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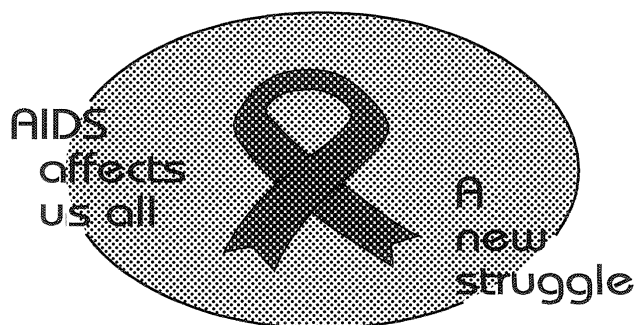
**BUITENGEWONE
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DEPARTMENT OF HEALTH

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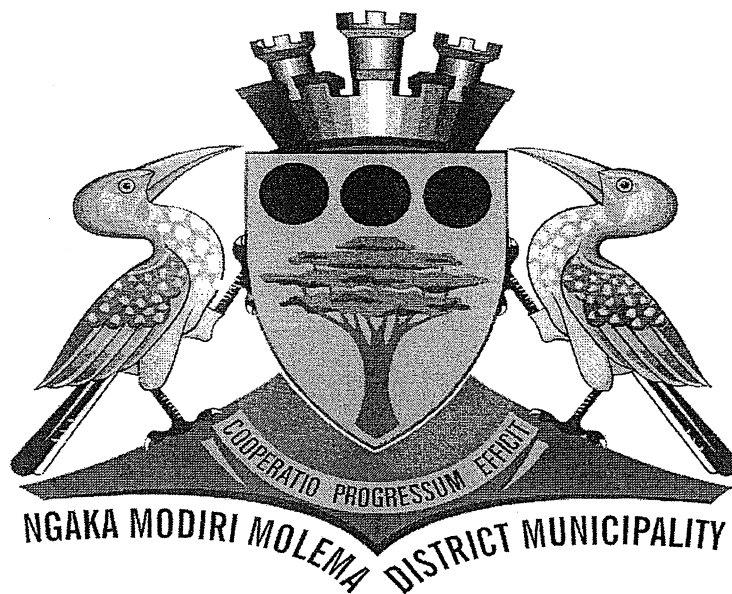
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LOCAL AUTHORITY NOTICE

LOCAL AUTHORITY NOTICE 345



KEEPING OF FOOD AT REGISTERED KITCHENS BY-LAW

LOCAL AUTHORITY NOTICE

MUNICIPALITY OF NGAKA MODIRI MOLEMA DISTRICT

**BY-LAWS REGARDING THE PREPARATION
OF FOOD AT REGISTERED PRIVATE KITCHENS**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Laws regarding the preparation of food at registered private kitchens which shall come into operation on the date of publication thereof.

[1] Definitions

In these by-laws, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and, unless the context otherwise indicates -

"authorised official" means:

- [a] an official of the Council; or
- [b] an official of another municipality; or
- [c] an official of another organ of state; or
- [d] a person contracted by the Council; and

with which or whom the Council has concluded an agreement for the rendering of services in terms of these by-laws and to which or whom the Council has delegated a duty, function or power under these by-laws, provided that the official or person concerned shall be a duly registered environmental health officer or health practitioner;

"Council" means the Council of the municipality or any Committee, Political Office Bearer or official thereof acting by virtue of any power entrusted or delegated to it or him in terms of legislation with regard to the application and implementation of these by-laws;

"municipality" means the municipality of **Ngaka Modiri Molema District Municipality** and includes the Council thereof and should the context so require also the authorised official;

"registration certificate" means a certificate issued by the authorised official in respect of any registration in terms of these by-laws;

"require" means as required by the authorised official with due regard to the reasonable public health and other requirements in the particular context;

"foodstuffs", "approved", "premises", "handling", "Inspector", "dwelling" and "premises" shall have the meanings assigned thereto in the Health Act 1977, the Foodstuffs, Cosmetics and Disinfectants Act, 1972, any

other national legislation applicable to the handling of food at private kitchens, any regulations framed thereunder, the applicable Town Planning Scheme and the National Building Regulations and Building Standards Act, 1977 [Act No. 103 of 1977], as amended from time to time provided that, for purposes of these by-laws, "premises" and "dwelling" shall have the same meaning;

Any other word or expression used in these by-laws, has the same meaning as that assigned to it in the Health Act 1977 [Act No. 63 of 1977], the Foodstuffs, Cosmetics and Disinfectants Act, 1972 [Act No. 54 of 1972], any other national legislation applicable to the handling of food and any regulations framed thereunder unless it is apparent from the context that another meaning is intended.

[2] Registration

- [1]** No person shall use any part of a private dwelling within the jurisdiction of the Council for the preparation, storage or keeping of foodstuffs for the purpose of sale unless the dwelling is first registered with the Council.
- [2]** An application to register a private dwelling for the purposes of these by-laws shall be made and a registration certificate shall thus be issued by the authorised official before any part of the dwelling is used for the preparation, keeping or storage of foodstuffs for the purpose of sale and such application shall be refused unless the premises concerned complies in all respects with the requirements of these by-laws.
- [3]** An application for registration of a private dwelling shall be submitted to the Council in writing on the prescribed form and such application shall provide a description of the dwelling and supply particulars regarding the location thereof, as well as any other information that the authorised official deems necessary for the consideration of the application.
- [4]** A registration certificate shall be renewed annually on or before the date of expiry thereof.
- [5]** The registration of a private dwelling may be revoked at any time after due notice to the owner or occupier of the premises concerned if the requirements of these by-laws, the applicable town-planning scheme, the provisions of the Health Act 1977 [Act 63 of 1997], the Food-stuffs. Cosmetics and Disinfectants Act, 1972 [Act No. 54 of 1972], as amended from time to time as well as any other applicable law, are not complied with.
- [6]** A registration fee determined by resolution by the Council shall be payable on submission of an application for registration in terms of these by-laws, and shall thereafter be payable annually before a registration certificate is issued or renewed.

[3] Requirements for premises

Premises where foodstuffs are handled, processed, produced, manufactured, packaged, stored or prepared for the purpose of sale, shall comply with the following requirements:

- [a]** the premises shall comply with the minimum requirements as contained in the applicable Town Planning Scheme and the National Building Regulations and Building Standards Act, 1977 [Act No. 103 of 1977], as amended from time to time;
- [b]** a double washbasin with clean hot and cold running water shall be provided;
- [c]** all working surfaces and equipment which come into direct contact with foodstuffs, shall be manufactured from stainless steel or from other smooth, rustproof, non-toxic and non absorbent material which is free of any open seams, ridges and cracks and which is easily cleaned;
- [d]** only appliances, bowls, containers and equipment approved by the authorised official, may be used;
- [e]** only packing-material approved by the authorised official, may be used.

