless written approval for the burial has been obtained, a specific grave has been allocated for the purpose of the burial and a date and time for the burial has been arranged with the [caretaker] municipal manager or his duly authorized delegate."
6. Section 9(5) of the principal By-law is hereby amended:
 - (a) by the substitution for the word "caretaker" of the following words:
"In allocating a date and time for a burial, the [caretaker] municipal manager or his duly authorized delegate shall have regard to the customs of the deceased's relatives and their religion or church affiliation."
7. Section 9(6) of the principal By-law is hereby amended:
 - (a) by the substitution for the word "caretaker" of the following words:
"The allocation of a specific grave is the responsibility and in the sole discretion of the [caretaker] municipal manager or his duly authorized and a burial shall be executed only in a grave allocated by him or her. Provided that in allocating a grave the [caretaker] municipal manager or his duly authorized shall as far as practicable

allow the responsible person access to a plan of the cemetery showing the various sections, and allow him or her to select the section of his or her choice; but not the individual grave of his or her choice."

8. Section 9(8) of the principal By-law is hereby amended:
 - (a) by the substitution for the word "caretaker" of the following words:

"Notice of cancellation or postponement of a burial must be submitted to the [caretaker] municipal manager or his duly authorized at least 4 working hours before the time set for the burial."

Amendment of section 10 of the Dawid Kruiper Municipality: Cemeteries By-Law, 2012.

4. Section 10 of the principal By-Law is hereby amended:
 - (a) By the following insertion:

"(1) No graves in a municipal cemetery shall be provided by the caretaker"

Amendment of section 29 of the Dawid Kruiper Municipality: Cemeteries By-Law, 2012:

7. The following section is hereby substituted for section 29 of the principal By-Law:

"29. This By-Law is called the Dawid Kruiper Municipality: Cemeteries Amendment By-Law, [2012] 2017 "

NOTICE 128 OF 2017

HEALTH NUISANCES BY-LAW, 2012

By-Law No.4, 2012

BY-LAW**As Amended by the Health Nuisances Amendment By-Law 2017**

To provide for the establishment of municipal Health Nuisances in the Dawid Kruiper Municipality; and for matters connected therewith.

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control health nuisances in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:

1. Definitions

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

"animal waste" means the faeces, manure, droppings, shed hair or feathers, bones, horns, blood and entrails of an animal, bird or poultry;

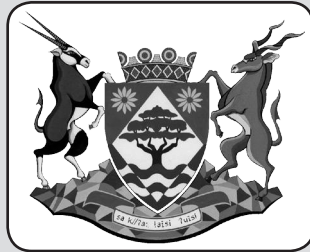
"biodegradable Industrial wastewater" means wastewater that contains predominantly organic waste arising from industrial activities and premises including, but not limited to-

- (a) milk processing;
- (b) processing of fruit and vegetable products;
- (c) sugar mills;
- (d) manufacture and bottling of soft drinks;
- (e) water bottling;
- (f) production of alcohol and alcoholic beverages in breweries, wineries or malt houses;
- (g) manufacture of animal feed from plant or animal products;
- (h) manufacture of gelatine and glue from hides, skin and bones;
- (i) abattoirs;
- (j) fish processing;
- (k) feedlots; and

CONTINUES ON PAGE 258 - PART 3

NORTHERN CAPE PROVINCE

PROFENSI YA KAPA-BOKONE



NOORD-KAAP PROVINSIE

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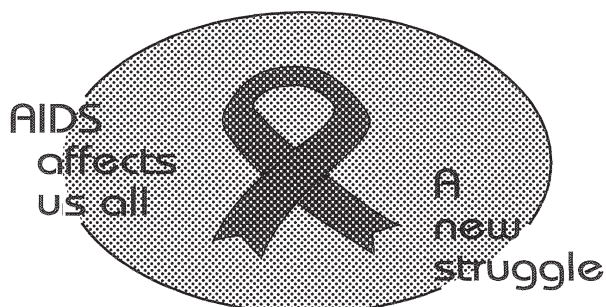
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PART 3 OF 3

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"building, structure or enclosure" means a building, structure or enclosure such as, but not limited to, a stable, shed, dove-cote, kennel, pen, sty, camp, kraal, cow-shed, lean-to, room, tent, vehicle, stream, dam, pool, pan, drain, or ditch (open, covered, or enclosed) erected or constructed in or upon land or premises and which is used in connection with the keeping of an animal by an owner of an animal or owner or user of land;

"communicable disease" means an illness due to a specific infectious agent or its toxic products which arises through transmission of the agent or its products from an infected person, animal or inanimate reservoir to a susceptible host, either directly or indirectly through an intermediate plant or animal host, vector or inanimate environment."

"domestic wastewater" means wastewater arising from domestic premises, and may contain sewage;

"health nuisance" inter alia, any act, omission or failure or condition which in the opinion of the municipality is hazardous for the health or offensive or detrimental or substantially encroach upon the convenience of the public.

"hazardous waste" means waste that has the potential, even in low concentrations, to have an adverse effect on the environment and environmental health because of its inherent toxicological, chemical or physical characteristics;

"irrigation" means the application of water to any land or grounds for any purpose and includes waste water or water containing waste generated through any activity.;

"Municipality" means the Dawid Kruiper Municipality;

"noise pollution" means any change in the environment caused by noise, emitted from any activity, including construction and the provision of services, whether engaged in by any person or an organ of state, where that change has an adverse effect on human health or well-being or will have such an effect in the future;

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

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

"person" means a natural and legal person, including but not limited to an association of persons, a partnership, and a company;

"**premises**" means any building, structure, or tent together with the land on which it is situated and the adjoining land used in connection with it and includes any land without any building, structure or tent and any vehicle, conveyance or ship;

"**waste**" means any matter or waste material arising from the use of any land or premises, excluding hazardous waste and health care waste;

"**wastewater**" means water containing waste, including sewage, or water that has been in contact with waste material and may include biodegradable industrial wastewater and domestic wastewater;