[4] Requirements regarding foodstuffs

- [1]** Only confectionery, sausage rolls, meat pies, tarts, canned or dried fruits and vegetables, sweets, jam, preserved fruit, fruit jelly or any other foodstuffs approved by the authorised official may be prepared, packaged or processed for sale in a private dwelling, provided that such preparation, packaging or processing shall only be conducted in the kitchen of a private dwelling.
- [2]** No foodstuffs which are prepared, packaged or processed in a private dwelling, shall be sold on premises other than a licensed food premises or other premises approved by the Council.
- [3]** No milk shall be used as an ingredient in the preparation or processing of foodstuffs, unless it is pasteurised or sterilised beforehand in accordance with a method approved by the authorised official.
- [4]** Meat which is used as an ingredient in the preparation or processing of foodstuffs, shall only originate from a slaughter-animal which was slaughtered at an approved abattoir or from an approved retail butchery and for purposes of this subsection approved shall mean approved in

terms of applicable legislation including compliance with any registration requirements.

[5] All foodstuffs which, according to the authorised official, require refrigeration or freezing in order to prevent spoilage, shall at all times during storage be maintained at a temperature of between 10 [degrees] C and -7 [degrees] C. Food which is kept warm shall be kept at a temperature of at least 65 [degrees] C.

[6] All foodstuffs which are prepared, packaged or processed in the kitchen of a private dwelling, and are transported, or delivered to legal outlets, shall, as prescribed by the authorised official, be wrapped or otherwise packaged and the container shall be provided with a label on which the content, ingredients, date of manufacture and the name and address of the producer are clearly readable: Provided that the municipality may permit a suitable identification mark instead of the name and address of such producer.

[5] Transport of foodstuffs

All foodstuffs which are transported shall be protected against contamination by an effective method as prescribed from time to time by the authorised official.

[6] Inspection of premises

Any authorised official may examine premises where foodstuffs are manufactured, packed, prepared, stored, kept or dispatched, and may, if any transgression of these by-laws exists prohibit any or all of the following activities:

- [a]** manufacturing;
- [b]** packaging;
- [c]** preparation;
- [d]** storage;
- [e]** preserving;
- [f]** dispatching; and
- [g]** selling.

[7] Examination of foodstuffs and confiscation

The authorised official may confiscate foodstuffs which he suspects to be contaminated or otherwise unsuitable for human consumption, in order to examine such foodstuffs or to have them examined and, if found that the

foodstuffs are contaminated or otherwise unfit for human consumption, he may destroy such foodstuffs or have them destroyed without the Council being held liable for damages or expenses to anybody, because of such action.

[8] Duties of person in control of kitchen

[1] A person in control of a kitchen of a private dwelling where foodstuffs are handled, shall ensure that -

- [a]** measures are taken to exterminate flies, cockroaches and other insects and rodents;
- [b]** sufficient stock of liquid disinfectant soap, nailbrushes and clean disposable towels are provided at wash-hand basins;
- [c]** foodstuffs are not opened, kept or stored outside any approved area, facility or storeroom;
- [d]** no room where foodstuffs are handled, processed, produced, manufactured, packaged, prepared or stored shall be used for any other purpose;
- [e]** any container in which foodstuffs are packed, is clean and free of any poison or ingredient or constituent that may spoil or contaminate the foodstuffs;
- [f]** newspapers, magazines and other used paper or material are not used as packing material if they come into direct contact with any foodstuffs other than fresh fruit and vegetables;
- [g]** articles which are intended to be used once only, such as plastic or paper cups, plates, straws, spoons, forks, containers or any similar utensils are not used more than once;
- [h]** sufficient dustproof containers are provided in which to keep or store such utensils as intended in subsection [g];
- [i]** all food-handlers wear clean overalls which will ensure that foodstuffs which are handled by them, do not come into contact with any part of the body other than the hands;
- [j]** clothing or other laundry is not washed or ironed in that part of the building where foodstuffs are handled;
- [k]** no animal, reptile or bird is kept in any part of the premises where foodstuffs are prepared or handled, or allow that animals, reptiles or birds be brought therein;

- [l] all base ingredients which are used in the production or preparation of foodstuffs, are clean and free of all foreign, toxic or unhygienic material;
- [m] perishable foodstuffs are kept at a temperature below 10 [degrees] C.

Provided that this requirement shall not be applicable to-

- [i] foodstuffs which are kept at a heated temperature of at least 65 [degrees] C;
- [ii] foodstuffs which are cooled for a period at room temperature in order to prevent spoilage;
- [iii] fresh fruit and vegetables;
- [iv] all foodstuffs that are resistant to spoilage to such an extent that they need not be kept at a temperature of at least 10 [degrees] C at all times;
- [n] persons that handle foodstuffs do not smoke;
- [o] persons do not moisten fingers and blow bags open;
- [p] persons with open wounds or skin infections do not handle foodstuffs;
- [q] the Council is informed immediately of any case of an actual or suspected contaminatory or contagious disease which may be present with any person involved with the handling of foodstuffs on the premises.

[9] Medical Certificate for handlers

Medical certificates for handlers of foodstuffs shall be submitted simultaneously with an application for registration of a private residence or the renewal of such registration, and at any time on his request, to the Authorised official.

[10] Obstruction

Any person who, without reasonable or lawful cause, fails to give or refuses access to an authorised official who wishes to enter and inspect a private residence or premises for the purpose of ascertaining whether or not the provisions of these by-laws are being complied or who obstructs or hinders such an official in the execution of his duties in terms of these by-laws, or who fails or refuses to give information to such official, or who gives incorrect or misleading information to such official knowing such information to be incorrect or misleading shall be guilty of an offence.

[11] Conflict of laws

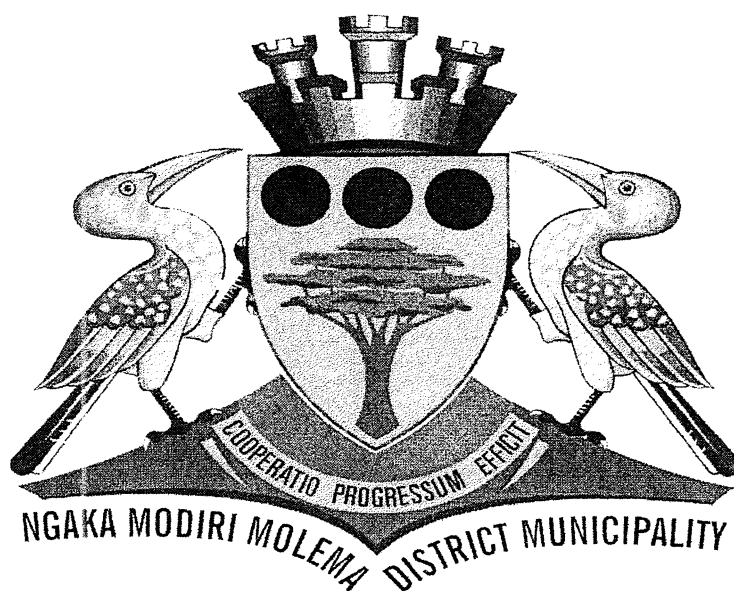
These by-laws are supplementary to the provisions of the Health Act, 1977, the Foodstuffs, Cosmetics and Disinfectants Act 1972 and the regulations promulgated thereunder, herein referred to as national legislation. In the event of conflict between the aforesaid national legislation and any provision of these by-laws, the national legislation shall prevail.

[12] Offence and penalties

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

[13] Repeal of By-Laws

Any by-laws adopted by the Council or the Council of a Municipality now comprising an administrative unit of the Council and relating to the preparation of food at registered private kitchens are hereby repealed.



CONTAMINATED AND OR INFECTIOUS WASTE BY-LAW

LOCAL GOVERNMENT NOTICE**MUNICIPALITY OF NGAKA MODIRI MOLEMA DISTRICT****BY-LAW RELATING TO THE DISPOSAL OF CONTAMINATED AND OR
INFECTIOUS WASTE**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Law Relating to the Disposal of Contaminated and or Infectious Waste which shall come into operation on the date of publication thereof.

[1] Definitions

In these by-laws unless the context indicates otherwise:

"Contaminated animal carcasses, body parts and bedding" means contaminated carcasses, body parts and bedding of animals that were intentionally exposed to pathogens in research, in the production of biologicals, or the in vivo testing of pharmaceuticals.

"Contaminated sharps" means discarded sharps (e.g. hypodermic needles, syringes, pasteur pipettes, broken glass, scalpel blades) which have come into contact with infectious agents during use in patient care or in medical, research or industrial laboratories.

"Council" means the Council of the Municipality or any duly authorised Committee or official of the Council.

"Cultures and stocks of infectious agents and associated biologicals" means specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals and live or attenuated vaccines and culture dishes and devices used to transfer, inoculate and mix cultures.

"Human blood and blood products" means waste such as serum, plasma and other blood components.

"Infectious waste" means waste capable of producing an infectious disease.

"Isolation waste" means waste generated by hospitalised patients isolated to protect others from communicable diseases.

"Miscellaneous contaminated wastes" means wastes from surgery and autopsy (e.g. soiled dressings, sponges, drapes, lavage tubes, drainage sets, underpads and gloves), contaminated laboratory wastes (e.g. specimen containers, slides and cover slips, disposal gloves, laboratory coats and aprons), dialysis unit waste (e.g. tubing filters, disposable sheets, towels, gloves, aprons and laboratory coats), and

contaminated equipment (e.g. equipment used in patient care, medical and industrial laboratories, research and in the production and testing of certain pharmaceuticals).

"Municipality" means the Municipality of Ngaka Modiri Molema District;

"Pathological waste" means waste consisting of tissues, organs, body parts and body fluids that are removed during surgery and autopsy.

[2] Storage of infectious waste

- [a] All infectious waste must be placed at the point of generation into a container approved by the Council.
- [b] The container used for the storage of sharp objects must be constructed of such a material that the object cannot pierce the container. The container must also be fitted with a safe and hygienic lid which must be sealed after use.
- [c] The container used for the disposal of other infectious waste must be constructed of a suitable material preventing the leakage of the contents. The container must also be fitted with a safe and hygienic lid which must be sealed after use.
- [d] All containers must be adequately labelled and marked with the universal biohazardous waste symbol.

[3] Transport of Infectious waste

- [a] All containers of infectious waste must be sealed intact at the point of generation.
- [b] The vehicle transporting infectious waste must be clearly marked indicating infectious waste in transit.
- [c] The vehicle used for the transport of infectious waste must be so designed that the driver's cab is separated from the load area. The load area must be enclosed with suitable sealable, lockable doors.
- [d] All infectious loads being carried or conveyed for disposal must be invoiced by the person or institution from which such waste is generated and the invoice must contain details of the premises from which the infectious waste was generated and the premises where the waste will be disposed of.

[4] Removal and disposal of infectious waste

- [a] The Council may remove infectious waste from the premises of generation and dispose thereof in a safe, sanitary and supervised manner, and the owner of such premises or the owner of the waste as determined by the Council shall be liable to the Council for payment of the tariff charges in respect of the aforesaid removal services.

- [b] Private contractors may, with the written consent of the Council and subject to such terms and conditions as it may determine, remove and dispose of infectious waste.
- [c] Infectious waste may, with the written consent of the Council and subject to compliance with such terms and conditions as it may determine, be disposed of in an approved high temperature pollution free incinerator on the premises of origin of such waste.
- [d] Unless otherwise determined by the Council, the burning temperatures in the primary and secondary chambers of the incinerator shall, at all times, exceed 800 degrees C and 1000 degrees C respectively and also have rapid cooling to prevent carcinogenic chemicals from entering the atmosphere.
- [f] The Council may by resolution determine additional conditions pertaining to the storage, placement, removal and conveyance of contaminated and or infectious waste including conditions pertaining to vehicles used for the removal and transportation of such waste and such additional conditions shall apply in addition to the conditions contained in these by-laws.

[4] Infectious waste

For the purpose of these by-laws, infectious waste shall include all the wastes referred to in section 1 hereof as well as contaminated animal carcasses, body parts, bedding, sharps, cultures and stocks of infectious agents and associated biologicals, human blood and blood products.

[5] Penalties

Any person who contravenes or fails to comply with any provision of these by-laws or any instruction or permit issued thereunder shall be guilty of an offence and be liable on conviction to a fine not exceeding R1000 or such higher amount as is determined from time to time by the Minister of Justice as contemplated in section 1(1)(a) of the Adjustment of Fines Act 1991 (Act No. 101 of 1991) or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.