2. Health nuisance

2.1 A health nuisance exists or occurs if any of the following occurs on land or premises:

- (a) A water pool, ditch, gutter, dung pit or heap is so foul or in such a state or so situated or constructed to be injurious or dangerous to health;
- (b) an accumulation of waste or other matter which is injurious or dangerous to health occurs;
- (c) where sewage sludge is disposed of or utilized in a manner that does not comply with the guidelines for the utilization and disposal of waste water sludge as published by the Department of Water Affairs and Forestry as revised by the department from time to time.
- (d) a building, structure or enclosure is -
 - (i) so constructed, situated, used or kept as to be injurious or dangerous to health;
 - (ii) kept or permitted to remain in a state as to be injurious or dangerous to health; or
 - (iii) infested with pests or vermin or in a state that is conducive to the breeding of pests or vermin;
- (e) a building, structure or enclosure is erected without first removing or decontaminating in an approved manner, any faecal, animal or vegetable waste disposed of on the land or premises; or
- (f) a building or structure is demolished without first eradicating all vermin;
- (g) a dwelling or any other premises is occupied for which no proper and sufficient supply of potable water is available;
- (h) a dwelling or building is occupied for which no proper toilet facilities, as required in terms of the National Building Regulations and Building Standards Act, Act 103 of 1977, is available;
- (i) a dwelling or building is occupied which is not properly ventilated in accordance with the National Building Regulations and Building Standards Act, Act 103 of 1977; or

- (j) a dwelling that is not ventilated so as to destroy or render harmless any gases, vapours, dust or other impurities generated which are dangerous to health;
- (k) a dwelling that is so overcrowded, lighted or ventilated as to be injurious or dangerous to the health of those employed therein or thereon; or cause or give rise to smells or effluvia which are dangerous to health.
- (l) conditions exist that are conducive and contributing to the spread of a communicable disease;
- (m) organic matter or animal waste are used or kept in a manner that attracts vector, vermin, or pests such as, but not limited to rats, mice, flies and mosquitoes;
- (n) unhygienic conditions that may be injurious or dangerous to health are present on any part of the land or premises;
- (o) a carcass or the remains of an animal, bird or aquatic fauna or any animal waste remains unburied or not suitably disposed of for more than 24 hours after death.
- (p) any act or omission in contravention of any Act, including authorizations, regulations, prescribes or conditions promulgated in terms of such an Act.

2.2 A health nuisance exists if -

- (a) pests, vermin, vector, from whatever source exists on any land or premises;
- (b) any other activity, condition or thing declared to be a health nuisance under any law exists or occurs on or emanates from land or premises

3. Prohibition on creation, existence or occurrence of a health nuisance

3.1 No person may, in any area under the jurisdiction of the municipality -

- (a) create a health nuisance;
- (b) perform any act which may cause a health nuisance;
- (c) organise, allow or permit an activity, event or function in or on land or premises, or use, cause, allow or permit to be used land or premises for a purpose which by its nature or otherwise or by reason of its consequences creates or is likely to create a health nuisance;
- (d) unless he or she is authorised or permitted by law to do so or does so with the written permission of the municipality and in accordance with any conditions imposed by the municipality-
 - (i) in a public place activate, handle or use any material, object or thing which is likely to cause a health nuisance;
 - (ii) introduce into or handle in a public place any material, object or thing or any liquid or solid substance which by its nature or by reason of the manner of its introduction or handling creates a health nuisance;

- (e) carry, convey, or cause or permit to be carried or conveyed through or in any street or public place, any objectionable material or thing, liquid or solid, which is or may become dangerous to health, unless such objectionable material or thing is covered with a suitable material to prevent the creation of any health nuisance;
 - (f) by an action directly or indirectly or by negligence allow that a health nuisance be created or continued.
- 3.2 A person who contravenes a provision of subsections (1) commits an offence.

4. Duty to eliminate or reduce a health nuisance

- 4.1 The owner, occupier or user of land or premises must-
- (i) ensure that a health nuisance does not exist or occur on his or her land or premises; and
 - (ii) within 24 hours of becoming aware of the existence of a health nuisance on the land or premises report the existence of the health nuisance to the municipality and eliminate the health nuisance -
- (b) The owner of land or premises must ensure that a health nuisance as defined in section 3(1)(k), (l) and (m) does not occur on his land or premises and within 24 hours of becoming aware of the existence of a health nuisance on the land or premises report the existence of the health nuisance to the municipality and eliminate the health nuisance.
- (c) For the purposes of subsection (1)(a), the owner, occupier or user of land or premises must, for the purpose of eliminating or reducing the quantity of -
- (i) flies, use best practice methods;
 - (ii) mosquitoes -
 - (aa) drain accumulated water at least once every seven days;
 - (bb) by making use of best practice methods to control mosquitoes and their larvae
 - (cc) in the case of wells, provide a mosquito-proof cover and a pump;
 - (dd) fit tanks, barrels and similar containers in which mosquitoes may breed with mosquito proof covers or mosquito wire gauze screens in a manner that prevents mosquitoes gaining access to water contained in them; and
 - (ee) regularly clear clogged or sagging gutters and down pipes so that stagnant water cannot accumulate in them; and
 - (iii) vermin, use mouse traps or vermin poison or any other best practice methods.
- 4.2 The owner, occupier or user of land or premises must ensure that every well, hole, pit, reservoir, pond or excavation thereon is not filled in a way, or with any material, that may cause an adjacent well, borehole or underground water source to be polluted or contaminated.

- 4.3 The occupier must cause all waste to be placed in refuse receptacles provided by the owner or by the responsible authority to be disposed of in a manner contemplated in section 27.
- 4.4 The owner, occupier or user of land or premises must dispose of any hazardous material or substance in such a way that it will not cause a health nuisance or pollute a water body, water source, borehole or underground water source.
- 4.5 The owner, occupier or user of land or premises who contravenes a provision of subsection (1), (2), and (4), or the occupier who contravenes a provision of subsection (3) commits an offence.

5. Penalty Clause

Any person who contravenes or fails to comply with any provision of this By-law shall be guilty of an offence and liable on conviction to a fine or, in default of payment, to imprisonment not exceeding 6 months, or to both a fine and such imprisonment.

6. Short title

This By-law shall be called the Health Nuisance By-law, 2012.

DAWID KUIPER MUNICIPALITY

HEALTH NUISANCES AMENDMENT BY-LAW, 2017

GENERAL EXPLANATORY NOTE

- [] Words in bold type and square brackets indicate omissions from existing enactments.
____ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Health Nuisances By-Law, 2012; to provide for the substitution of the name "//Khara Hais", wherever it appears; to provide for the insertion of a preamble; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kuiper Municipality, as follows: -

Insertion of a preamble of the Dawid Kuiper Municipality: Health Nuisances By-law, 2012:

1. The Dawid Kuiper Municipality: Health Nuisances By-Law, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

"WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kuiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kuiper Municipality;

WHEREAS the Dawid Kuiper Municipality intends to regulate and control health nuisances in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kuiper Municipality as follows:"

Amendment of section 1 of the Dawid Kuiper Municipality: Health Nuisances By-Law, 2012

2. Section 1 of the principal By-Law is hereby amended:
- (a) by the deletion of the definition of "council",
 - (b) by the deletion of the definition of "local municipality";
 - (c) by the insertion before the definition of "none pollution" of the following definition:
""Municipality" means the Dawid Kuiper Municipality."