[6] Repeal of By-Laws

Any by-law relating to the disposal of contaminated and or infectious waste adopted by the municipality or any municipality now comprising an administrative unit of the municipality is repealed from the date of promulgation of these by-laws.



COMMUNITY FIRE SERVICES BY-LAW

LOCAL GOVERNMENT NOTICE

MUNICIPALITY OF NGAKA MODIRI MOLEMA

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-laws Relating to Community Fire Safety.

BY-LAWS RELATING TO COMMUNITY FIRE SAFETY

Preamble

The Council of the Ngaka Modiri Molema District Municipality recognises: -

- that everyone has the constitutional right to an environment that is not harmful to their safety or well-being;
- that losses due to fire and the subsequent economic and social impact on people, property and infrastructure causes unnecessary hardship;
- that the protection of all sectors of the community against fire is an important aspect in the development and sustainability of the economy;
- that certain aspects of the daily existence need to be controlled in such a manner as to prevent and reduce the effects of fire on the community as a whole;
- that the community has a vital role to play in achieving the objectives of these by-laws, and
- that the benefits of a fire-safe environment should be accessible to all.

Purpose and scope of these by-laws

The purpose and scope of these by-laws are:

- to promote the achievement of a fire-safe environment for the benefit of all persons within the area of jurisdiction of the Municipality;
- to repeal all existing similar by-laws of the Municipality;
- to provide for procedures, methods and practices to regulate fire safety within the area of jurisdiction of the Municipality.

Application of these by-laws

These by-laws are applicable to all persons within the area of jurisdiction of the Municipality including formal and informal sectors of the community and economy.

CHAPTER 1

[1] DEFINITIONS

In these by-laws, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and unless the context otherwise indicates:

"above ground storage tank" means a tank situated above ground for the storage of a flammable liquid;

"automatic releasing hold-open device" means a device used to hold open a fire door and which operates on the detection of a fire to close the fire door;

"boundary" means any lateral or street boundary of a site;

"building" means:

[a] any structure, whether of a temporary or permanent nature and irrespective of the materials used in the construction thereof, erected or used for or in connection with:

[i] the accommodation or convenience of human beings or animals;

[ii] the manufacture, processing, storage or sale of any goods;

[iii] the rendering of any service;

[iv] the destruction or treatment of combustible refuse or combustible waste;

[v] the cultivation or growing of any plant or crop;

[b] any wall, swimming pool, reservoir or bridge or any other structure connected therewith;

[c] any fuel pump or any tank used in connection therewith;

[d] any part of a building, including a building as defined in paragraph [a], [b] or [c];

[e] any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage,

sewerage, storm water disposal, electricity supply or other similar service in respect of such building;

"bund wall" means a containment wall surrounding an above ground storage tank, constructed of an impervious material and designed to contain 110% of the contents of the tank;

"chief fire officer" means the person in charge of a service, or the acting chief officer, as contemplated in the Fire Brigade Services Act;

"combustible material" means combustible refuse, combustible waste or any other material capable of igniting;

"combustible refuse" means combustible rubbish, litter or material that is discarded, refused, rejected, or considered worthless;

"combustible waste" means combustible waste material which is salvageable, retained or collected for scrap or reprocessing and includes all combustible fibres, hay, straw, hair, feathers, down, wood shavings, turnings, all types of paper products, soiled cloth trimmings and cuttings, rubber trimmings and buffing, metal fines, and any mixture of the above items, or any other salvageable combustible waste material;

"Constitution" means the Constitution of the Republic of South Africa, 1996 [Act 108 of 1996];

"controlling authority" means either a chief fire officer, the Municipal Manager or their respective delegates as contemplated in sections 2 and 3 of these by-laws;

"dangerous goods" means a flammable gas, liquid or solid as contemplated in SABS 0228;

"division separating element" means a building element or component which separates one area in a building from another and has a fire resistance of not less than that required by the National Building Regulations [T1] read with the SABS 0400;

"emergency evacuation plan" means a plan specifically designed to aid in the evacuation of occupants from a building in the event of a fire or other threatening danger and assigns responsibility to various staff, indicates escape routes to be used and provides for general contingencies for a safe and quick evacuation from a building;

"emergency route" means that part of an escape route that provides fire protection to the occupants of any building and which leads to an escape door;

"emergency vehicle" means any fire, rescue or other vehicle intended for use at fires and other threatening dangers;

"entertainment and public assembly occupancy" means a place where people gather to eat, drink, dance or participate in other recreation;

"escape door" means the door in an escape route, which at ground level leads directly to a street or public place or to any approved open space which leads to a street or public place;

"escape route" means the entire path of travel from the furthest point in any room in a building to the nearest escape door and may include an emergency route;

"escape route plan" means a diagram indicating the floor layout, the occupant's current position and the route of travel to the nearest primary and secondary escape routes in the building, as well as the action to be taken in the event of a fire or other threatening danger:

"Fire Brigade Services Act" means the Fire Brigade Services Act, 1987 [Act 99 of 1987];

"fire damper" means an automatic damper and its assembly that complies with the requirements contained in SABS 193;

"fire door" means an automatic or self-closing door or shutter assembly especially constructed to prevent the passage of fire for a specific length of time;

"fire extinguisher" means a portable or mobile rechargeable container which has a fire extinguishing substance that is expelled by the action of internal pressure for the purposes of extinguishing a fire;

"fire hazard" means any situation, process, material or condition which may cause a fire or explosion or provide a ready fuel supply to increase the spread or intensity of the fire or explosion and which poses a threat to life or property;

"fire lanes" means the road, path or other passageway constructed or designated to allow access for emergency vehicles;

"fire protection system" means any device or system designed and installed to -

- [a] detect, control or extinguish a fire, or
- [b] alert occupants or the fire service, or both, to a fire, but excludes portable and mobile fire extinguishers;

"fire wall" means a wall that is able to withstand the effects of fire for a specific period of time as contemplated in the National Building Regulations [T1] read with SABS 0400;

"flammable gas" as contemplated in SABS 0228, means a gas that at 20⁰ C and at a standard pressure of 101,3 kilopascals:

- [a] is ignitable when in a mixture of 13% or less [by volume] with air, or
- [b] has a flammable range with air of at least 12 percentage points, regardless of the lower flammable limit;

"flammable liquid" means a liquid, or mixtures of liquids, or a liquid containing solids in solution or in suspension that give off a flammable vapour at or below 60,5⁰C and also includes a liquid within the following danger groups as determined in SABS 0228:-

"flammable solid" - as contemplated in SABS 0228, means a solid that is easily ignited by external sources, such as sparks and flames, solids that are readily combustible, solids that are liable to cause, or contribute to, a fire through friction or solids that are desensitised [wetted] explosives that can explode if not diluted sufficiently;

"flammable substance" means a flammable liquid or a flammable gas;

"flammable store" means a store that is used for the storage of flammable liquids and complies with the criteria set out in section 46 of this By-laws;

"Hazardous Substances Act" means the Hazardous Substances Act, 1973 [Act 15 of 1973];

"Municipality" means the Ngaka Modiri Molema District Municipality;

"Municipal Manager" means a person appointed in terms of section 82 of the Municipal Structures Act;

"Municipal Structures Act" means the Local Government: Municipal Structures Act, 1998 [Act 117 of 1998] as amended;

"Municipal Systems Act" means the Local Government: Municipal Systems Act, 2000 [Act 32 of 2000] as amended;

"National Building Regulations" means the regulations promulgated in terms section 17[1] of the National Building Regulations and Building Standards Act, 1977 [Act 103 of 1977], and:

- [a] National Building Regulations [A2] means the provisions regulating the submission of building plans and particulars to the Municipality;
- [b] National Building Regulations [A20] means the provisions regulating the classification and designation of occupancies;
- [c] National Building Regulations [A21] means the provisions regulating the population of a building;

[d] National Building Regulations [T1] means the provisions regulating general requirements for fire protection of a building, and

[e] National Building Regulations [T2] means the provisions regulating the offences for non-compliance with the National Building Regulations [T1];

"National Road Traffic Act" means the National Road Traffic Act, 1996 [Act 93 of 1996];

"non-combustible" means a substance or material classified as non-combustible when tested in accordance with SABS 0177: Part 5;

"occupancy" means the particular use or type of use to which a building or portion thereof, is normally put or intended to be put as provided for in the National Building Regulations [A20];

"occupancy separating element" means a building element or component which separates one occupancy in a building from another and has a fire resistance of not less than that required by the National Building Regulations [T1] read with the SABS 0400;

"Occupational Health and Safety Act" means the Occupational Health and Safety Act, 1993 [Act 85 of 1993];

"operator" means the person responsible for the use of a motor vehicle and who has been registered as the operator of such a vehicle in terms of the National Road Traffic Act;

"owner" means:

[a] in relation to premises, other than a building, either a natural or juristic person whose identity is determined by operation of law;

[b] in relation to a building, either a natural or juristic person in whose name the land on which such building was or is erected or such land, as the case may be, is registered in the deeds office in question;

[c] in relation to an installation, either a natural or juristic person in whose name a contract is entered into regarding approval, erection and maintenance of the installation; provided that such a person is not the owner mentioned in [b], and

[d] in the event of the controlling authority being unable to determine the identity of a person mentioned in [a], [b] and [c], any person who is entitled to the benefit of the use of such premises, building or installation or who enjoys such benefit;

"person in charge" means:

- [a] in relation to premises, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the premises;
- [b] in relation to a building, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the building;
- [c] in relation to an installation, either a natural or juristic person who is permanently or temporarily responsible for the management or utilisation of the installation; provided that such a person is not the person mentioned in [a], and
- [d] in the event of the controlling authority being unable to determine the identity of a person mentioned in [a], [b] and [c], any person who is in the opinion of the controlling authority deemed to be in charge of such premises, building or installation;

"population" means the population determined in accordance with the National Building Regulations [A21];

"premises" means any building, beach, land, terrain, road, vehicle and can include a vessel, train or aircraft;

"public place" means any square, park, recreation ground or open space which:

- [a] is vested in the Municipality;
- [b] the public has the right to use, or
- [c] is shown on a general plan of a township filed in a deeds registry or a Surveyor-General's office and has been provided for or reserved for the use of the public or the owners of erven in such township;

"public road" means any road, street or thoroughfare or any other place [whether a thoroughfare or not] which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes:

- [a] the verge of any such road, street or thoroughfare;
- [b] any bridge, ferry or drift traversed by any such road, street or thoroughfare, and
- [c] any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

"SABS Codes" means South African Bureau of Standards SABS Codes of Practice and Specifications issued in terms of the Standards Act;

"service" means a fire brigade service as defined in the Fire Brigade Services Act;

"site" means any erf, lot, plot, stand or other piece of land on which a building has been, is being or is to be erected;

"Standards Act" means the Standards Act, 1993 [Act 29 of 1993];

"State" means: -

[a] any department of state or administration in the national, provincial or local sphere of government, or

[b] any other functionary or institution:

[i] exercising a power or performing a function in terms of the Constitution or a provincial constitution, or

[ii] exercising a public power or performing a public function in terms of any legislation, but does not include a court or judicial officer;

"storage vessel" means a pressure vessel as defined in the regulations for pressure vessels promulgated in terms of the Occupational Health and Safety Act;

"summary abatement" means to immediately judge a condition to be a fire hazard or other threatening danger to life or property and to order immediate correction of such condition;

"tank" for purposes of chapter 9 of these by-laws, means a container mounted permanently or temporarily on or embodied in a vehicle and so constructed to be suitable for the containment of flammable liquid or gas cargo;

"these by-laws" includes any Schedules published in terms of these by-laws;

"underground tank" means a tank used or intended to be used for the storage of flammable liquid wholly sunk into and below the surface of the ground;

"vehicle" means a vehicle as defined in the National Road Traffic Act and includes the following:

[a] **"road tank vehicle"** means a tank truck, tank trailer, or truck-tractor and tank-semi-trailer combination;

- [b] **"tank-semi-trailer"** means a vehicle with a tank mounted on it or built as an integral part of it, and so constructed that, the semi-trailer is drawn by a truck-tractor or another trailer, through a fifth wheel connection part of the load rest on the towing vehicle;
- [c] **"tank trailer"** means a vehicle with a tank mounted on it or built as an integral part of it, and so constructed that, when the tank trailer is drawn by a tank truck, practically all of its load rests on its own wheels;
- [d] **"tank truck"** means a single, self-propelled vehicle with a tank mounted on it; -
- [e] **"truck-tractor"** means a self-propelled vehicle used to pull a tank-semi-trailer, and
- [f] any other vehicle, which in the opinion of the controlling authority, is a vehicle contemplated in chapter 9 of these by-laws.