Amendment of section 6 of the Dawid Kuiper Municipality: Health Nuisances By-Law, 2012:

3. The following section is hereby substituted for section 6 of the principal By-Law:
"6. This By-Law is called Dawid Kruiper Municipality: Health Nuisances Amendment By-Law,
[2012] 2017 "

NOTICE 129 OF 2017

FIREWORKS BY-LAW, 2012

By-law No.6, 2012

BY-LAW**As Amended by the Fireworks Amendment Act 2017**

To provide for the regulation of the discharge of fireworks within the area of jurisdiction of the Dawid Kruiper Municipality; and for matters connected therewith.

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control the discharge of fireworks in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:

Definitions

1. In this By-law, unless the context otherwise indicates -

"developed area" means that portion of the area of jurisdiction of the Municipality which -

- (a) has by actual survey been subdivided into erven;
- (b) is surrounded by surveyed erven; or
- (c) is an informal settlement;

"firework" means a firework composition or a manufactured firework referred to in Division 1 or 2 of regulation 1.10 of the regulations issued in terms of the Explosives Act, 1956 (Act No. 26 of 1956), and published by Government Notice No. R1604 of 8 September 1972, as amended;

"fireworks display" means the discharge of a number of fireworks for religious, public or private purposes;

"Municipality" means the Dawid Kruiper Municipality; and

"Municipal Manager" means the person appointed as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal System Act, 2000.

Discharge of fireworks inside or near developed areas regulated

2. Except as part of a fireworks display and subject to this By-law, no person may, inside a developed area or within 500 metres of such area, discharge a firework.

Permission to hold fireworks display

3. (1) No person may, without the prior written permission of the Municipality, hold a fireworks display.
- (2) Any person or group of persons who wants to hold a fireworks display, must apply for permission in writing, on the form provided by the Municipality, at least 30 days before such display is to be held.
- (3) An application referred to in subsection (2) must -
- (a) be directed to the Municipal Manager; and
 - (b) be accompanied by the fees determined by the Municipality.
- (4) After receipt of the application, the Municipal Manager may-
- (a) inspect, or cause to be inspected -
 - (i) the premises on which the fireworks display is to be held; and
 - (ii) the facilities and equipment to be used during the fireworks display; and
 - (b) grant the permission in writing, subject to such conditions as he or she may deem necessary in the interest of the safety and well-being of the community; or
 - (c) in writing, refuse to grant permission and state his or her reasons for such refusal.
- (5) The Municipal Manager must -
- (a) when considering the application, amongst other matters, take into account what negative effects the proposed fireworks display might have on -
 - (i) the safety of the inhabitants of the neighbourhood and their property;
 - (ii) animals in the vicinity;
 - (iii) the serenity of the neighbourhood; and
 - (b) if the permission is granted, lay down conditions to prevent or remedy such possible negative effects.

Penalty clause

4. (1) Any person who contravenes or fails to comply with any provision of this By-law or any requirement or condition there under, shall be guilty of an offence.
- (2) Any person convicted of an offence in terms of subsection (1), shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

Short title

5. This By-law shall be called the Fireworks By-law, 2012.

DAWID KUIPER MUNICIPALITY

FIREWORKS AMENDMENT BY-LAW, 2017

GENERAL EXPLANATORY NOTE

[] Words in bold type and square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Fireworks By-Law, 2012; to provide for the substitution of the name "//Khara Hais", wherever it appears; to provide for the insertion of a preamble; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kruiper Municipality, as follows: -

Insertion of a preamble of the Dawid Kruiper Municipality: Fireworks By-law, 2012:

1. The Dawid Kruiper Municipality: Fireworks By-Law, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

"WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control the discharge of fireworks in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:"

Amendment of section 1 of the Dawid Kruiper Municipality: Fireworks By-law, 2012:

2. Section 1 of the principal By-Law is hereby amended:
 - (a) by the substitution for the definition of "Municipality" of the following definition:
""Municipality" means the [//Khara Hais] Dawid Kruiper M[m]unicipality";
 - (b) by the substitution for the definition of "Municipal Manager" of the following definition:
""Municipal Manager" means the person appointed [in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)] as the

accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal System Act, 2000."

Amendment of section 5 of the Dawid Kruiper Municipality: Fireworks By-law, 2012

3. The following section is hereby substituted for section 5 of the principal By-Law:
"5. This By-Law is called Dawid Kruiper Municipality: Fireworks Amendment By-Law, [2012] 2017 "

NOTICE 130 OF 2017

KEEPING OF ANIMALS, POULTRY AND BEES CONTROL BY-LAW, 2012

By-law No.7, 2012

BY-LAW**As Amended by the Keeping of Animal, Poultry and Bees Control Amendment Act 2017**

To provide for control of the keeping of animals, poultry and bees in the Dawid Kruiper Municipality; and for matters connected therewith.

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control the keeping of animals, poultry and bees in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:

PART 1
DEFINITIONS

1. In this By-law, unless the context otherwise indicates -

"animals" means any birds kept for breeding or business purposes, horses, mules, donkeys, cattle, pigs, sheep, goats, indigenous mammals and other wild animals;

"development area" means that portion of the area of jurisdiction of the Municipality which-

- (a) has by actual survey been subdivided into erven;
- (b) is surrounded by surveyed erven; or
- (c) is an informal settlement;

"Municipality" means the Dawid Kruiper Municipality;

"Municipal Manager" means the person appointed as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal System Act, 2000;

"nuisance" means, amongst other things, any act, omission or condition which is, in the opinion of the Municipality, detrimental to health or offensive or injurious or which

materially interferes with the ordinary comfort or convenience of the public or adversely affects the safety of the public or which disturbs the quiet of the neighbourhood;

"**pets**" means any dogs, cats, guinea pigs, hamsters, rabbits, chinchillas, snakes or birds not kept for breeding or business purposes;

"**poultry**" means any fowl, goose, duck, turkey, peafowl, guineafowl, muscovy duck, pigeon or dove, whether domesticated or wild; and

"**special resolution**" means a resolution carried by a majority of the total number of councillors of the Municipality.

PART 2 ANIMALS

CHAPTER I GENERAL

Written permission

2. (1) No person shall keep or permit to be kept on any premises or property any animals (excluding pets) without the written permission of the Municipality, and such permission may be withdrawn if at any time a nuisance is caused or the requirements of this By-law are not complied with.
- (2) The Municipality may, from time to time, cause animals, kept in accordance with subsection (1), to be inspected by a veterinary surgeon or an officer from the National or Provincial Department of Agriculture, to fulfil the functions prescribed by or under any law relating to stock or animal disease.