CHAPTER 2

ADMINISTRATIVE PROVISIONS

[2] Administration and enforcement

- [1] The chief fire officer is responsible for the administration and enforcement of these by-laws.
- [2] Where no chief fire officer has been appointed in terms of the Fire Brigade Services Act, the Municipal Manager is responsible for the administration and enforcement of these by-laws.
- [3] Where there is no service established in the area of jurisdiction of the Municipality, the Municipal Manager is responsible for the administration and enforcement of these by-laws.

[3] Delegation

- [1] A chief fire officer may delegate any power granted to him in terms of these by-laws in accordance with section 19 of the Fire Brigade Services Act.
- [2] A Municipal Manager may delegate any power granted to him in terms of these by-laws in accordance with the system of delegation of the Municipality developed in terms of Section 59 of the Municipal Systems Act.

[4] Enforcement provisions

- [1] A controlling authority may, whenever he regards it necessary or expedient to do so, enter any premises at any reasonable time to ensure compliance with these by-laws.

- [2] A controlling authority has the authority to summarily abate any condition which is in violation of any provision of these by-laws and which presents an immediate fire hazard or other threatening danger.
- [3] A controlling authority must remedy any violation mentioned in subsection [2], by performing any act, and may also:
- [a] call for the immediate evacuation of the premises;
 - [b] order the closure of the premises until such time as the violation has been rectified;
 - [c] order the cessation of any activity, and
 - [d] order the removal of the immediate threat.
- [4] Any costs of such action must be borne by the person deemed by a controlling authority to be responsible for the existence of such condition.
- [5] **Authority to investigate**
- Notwithstanding anything to the contrary contained in any other law, a controlling authority has the authority to investigate the cause, origin and circumstances of any fire or other threatening danger.
- [6] **Failure to comply with provisions**
- [1] When a controlling authority finds that there is non-compliance with the provisions of these by-laws, excluding the situation in section 4[2], a written notice must be issued and include the following:
- [a] confirmation of the findings;
 - [b] provisions of these by-laws that are being contravened;
 - [c] the remedial action required, and
 - [d] set forth a time for compliance.
- [2] An order or notice issued under these by-laws must be served either by personal delivery or registered mail upon a person who is in the opinion of the controlling authority, deemed to be the appropriate person.
- [3] For unattended or abandoned premises, a copy of such order or notice must be posted on the premises in a conspicuous place at or near the entrance to such premises and the order or notice must be mailed by registered mail, to the last known address of the owner, the person in charge of the premises or both.

[7] Denial, suspension or revocation of an approval or a certificate

A controlling authority may refuse, suspend or revoke an approval or a certificate required by these by-laws for: -

- [a]** failure to meet the provisions of these by-laws for the issuance of the approval or certificate, or
- [b]** non-compliance with the provisions of the approval or certificate.

[8] Records required

The safekeeping of all relevant records and documents is the responsibility of the controlling authority.

[9] Charges

- [1]** The Municipality may determine the fees payable by a person on whose behalf the controlling authority rendered a service as contemplated in section 10 of the Fire Brigade Services Act.
- [2]** The Municipality may charge a fee for the provision of an inspection, re-inspection or any other service as well as the issuing of permits, approvals or certificates in accordance with the applicable local government legislation regulating the charging of fees.

Reporting a fire hazard and other threatening danger**[10] Indemnity**

The Municipality, controlling authority or a member of a service is not liable for damage or loss as a result of, but not limited to, bodily injury, loss of life or loss of or damage to property or financial loss, or consequential loss, which is caused by or arises out of or in connection with anything done or performed or omitted in good faith in the exercise or performance of a power, function or duty conferred or imposed in terms of these by-laws.

[11] Reporting a fire hazard and other threatening danger

An owner or the person in charge of the premises, upon discovering any evidence of a fire hazard or other threatening danger pertaining to these by-laws, must immediately notify the controlling authority.

CHAPTER 3

FIRE PROTECTION OF BUILDINGS

[12] General

The controlling authority in terms of section 4[3] or section 6[1] of these by-laws must abate a contravention of the National Building Regulations relating to fire and safety of buildings.

[13] Access for emergency vehicles

[1] When, in the opinion of the controlling authority, premises are not readily accessible from public roads it must be provided with emergency vehicle access and, notwithstanding the provisions in the National Building Regulations [T1], may be required to comply with the following:

- [a] An access road must be constructed so that it is capable of supporting the mass of the heaviest emergency vehicle required to cater for the risk of the premises.
- [b] A motorised or electronically operated gate must be equipped in such a manner that access to the premises can be gained without the use of a motor or any other electronic device.
- [c] Fire lanes must be provided for all premises which are set back more than 45 metres from a public road or exceed nine metres in height and are set back over 15 metres from a public road.
- [d] Fire lanes must be at least four metres in width, the position of which must be decided upon after consultation with the controlling authority, and the area from ground level to a clearance height of four metres above the fire lane must remain unobstructed.
- [e] A cul-de-sac that is more than 90 metres in length, must be provided with a minimum turning circle at the closed end of the road capable of accommodating the largest emergency vehicle which is required to cater for the risk of the premises.

[2] The design, marking, use and maintenance of fire lanes not forming part of a public road must comply with the requirements of the controlling authority.

[3] It is unlawful for a person to park a vehicle in or otherwise obstruct a fire lane.

[14] Division and occupancy separating elements

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

[15] Fire doors and assemblies

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

[16] Escape Routes

- [1]** A component which forms part of an escape route such as the feeder routes, access doors, emergency routes and escape doors must not be obstructed or rendered less effective in any way, which could hinder or prevent the escape of any person from a building in the case of fire or any other emergency.
- [2]** A locking device, which is fitted to an access or escape door in an escape route, must be of a type approved by the Municipality.
- [3]** Where required by the controlling authority, an escape route must be clearly indicated with signage, which complies with SABS 1186, indicating the direction of travel in the event of fire or any other emergency.

[17] Tents

- [1]** Prior to the erection and usage of a tent as an occupancy contemplated in the National Building Regulations [A20], an applicant must:
 - [a]** submit an application in terms of the National Building Regulations [A2] to the Municipality for the erection and usage of the tent, and

- [b]** submit an application in terms of the section 22 of these by-laws to the controlling authority for a temporary population certificate.
- [2]** The application submitted in terms of subsection [1][a] must comply with the following:
- [a]** The tent must be erected at least 4,5 metres from a boundary, combustible store or material and the controlling authority may require that this distance be increased should the situation require it.
 - [b]** Where tents are erected adjacent to one another, an unobstructed minimum distance of 4,5 metres must be provided between them and where applicable between the stakes and guidelines of the adjacent tents, in order to ensure emergency vehicle access.
 - [c]** The requirements set out in the National Building Regulations [T1] must be complied with in the following instances:
 - [i]** where the population of a tent exceeds 25 people;
 - [ii]** where a tent is occupied during the hours of darkness;
 - [iii]** for seating arrangements and aisle dimensions, and
 - [iv]** for the provisions of fire extinguishers.
 - [d]** The population density of a tent must comply with the National Building Regulations [A21].
 - [e]** No cooking may be carried out in the tent occupied by the public and where cooking is required, it must be carried out in a separate tent or an area to which the public does not have access.
 - [f]** No open fire is permitted in a tent and any other flame emitting device, such as a candle, lantern or torch but not limited thereto, is only permitted in a tent after approval by the controlling authority.
 - [g]** No open fire or flame is permitted within five metres of a tent, stake or guideline of a tent.
 - [h]** Smoking is prohibited in a tent and a "No Smoking" sign must be prominently displayed at each entrance and must comply with SABS 1186: Part 1.
 - [i]** Lighting and wiring installed in a tent must comply with the requirements set out in SABS 0142 in such a manner that direct contact is not made with combustible material and the radiated heat does not pose an ignition hazard.

- [3] Notwithstanding the provisions in subsections [1] and [2], the controlling authority may request the applicant to fulfil additional requirements for the erection and usage of a tent.

CHAPTER 4

FIRE SAFETY EQUIPMENT

[18] Fire extinguishers

- [1] Fire extinguishers must be provided and installed on premises as required by the controlling authority and in accordance with the National Building Regulations [T1] and [T2].
- [2] Fire extinguishers must be maintained strictly in accordance with the requirements of the Occupational Health and Safety Regulations, SABS 1475: Part 1, SABS 1571, SABS 1573 and SABS 0105: Part I.
- [3] A juristic or a natural person may not fill, recharge, recondition, modify, repair, inspect or test a fire extinguisher in terms of SABS 1475: Part I, unless such a person is the holder of a permit issued by the South African Bureau of Standards or certificate of competence issued by the South African Qualifications Certification Committee.
- [4] The owner or person in charge of the premises may not allow a fire extinguisher to be filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit or certificate mentioned in subsection [3].
- [5] When the controlling authority finds that a fire extinguisher has been filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit mentioned in subsection [3], the controlling authority must instruct the owner or person in charge of such premises to have the work carried out by a person who is in possession of such a permit or certificate.
- [6] When, in the opinion of the controlling authority, a fire extinguisher is unsafe or ineffective either by reason of deterioration, design or construction, the controlling authority must instruct the owner or the person in charge of the premises to have the appliance inspected and tested in terms of SABS 1475: Part 1 and SABS 1571.
- [7] A fire extinguisher may not be removed from the premises for filling, recharging, reconditioning, modification, repair, inspection or testing unless the appliance is replaced temporarily with a similar appliance in good working condition.
- [8] A fire extinguisher may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in an area where such action would create a danger or hazard.

[19] Testing and maintenance of fire protection systems

- [1]** A fire protection system must be tested and maintained on a regular basis and the owner or person in charge of the premises must keep a detailed record of the test and maintenance of the system.
- [2]** A person may not test a fire protection system before notifying the occupants of the premises concerned of the starting and completion times of the test, and where applicable the parties who monitor the fire protection system.
- [3]** A fire protection system designed for detecting, fighting, controlling and extinguishing a fire must be maintained in accordance with the National Building Regulations [T2] read in conjunction with a recognised national code or standard, and in the absence of a national code or standard an applicable international code or standard must be used.
- [4]** A fire protection system may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in any area where such action would create a danger or hazard.
- [5]** The person carrying out the maintenance of a fire protection system must inform the owner or person in charge of the premises in writing, of any defects discovered, maintenance performed or still outstanding, and where the person in charge has received such notice, he must without delay inform the owner accordingly.
- [6]** The owner or person in charge of the premises must immediately notify the controlling authority when the fire protection system, or a component thereof, is rendered inoperable or taken out of service and must notify the controlling authority as soon as the system is restored.
- [7]** The owner or person in charge of the premises must take all steps deemed necessary by the controlling authority to provide alternate equipment to maintain the level of safety within the premises.

[20] Interference with and access to fire protection systems and fire extinguishers

A person is not permitted to render less effective, inoperative, inaccessible, or tamper and interfere with a fire extinguisher or fire protection system, except as may be necessary during emergencies, maintenance, drills or prescribed testing.

[21] Fire alarms and fire hydrants

- [1]** Without compensation to the owner of the premises concerned, the controlling authority may cause:
 - [a]** a fire alarm;

- [b] a transmission instrument for calls of fire or other emergency, or
 - [c] a transmission instrument for warning residents of a fire or other emergency to be affixed to any building, wall, fence, pole or tree.
- [2] Without compensation to the owner of the premises concerned, the controlling authority may cause the position of a fire hydrant and fire alarm or any other fire protection information to be marked on any building, wall, fence, pole, tree, road, pavement or hydrant cover with a board, decal, metal plate or painted marker or by any other means.
 - [3] The controlling authority may at any time cause a fire alarm, other transmission instrument mentioned in subsection [1], board, decal, metal plate or painted marker to be removed without compensating an owner of the premises concerned.
 - [4] An unauthorised person is prohibited from removing, defacing, altering, tampering or damaging a fire alarm, other transmission instrument mentioned in subsection [1], board, decal, metal plate or painted marker.
 - [5] A person may not render less effective, inoperative, inaccessible, or tamper and interfere with a fire hydrant.

CHAPTER 5

PUBLIC SAFETY

[22] Prevention and control of overcrowding

- [1] Prior to the usage of the premises for entertainment or public assembly, the owner or person in charge of such premises must submit an application for a population certificate to the controlling authority, as prescribed in the Schedule 2 of these by-laws.
- [2] The controlling authority may request additional information from the applicant.
- [3] Notwithstanding the provision in subsection [1], the controlling authority may instruct the owner or person in charge of the premises to apply for either a temporary or a permanent population certificate, should the premises be used in respect of any other occupancy contemplated in the National Building Regulations [A20].
- [4] A temporary population certificate is valid for a period not exceeding 30 calendar days.
- [5] The controlling authority must refuse to issue the temporary or permanent population certificate if the premises do not comply with the requirements of the National Building Regulations [T1], and where the controlling authority is of the opinion that the non-compliance of the premises can be remedied, he

must instruct the owner or person in charge of the premises in writing, to take all reasonable steps to render the premises safe prior to the usage of the premises and the issuing of the temporary or permanent population certificate.