Number of animals

3. For the purpose of controlling and restricting the keeping of animals on land other than agricultural land, the Municipality may from time to time, by special resolution, determine the number, kinds and sex of animals that may be kept per unit area and the areas within which such animals shall be prohibited.

Plans for structures to be approved

4. (1) An application for permission to keep animals shall be accompanied by a detailed site plan indicating all structures and fences, existing and proposed, on the premises.
- (2) Detailed plans and specifications shall be submitted to and approved by the Municipality in respect of all structures where animals are to be accommodated.
- (3) The number, kinds and sex of animals shall be indicated on the plan.
- (4) Notwithstanding anything to the contrary contained in this By-law, the Municipality may refuse to approve the application and plans if, in its opinion, the property, owing to its location, siting or geographical features, is unsuitable for the keeping of animals thereon.

Structures shall comply with requirements

5. (1) All structures housing animals shall be constructed in a workmanlike manner and of materials approved by the Municipality.

- (2) No structure shall be sited within a distance of 15 meter from any dwelling and staff quarters or the boundary of a residential erf and 8 meters from any road boundary.
- (3) In the instance of animals, other than pigs, no structure shall be situated with a distance of 8m from any dwelling and staff quarters and 1.5 m from the boundary of a residential erf and or any road boundary.
- (4) Every part of the structure shall be properly maintained and painted as often as the Municipality may deem necessary.
- (5) No animals shall be kept in a structure or on land which is considered by the Municipality to be undesirable or objectionable by reason of its locality, construction or manner of use.

Premises to be kept clean

6. (1) All manure from animals shall be stored in a manner approved by the Municipality and disposed of on a regular basis so as to prevent any nuisance from being created.
- (2) All feed shall be stored in a rodent-proof place.
- (3) The premises shall be kept in such condition as not to attract or provide shelter for rodents.

Animals kept in an unsatisfactory manner

7. Whenever, in the opinion of the Municipality, any animals kept on any premises, whether or not such premises have been approved by the Municipality under this By-law, are a nuisance or danger to health, the Municipality may by written notice require the owner or occupier of such premises, within a period to be stated in such notice, but not less than 24 hours after the date of such notice, to remove the cause of and to abate such nuisance or danger to health and to carry out such work or do such things as the Municipality may deem necessary for the said purpose.

CHAPTER II DOG KENNELS AND CATTERIES

Requirements for premises

8. No person shall keep a kennel or cattery unless the requirements listed hereunder are complied with:
 - (a) Every dog or cat shall be kept in an enclosure complying with the following requirements:
 - (i) It shall be constructed with approved materials and the access thereto shall be adequate for cleaning purposes.
 - (ii) The floor shall be constructed of concrete or other approved durable and impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending over the full width of the floor and situated within the enclosure, which channel shall be graded and shall drain into a gully connected to the Municipality's sewer system by means of an earthenware

pipe or a pipe of any other approved material with a minimum diameter of 100 mm, or to another approved disposal system.

- (iii) A kerb 150 mm high shall be provided along the entire length of the channel referred to in subparagraph (ii) and on the side thereof adjacent to the surrounding outside area, to prevent storm water from such area from entering the channel.
- (b) Every enclosure referred to in paragraph (a) shall contain a roofed shelter for the accommodation of dogs and cats which shall comply with the following requirements:
 - (i) Every wall shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface without cracks or open joints.
 - (ii) The floor shall be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints, and the surface between the floor and the walls of a permanent structure shall be coved.
 - (iii) Every shelter shall have adequate access thereto for the cleaning thereof and for determination.
- (c) In the case of dogs, a dog kennel of moulded glass fibre or other similar material, which is movable and placed on a base constructed of concrete or other durable material with an easily cleaned finish, without cracks or open joints, may be provided instead of a shelter contemplated in paragraph (b), and if the base of such kennel is not rendered waterproof, a sleeping board which will enable the dog to keep dry shall be provided in every such kennel.
- (d) A concrete apron at least 1-meter wide shall be provided at the entrance of the enclosure over its full width, the apron to be graded for the drainage of water away from the enclosure.
- (e) A supply of potable water, adequate for drinking and cleaning purposes, shall be provided in or adjacent to the enclosure.
- (f) All food shall be stored in a rodent-proof store-room, and all loose food shall be stored in rodent-proof receptacles with close-fitting lids in such store-room.
- (g) At least 5 meters of clear, unobstructed space shall be provided between any Shelter or enclosure and the nearest point of any dwelling, other building or structure used for human habitation or any place where food is stored or prepared for human consumption.
- (h) Isolation facilities for sick dogs and cats shall be provided to the satisfaction of the Municipality.
- (i) If cages are provided for the keeping of cats, such cages shall be of durable, impervious material and constructed so as to be easily cleaned.

**CHAPTER III
PET SHOPS****Requirements for premises**

9. No person shall conduct the business of a pet shop upon any premises unless the premises are constructed and equipped in accordance with the following requirements:
- (a) Every wall, including any partition of any building, shall be constructed of brick, concrete or other durable material, shall have a smooth internal surface and shall be painted with a light-coloured washable paint or given some other approved finish.
 - (b) The floor of any building shall be constructed of concrete or other durable and impervious material brought to a smooth finish.
 - (c) The ceiling of any building shall be constructed of durable material, have a smooth finish, be dustproof and be painted with a light coloured washable paint.
 - (d) Sanitary facilities shall be provided in terms of the National Building Regulations.
 - (e) A rodent-proof store-room shall be provided to the satisfaction of the Municipality.
 - (f) Facilities for the washing of cages, trays and other equipment shall be provided to the satisfaction of the Municipality.
 - (g) If required, change-room or locker facilities shall be provided to the satisfaction of the Municipality.
 - (h) No door, window or other opening in any wall of a building on the premises shall be within 2 meters of any other door, window or other opening to any other building in which food is prepared, stored or sold for human consumption or is consumed by humans.
 - (i) There shall be no direct access to any habitable room or any room in which clothing or food for human consumption is stored. -

Business requirements

10. Every person who conducts the business of a pet shop shall -
- (a) provide movable cages for the separate housing of animals, poultry or birds, and the following requirements shall be complied with:
 - (i) The cages shall be constructed entirely of metal or other durable, impervious material and shall be fitted with a removable metal tray below the floor thereof to facilitate cleaning.
 - (ii) Every cage shall be free from any recess or cavity not readily accessible for cleaning and every tubular or hollow fitting used in connection therewith shall have its interior cavity sealed.
 - (iii) If rabbits are kept in a cage, the metal tray referred to in subparagraph (i) shall drain into a removable receptacle.
 - (iv) Every cage shall be fitted with a drinking vessel kept filled with water and accessible to pets kept in the cage;

- (b) provide rodent-proof receptacles of impervious material with closefitting lids in the store-room in which all pet food shall be stored;
- (c) maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet shop in a clean, sanitary condition, free from vermin and in good repair;
- (d) take effective measures to prevent the harbouring or breeding of, and to destroy flies, cockroaches, rodents and other vermin, and to prevent offensive odours arising from the keeping of pets on the premises;
- (e) provide overalls or other protective clothing for use by persons employed in connection with the pet shop and ensure that such apparel is worn by every employee when on duty;
- (f) at all times keep every pet in the building on the premises unless otherwise approved by the Municipality;
- (g) provide isolation facilities in which every pet which is or appears to be sick shall be kept whilst on the premises;
- (h) ensure that there is a constant supply of potable water for drinking and cleaning purposes;
- (i) ensure that the premises are at all times so ventilated as to ensure sufficient movement of air for the comfort and survival of the pets; and
- (j) ensure that the number of pets per cage is not such that the free movement of such pets is impeded.

CHAPTER IV PET SALONS

Requirements for premises

11. No person shall conduct the business of a pet salon in or upon any premises unless the premises are constructed and equipped in accordance with the following requirements:
- (a) A room shall be provided with a minimum floor area of 6,5m² for the washing, drying and clipping of dogs or cats.
 - (b) The floor of such room shall be constructed of concrete or other durable, impervious material brought to a smooth finish and graded to a channel drained in terms of the National Building Regulations.
 - (c) The surface between the floor and the wall of such room shall be coved and the coving shall have a minimum radius of 75 mm.
 - (d) Every internal wall surface shall be smooth-plastered and be painted with a light-coloured washable paint.

- (e) The room shall be equipped with -
 - (i) a bath or similar facility with a constant supply of hot and cold water, drained in terms of the National Building Regulations;
 - (ii) an impervious-topped table; and
 - (iii) a refuse receptacle of impervious, durable material with a close-fitting lid for the storage of cut hair pending removal.
- (f) If cages are provided for the keeping of cats and kennels for the keeping of dogs, such cages and kennels shall be of durable material and constructed so as to be easily cleaned.

Business requirements

12. Every person who conducts the business of a pet salon shall -

- (a) ensure that every cage, including its base, is of metal construction and movable;
- (b) ensure that all pesticide preparations, and preparations used for the washing of dogs and cats and the cleaning of equipment and materials are stored in separate metal cupboards;
- (c) ensure that all tables used for the drying and grooming of dogs and cats are of metal with durable and impervious tops;
- (d) maintain the premises and every cage, tray, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet salon in a clean, sanitary condition, in good repair and free of vermin;
- (e) at all times keep every dog or cat inside the building on the premises, unless otherwise approved by the Municipality;
- (f) provide portable storage receptacles of impervious material with closefitting lids for the storage of dog and cat faeces; and
- (g) 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 paragraph (f).

PART 3 POULTRY

Provisions of this Part to be complied with within certain period

13. No person who at the date of the promulgation of this By-law keeps or causes or allows to be kept any poultry in any poultry-house or enclosed run may continue to keep, allow to or cause to be kept any poultry as aforesaid after a period of 12 months from the date of coming into force of this By-law, unless all the requirements of this Part have been fully complied with.

Permission of Municipality to be obtained

14. (1) No person shall keep or cause to be kept any poultry on any premises without the written permission of the Municipality.

- (2) An application for such permission shall be accompanied by a site plan indicating the situation of all structures, in which the poultry are to be kept, as well as the material that will be used, and the kind and the number of poultry that will be kept.
- (3) The Municipality has the right, when granting permission for the keeping of poultry, to determine the number and kind of poultry that may be kept and no person may keep more poultry than or poultry of a different kind to that determined by the Municipality.
- (4) The Municipality shall not grant permission for the keeping of poultry if it appears from the site plan that the requirements of this Part cannot be complied with.
- (5) The Municipality may withdraw such permission if at any stage the requirements of this Part are not complied with.
- (6) The Municipality may prohibit the keeping of any kind of poultry in any area if the environment or the density of the population is such that the keeping of any poultry creates or may create a nuisance or health hazard.

Poultry to be kept in authorised structures

15. (1) No person shall keep poultry in a poultry-house, enclosed run or structure other than a poultry-house, enclosed run or structure for which the Municipality has granted permission, and no person shall change or move such poultry-house, enclosed run or structure without the written permission of the Municipality.
- (2) No person, except members of a pigeon club, shall let lose any poultry outside the poultry-house or enclosed run for which permission has been granted.

Specifications for structures

16. No person shall erect or use for the purpose of keeping poultry any poultry house or enclosed run, any part of which is -
 - (a) within 1,5 meters of any door or window of any dwelling, domestic worker's quarters or inhabited outbuildings, or of any building where food is handled, kept or prepared, or of any street; or
 - (b) closer than 1,5 meters from any building as mentioned in paragraph (a), or any fence; or
 - (c) of a vertical height, more than 2,4 meters or less than 1,2 meters at any point: Provided that where pigeons are kept the overall height shall not be more than 3,6 meters.

Requirements for construction of structures

17. No person shall erect or use for the purpose of keeping poultry any poultry house which does not conform to the following requirements and which is not erected in workmanlike manner to the satisfaction of the Municipality:
 - (a) The walls, floor and roof shall be free from hollow spaces, enclosed inter-spaces or holes capable of harbouring rodents, vermin or poultry parasites.

- (b) The floor shall be of brick, concrete, asphalt or other material approved by the Municipality, and the surface thereof shall be smooth and graded to permit all swill and washings to be drained off.
- (c) The walls shall be constructed of brick or concrete or other suitable material approved by the Municipality for that purpose, and shall, except in the case of a pigeon-house for the keeping of pigeons, be plastered with smoothed off cement plaster and be white-washed or painted with an oil paint inside and outside.
- (d) The roof shall be of glass fibre or corrugated iron or other suitable material approved by the Municipality.

Requirements for the keeping of poultry

18. Every person keeping or causing to be kept poultry in any poultry-house or enclosed run shall-

- (a) maintain such poultry-house or enclosed run at all times in a thoroughly clean condition and free from rodents, vermin and parasites;
- (b) cause all poultry manure to be properly stored in a non-corrugated metal bin with a close-fitting cover or other container as approved by the Municipality;
- (c) feed such poultry in a proper manner so as not to cause a nuisance or to attract rodents, flies or other vermin, and any residual food or other putrescible matter shall be removed at least once every day from the poultry-house or enclosed run;
- (d) store all poultry food in metal or other rodent-proof containers, so as to be inaccessible to rodents; and
- (e) keep or cause to be kept no greater number of poultry in anyone poultry-house or enclosed run than one bird, and in the case of pigeons two birds, per 0,36 m² of the total floor area of such poultry house or enclosed run, and shall not keep any poultry that creates a nuisance by crowing or cackling.

Health requirements

19. No person shall place, throw, leave or allow to remain on any premises any poultry litter, refuse or manure in such manner or for such period as to favour the breeding of flies or attract rodents or other vermin to such premises.

Municipality may prohibit the use of certain structures

20. The Municipality may by notice in writing addressed to any person keeping or causing to be kept any poultry in a poultry-house or enclosed run, prohibit the use of any such poultry-house or enclosed run if, in the opinion of the Municipality, it is unfit, undesirable or objectionable by reason of its locality, construction or manner of use.

Specifications for crates

21. No person shall confine poultry in crates which do not conform to the following requirements:

- (a) The floor area of a crate containing turkeys or geese shall be not less than 0,09 m² per bird confined therein, and the height of such crate shall be not less than 750 mm.
- (b) The floor area of a crate containing other poultry shall be not less than 0,045 m² per bird and the height of such crate shall be not less than 500mm.
- (c) The floors of such crates shall be constructed of solid wood or other solid material.
- (d) Each crate shall be provided with two drinking vessels fixed in opposite comers of the crate and filled with fresh water. Such vessels shall be of the unspillable type and not less than 125 mm in depth and 100 mm in diameter.
- (e) Each crate shall be provided with suitable receptacles containing food.
- (f) Different species of poultry shall not be placed in the same crate.

PART 4 KEEPING OF BEES

Keeping of bees in developed areas prohibited

22. No person shall keep bees -

- (a) within a developed area; or
- (b) within a radius of 3 kilometres from a developed area.

PART 5 PENALTY CLAUSE AND SHORT TITLE

Penalty clause

23. Any person contravening any of the foregoing sections or refusing to comply with any order lawfully made thereunder shall be guilty of an offence and liable upon conviction to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

Short title

24. This By-law shall be called the Keeping of Animals, Poultry and Bees Control By-law, 2012.

DAWID KRUIPER MUNICIPALITY

KEEPING OF ANIMAL, POULTRY AND BEES CONTROL AMENDMENT BY-LAW, 2017

GENERAL EXPLANATORY NOTE

[] Words in bold type and square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Keeping of Animal, Poultry and Bees Control By-Law, 2012; to provide for the substitution of the name "//Khara Hais", wherever it appears; to provide for the insertion of a preamble; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kruiper Municipality, as follows: -

Insertion of a preamble of the Dawid Kruiper Municipality: Keeping of Animal, Poultry and Bees Control By-law, 2012:

1. The Dawid Kruiper Municipality: Keeping of Animal, Poultry and Bees Control By-Law, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

"WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control the keeping of animals, poultry and bees in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:"

Amendment of section 1 of the Dawid Kruiper Municipality: Keeping of Animals, Poultry and Bees By-Law, 2012.

2. Section 1 of the principal By-Law is hereby amended:

- (a) by the substitution for the definition of "Municipality" of the following definition:
""Municipality" means the [//Khara Hais] Dawid Kruiper M[m]unicipality";
- (b) by the substitution for the definition of "Municipal Manager" of the following definition:
""Municipal Manager" means the person appointed [in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)] as the accounting officer of the Dawid Kruiper Municipality in terms of the Local Government: Municipal System Act, 2000."

Amendment of section 24 of the Dawid Kruiper Municipality: Keeping of Animal, Poultry and Bees Control By-law, 2012:

- 3. The following section is hereby substituted for section 24 of the principal By-Law:
"24. This By-Law is called Dawid Kruiper Municipality: Keeping of Animal, Poultry and Bees Control Amendment By-Law, [2012] 2017 "

NOTICE 131 OF 2017

ACCOMMODATION ESTABLISHMENT, 2012

By-law No.8, 2012

BY-LAW**As Amended by the Accommodation Establishment Amendment By-Law 2017**

To provide for the provision of an accommodation establishment in the Dawid Kruiper Municipality; and for matters connected therewith.

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control accommodation establishments in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:

1. Definitions

"accommodation establishment" means a place in which accommodation is provided for gain, with or without meals;

"person" means a natural and legal person, including but not limited to an association of persons, a partnership, and a company;

"potable water" means the water that complies with the South African National Standard for Drinking Water (SANS 241);

"premises" means any building, structure, or tent together with the land on which it is situated and the adjoining land used in connection with it and includes any land without any building, structure or tent and any vehicle, conveyance or ship;

"proprietor" means the person who owns or operates an accommodation establishment;

2. Application of Chapter

This Chapter applies to a person who owns or carries on the business of providing accommodation for gain in an accommodation establishment on premises within the municipal area.

3. Requirements relating to buildings, water, sanitation and refuse removal

- 3.1 No person shall use any building as an accommodation establishment unless-
- (a) it is in good structural condition outside and inside and in a proper state of repair;
 - (b) not less than one bathroom is provided for the first eight lodgers, with one additional bathroom for every additional twelve lodgers or part thereof;
 - (c) every bathroom-
 - (i) is provided with a hand wash-basin;
 - (ii) is provided with a bath or shower; and
 - (iii) is provided with an adequate supply of cold and or hot running water.
 - (d) sanitary conveniences are provided on the basis of one convenience for the first eight lodgers and thereafter one convenience for every additional twelve lodgers or part thereof: provided that a sanitary convenience shall not be installed in the same room as a bath or shower, en-suite bathrooms excluded.
 - (e) the faecal matter arising in respect of the accommodation is properly stored and, except where pit latrines or a method for the adequate treatment of such matter by means of an enzymatic or chemical process is provided, is properly removed and disposed of;
 - (f) a receptacle with a close-fitting lid is provided in a latrine.
 - (g) the household refuse arising in respect of the accommodation is properly removed and disposed of at least once a week;
 - (h) all water supply fittings and fittings that relate to sanitation and ablution are in a working order.

4. Preparation and serving of food

A proprietor who prepares or serves food on the premises for consumption by a guest, must comply with the Requirements for Food Premises and the Transport of Food, published under Government Notice No. R918 of 30 July 1999.

5. Premises

A proprietor must ensure that his premises has access to safe and adequate potable water, sanitation and refuse removal, and those household facilities, eating utensils, linen and bedding is kept in a dean and hygienic condition.

6. Penalty Clause

Any person who contravenes or fails to comply with any provision of this By-law shall be guilty of an offence and liable on conviction to a fine or, in default of payment, to imprisonment not exceeding 6 months, or to both a fine and such imprisonment.

7. Short title

This By-Law shall be called the Accommodation Establishment By-Law, 2012.

DAWID KUIPER MUNICIPALITY

ACCOMMODATION ESTABLISHMENT AMENDMENT BY-LAW, 2017

GENERAL EXPLANATORY NOTE

- [] Words in bold type and square brackets indicate omissions from existing enactments.
____ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Accommodation Establishment By-Law, 2012; to provide for the substitution of the name "//Khara Hais", wherever it appears; to provide for the insertion of a preamble; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kuiper Municipality, as follows: -

Insertion of a preamble of the Dawid Kuiper Municipality Accommodation Establishment By-law, 2012:

1. The Dawid Kuiper Municipality: Accommodation Establishment By-Law, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

"WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kuiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kuiper Municipality;

WHEREAS the Dawid Kuiper Municipality intends to regulate and control accommodation establishments in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kuiper Municipality as follows:"

Amendment of section 1 of the Dawid Kuiper Municipality: Accommodation Establishments By-Law, 2012.

2. Section 1 of the principal By-Law is hereby amended:
- (a) by the substitution for the definition of "potable water" of the following definition:
"“potable water” means the water that complies with the South African National Standard for Drinking Water (SANS 241)";

Amendment of section 7 of the Dawid Kuiper Municipality: Accommodation Establishment By-Law, 2012:

3. The following section is hereby substituted for section 7 of the principal By-Law:

"7. This By-Law is called Dawid Kruiper Municipality: Accommodation Establishment Amendment By-Law, [2012] 2017 "

NOTICE 132 OF 2017**KEEPING OF DOGS CONTROL BY-LAW, 2012**

By-Law No.9, 2012

BY-LAW**As Amended by the Keeping of Dogs Amendment Act 2017**

To provide for control of the keeping of dogs in the Dawid Kruiper Municipality; and for matters connected therewith.

WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kruiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kruiper Municipality;

WHEREAS the Dawid Kruiper Municipality intends to regulate and control the keeping of dogs in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kruiper Municipality as follows:

Definitions

1. In this By-Law, unless the context otherwise indicates -

"**authorised officer**" means -

- (a) a peace officer as defined in section 1 of the Criminal Procedures Act, 1977 (Act No. 51 of 1977) in the Municipality's service;
- (b) any other person, whether in the service of the Municipality or not, who is appointed an authorised officer of the Municipality;

"**dog**" for the purpose of section 3(1) and (2), means a dog over the age of six months;

"**keep**" in relation to a dog, includes to have such dog in possession, under control or in custody or to harbour such dog;

"**Municipality**" means the Dawid Kruiper Municipality;

"**owner**" in relation to a dog, means any person who keeps a dog and includes any person to whom a dog has been entrusted or who has control of a dog in respect of any site within the

area of jurisdiction of the Municipality where such dog is kept or is permitted to live or remain;

"public place" includes any land, park or open space, road, street, sanitary passage or thoroughfare, bridge, building or structure which is commonly used by the public and is the property of the Municipality or, of which the control, to the entire exclusion of the owner, is vested in the Municipality or to which the inhabitants of the Municipality have a common right or access;

"street" includes a sidewalk; and

"zoned" means a land-use attached to premises by or under any law, the town planning scheme or a title deed.

Application of By-Law

2. The provisions of sections 3(1) and 5 shall not apply to premises which are zoned for agricultural purposes: Provided that a person keeping dogs on premises zoned for agricultural purposes shall not be exempted from compliance with any other provision of this By-Law or any other legislation which may be applicable.

Number of dogs

2. (1) Subject to the provisions of subsection (2), no person shall keep more than two dogs on any erf or premises without the prior written consent of the Municipality.
- (2) A breeder of dogs who wishes to keep more than two dogs on -
 - (a) premises zoned for agricultural purposes, shall be entitled to do so without any restrictions;
 - (b) premises zoned for any purpose other than agricultural purposes, must obtain the prior written consent of the Municipality.
- (3) An application for the Municipality's consent in terms of subsection (2) shall not be considered by the Municipality unless -
 - (a) the Municipality is satisfied that the size of the premises on which the dogs are to be kept is not smaller than 5 000 square meters; and
 - (b) such an application is accompanied by an application for the alteration of the land-use restrictions applicable to the premises concerned, where it is necessary.
- (4) The Municipality's consent in terms of subsection (2)(b) to keep more than two dogs on a premises, shall be granted -
 - (a) only in those instances where there are no objections against the proposed departure of the land-use restrictions after having advertised the proposal in terms of the relevant legislation; and
 - (b) subject to such conditions and restrictions as the Municipality may deem fit to impose.

- (5) The Municipality may, after due process, revoke a consent granted in terms of subsection (2)(b).

Control of dogs

4. No person shall-

- (a) permit any bitch on heat owned or kept by him or her to be in any public place;
- (b) urge any dog to attack, worry or frighten any person or animal, except where necessary for the defence of such first-mentioned person or his or her property or of any other person;
- (c) abandon any dog owned or kept by him or her;
- (d) keep any dog which-
 - (i) by barking, yelping, howling or whining;
 - (ii) by having acquired the habit of charging any vehicles, animals, poultry, pigeons or persons outside any premises where it is kept; or
 - (iii) by behaving in any other manner, interferes materially with the ordinary comfort, convenience, peace or quiet of neighbours; or
- (e) permit any dog owned or kept by such person-
 - (i) to be in any public place while suffering from mange or any other infectious or contagious disease;
 - (ii) which is ferocious, vicious or dangerous to be in any public place, unless it is muzzled and held on a leash and under control of some responsible person;
 - (iii) to trespass on private property;
 - (iv) to constitute a hazard to traffic using any road or street;
 - (v) to constitute or to his or her knowledge be likely to constitute a source of danger or injury to any person outside the premises on which such dog is kept; or
 - (vi) to be in any public place except on a leash and under control of some responsible person.

Fencing of property

5. No person shall keep a dog if the premises where such a dog is kept, is not properly and adequately fenced to keep such dog inside when it is not on a leash.

Dogs shall not be a source of danger

6. Any person who keeps a dog on any premises shall -

- (a) take reasonable precaution to ensure that the dog does not constitute a source of danger to the employees of the Municipality entering upon such premises for the purpose of carrying out their duties; and
- (b) display in a conspicuous place a notice to the effect that a dog is being kept on such premises.

Removal of offensive matter

7. (1) If a dog defecates at a public place, the person in charge of the dog shall forthwith remove the excrement, place it in a plastic or paper bag or wrapper and dispose of it in a receptacle provided for the deposit of litter or refuse.
- (2) No person who keeps a dog on any premises shall allow defecation of the dog to be offensive or pose a health risk to any of his or her neighbours.

Dogs on premises where food is sold

8. Any person being the owner or person in control of any shop or other place where food is prepared, sold or exposed for sale shall not permit any dog to be or remain in or at such shop or place.

Seizure, impounding and destruction of dogs

9. (1) Any dog, found at a public place suffering from mange or any other infectious or contagious disease, or which is ferocious, vicious or dangerous, or which is badly injured, may be seized and destroyed by an authorised officer of the Municipality.
- (2) An authorised officer may seize and impound at a place designated by the Municipality, any dog which is found at a public place in contravention with the provisions of this By-Law.
- (3) A dog impounded in terms of subsection (2), may -
- (a) be released to the owner of such dog upon payment of a fee determined by the Municipality in addition to any costs, fines or taxes which may be outstanding in respect of such dog; or
- (b) after the expiry of 30 days, be destroyed by the Municipality or be dealt with as the Municipality deems expedient.

Liability

10. Neither the Municipality nor any authorised officer or any employee of the Municipality shall be liable for or in respect of any injury suffered or disease contracted by or damage caused to any dog as a result of or during its seizure, impounding, detention or destruction in terms of this By-Law.

Penalty clause

11. (1) Any person who contravenes or fails to comply with any provision of this By-Law or any requirement or condition thereunder, shall be guilty of an offence.
- (2) Any person convicted of an offence in terms of subsection (1) shall be liable to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

Short title

12. This By-Law shall be called the Keeping of Dogs Control By-Law, 2012.

DAWID KUIPER MUNICIPALITY

KEEPING OF DOGS AMENDMENT BY-LAW, 2017

GENERAL EXPLANATORY NOTE

[] Words in bold type and square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

To provide for the amendment of the Keeping of Dogs By-Law, 2012; to provide for the substitution of the name "//Khara Hais", wherever it appears; to provide for the insertion of a preamble; and to provide for matters connected therewith.

BE IT ENACTED by the Council of the [//Khara Hais] Dawid Kuiper Municipality, as follows: -

Insertion of a preamble of the Dawid Kuiper Municipality Keeping of Dogs By-Law, 2012:

1. The Dawid Kuiper Municipality: Keeping of Dogs By-Law, 2012 (hereinafter referred to as the principal By-Law), is hereby amended by the insertion of the following preamble:

"WHEREAS Section 156(1) of the Constitution of the Republic of South Africa, 1996 confers on municipalities the executive authority and right to administer Local Government matters set out in Part B of Schedule 4 and Part B of Schedule 5 to the Constitution;

WHEREAS section 156(2) of the Constitution empowers municipalities to make and administer laws for the effective administration of matters that it has the right to administer;

WHEREAS in terms of section 12 of the Local Government: Municipal Structures Act, 1998, The Dawid Kuiper Municipality has been established, subsequent to the disestablishment of the Mier and //Khara Hais Municipalities;

WHEREAS the disestablished Mier and //Khara Hais Municipalities had their former areas of jurisdiction merged under the jurisdiction of the Dawid Kuiper Municipality;

WHEREAS the Dawid Kuiper Municipality intends to regulate and control the keeping of dogs in a responsible and sustainable manner;

AND NOW THEREFORE BE IT ENACTED by the Council of the Dawid Kuiper Municipality as follows:"

Amendment of section 1 of the Dawid Kuiper Municipality: Keeping of Dogs Control By-Law, 2012.

2. Section 1 of the principal By-Law is hereby amended:
 - (a) by the substitution for the definition of "Municipality" of the following definition:
"“Municipality” means the [//Khara Hais] Dawid Kuiper M[m]unicipality”;

Amendment of section 12 of the Dawid Kuiper Municipality: Keeping of Dogs By-Law, 2012: 3.

3. The following section is hereby substituted for section 12 of the principal By-Law:
"12. This By-Law is called Dawid Kuiper Municipality: Keeping of Dogs Amendment By-Law, [2012] 2017 "

OFFICIAL NOTICES • AMPTELIKE KENNISGEWINGS

OFFICIAL NOTICE 4 OF 2017**TERMINATION OF AGREEMENT AND ESTABLISHMENT OF A NEW JOINT MUNICIPAL PLANNING TRIBUNAL FOR THE ZF MGCWU DISTRICT.**

The signed agreement for the ZF Mgcawu Joint Municipal Planning Tribunal is hereby terminated in terms of Section 3.2 of the agreement. Mier Local Municipality is no longer a party to the ZF Mgcawu Joint Municipal Planning Tribunal.

Notice is hereby given in terms of Section 34(3) of the Spatial Planning and Land Use Management Act, 16 of 2013, that the Local Municipalities of Kai !Garib, !Kheis, Tsantsabane and Kgatelopele has entered into a new agreement with ZF Mgcawu District Municipality on establishment of a new ZFM Joint Municipal Planning Tribunal.

The ZF Mgcawu District Municipality and all the parties to the agreement hereby announce the publication of the new signed agreement for the ZFM Joint Municipal Planning Tribunal.

CALL FOR NOMINATIONS FOR PERSONS TO BE APPOINTED AS MEMBERS TO THE ZFM JOINT MUNICIPAL PLANNING TRIBUNAL

The ZF Mgcawu District Municipality and all the parties hereby invite nominations for persons to be appointed as members of the ZFM Joint Municipal Planning Tribunal to consider land development and land use applications in terms of the Spatial Planning and Land Use Management Act, 16 of 2013. Nominees must be persons with leadership qualities and must have professional knowledge and experience of spatial planning and land use management or the law related thereto.

Each nomination must be in writing and must contain the following information:

- a) The name and address of the nominator, who must be a natural person and a person, may nominate himself or herself;
- b) The name, address and identity number of the nominee;
- c) Motivation by the nominator for the appointment of the nominee to the Planning Tribunal (not exceeding one page);
- d) Curriculum vitae of the nominee (not exceeding two pages);
- e) Certified copies of qualifications and registration certificates indicating registration with the relevant professional body or voluntary association.

Please note that failure to comply with the above requirements may result in the disqualification of the nomination. **Closing date: 04 September 2017**

Enquiries may be directed to Mr MG Galloway at the District Municipality during normal office hours by telephone at 054 337 2813, or in writing at the address below, or by email at tgalloway@zfm-dm.gov.za

Nominations must be sent to:

MR RL MJETHU

ACTING MUNICIPAL MANAGER

PO BOX X6039

UPINGTON

8800

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