- [6] If at any time the controlling authority becomes aware that the usage of the premises is not in accordance with the temporary or permanent population certificate, he must act in terms of sections 4[2] or 6[1] and section 7 of these by-laws.
- [7] The temporary and permanent population certificate is valid only for the premises or portion of the premises for which it was issued, and when changes of occupancy occur or alterations are made to the premises for which the certificate was issued, the owner or person in charge of the premises must re-apply for the certificate in accordance with subsection [1].
- [8] The temporary or permanent population certificate must be displayed in a clearly visible and conspicuous position in or on the premises for which the certificate was issued.
- [9] The owner or the person in charge of the premises must prevent overcrowding by limiting the maximum population to that which is specified on the temporary or permanent population certificate.
- [10] A person must vacate the premises that are overcrowded when instructed to do so by the controlling authority, the owner or person in charge of the premises.

[23] Attendance of a service

- [1] When the controlling authority is of the opinion that a service is required to be in attendance during a function in a place used for entertainment or public assembly, he may provide, in the interest of public safety and subject to the exigencies of the service, one or more members, a vehicle or equipment of a service to be in attendance on the premises for the duration of the function or part thereof.
- [2] When the attendance of a service during a function in a place used for entertainment or public assembly involves costs, the costs incurred by the Municipality may be recovered from the person in charge of the function in accordance with section 9 of these by-laws.

[24] Formulation of an emergency evacuation plan

- [1] The owner or person in charge of a school, hospital, residential institution, hotel, guest house, hostel or other similar occupancy which has a population in excess of 25 persons [including staff], must formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.

- [2] The controlling authority may order the owner or person in charge of the premises, other than those contemplated in subsection [1], to formulate an emergency evacuation plan detailing the appropriate action to be taken by the staff or the occupants in the event of a fire or other threatening danger.
- [3] The plan mentioned in subsections [1] and [2] must be revised if an aspect thereof is no longer applicable or if the building for which the plan was designed has changed.
- [4] The emergency evacuation plan must be tested in its entirety at a maximum of six-monthly intervals or when the plan has been revised and a record of the testing must be kept in a register.
- [5] The register mentioned in subsection [4] must contain the following information:
 - [a] the date and time of the test;
 - [b] the number of participants;
 - [c] the outcome of the test and any corrective actions required, and
 - [d] the name and signature of the person supervising the test.
- [6] The register, together with the emergency evacuation plan, must be available on the premises for inspection by the controlling authority.
- [7] The controlling authority may evaluate the formulation and implementation of the emergency evacuation plan and may officially communicate any recommendations or remedial actions to improve or rectify faults in the plan.
- [25] Displaying of escape route plans**
 - [1] In a hospital, residential institution, hotel, guest house, hostel or other similar occupancy designed or intended for or used by patients, residents or transient persons, irrespective of the population, the escape route plan must be displayed in a conspicuous position in any room designed for sleeping purposes.
 - [2] The displaying of escape route plans for any other premises is subject to the approval of the controlling authority.
- [26] Barricading of vacant buildings**

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

CHAPTER 6

HOUSEKEEPING

[27] Combustible waste and refuse

- [1]** The owner or person in charge of the premises or a portion thereof must not allow combustible waste or refuse to accumulate in any area or in any manner so as to create a fire hazard or other threatening danger.
- [2]** Combustible waste and refuse must be properly stored or disposed of to prevent a fire hazard or other threatening danger as prescribed in the applicable legislation, dealing with the storage and disposal of that specific type of combustible waste and refuse, or in the absence of applicable legislation as determined by the controlling authority.

[28] Dust

The owner or person in charge of the premises or a portion thereof may not allow the accumulation of dust in quantities sufficient to create a fire or other threatening danger and must store or dispose of the dust as prescribed in the applicable legislation dealing with the storage and disposal of that specific type of dust.

[29] Combustible or flammable substances and sweeping compounds

- [1]** Notwithstanding anything to the contrary contained in any other law, only approved water-based solutions or detergents, floor sweeping compounds and grease absorbents must be used for cleaning purposes.
- [2]** The use of sawdust or similar combustible materials to soak up combustible or flammable substances spilled or dropped in the course of a process, is prohibited.

[30] Accumulations in chimneys, flues and ducts

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

[31] Sources of ignition

- [1]** Smoking, the carrying of matches, the use of heating or other flame-emitting devices, or the use of any spark-producing equipment is prohibited in areas containing combustible or flammable substances, and where equipment or tools are necessary to conduct or maintain an operation, it must be intrinsically safe and specifically designed for that purpose.

- [2] Hot ashes, cinders or smouldering coals must be placed in a non-combustible container and the container must be placed on a non-combustible surface or stand.
- [3] An adequate distance, as deemed appropriate by the controlling authority, must be ensured and maintained between combustible substances and heating or lighting equipment or other sources of ignition.
- [4] Portable heaters must be secured so that it cannot be overturned and the controlling authority may prohibit the use of portable heaters in respect of occupancies or situations where such use or operation would present a fire hazard or other threatening danger.

[32] Smoking

- [1] If conditions exist where smoking creates a fire hazard on the premises, smoking is prohibited and "No Smoking" signs must be displayed as directed by the controlling authority and the signs must comply with SABS 1186: Part 1.
- [2] A person may not remove a "No Smoking" sign.
- [3] A person may not light or smoke a cigar, cigarette, pipe, tobacco or other substance or ignite or otherwise set fire to other material, nor hold, possess, throw or deposit any lighted or smouldering substance in any place where expressly prohibited.
- [4] Where smoking is allowed, provisions must be made for the safe disposal of the smoking material and matches to prevent the creation of a fire hazard or other threatening danger.
- [5] A person may not throw, put down or drop a burning match, burning cigarette, or other burning material or any material capable of spontaneous combustion or self-ignition in a road or any other place.

[33] Electrical fittings, equipment and appliances

- [1] A person may not cause or permit an electrical supply outlet to be overloaded.
- [2] A person may not cause or permit an electrical appliance or extension lead to be used in a manner which is likely to create a fire hazard or other threatening danger.

[34] Flame-emitting device

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

CHAPTER 7

FIRE HAZARDS

[35] Combustible material

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

[36] Lighting of fires and burning of combustible material

- [1]** The lighting of fires and the disposal of combustible material by burning is prohibited, save in the circumstances set out in this section.
- [2]** A person may light a fire or use a flame-emitting device for the purpose of preparing food or for any other domestic purpose in a manner which will not cause a fire hazard or other threatening danger or where such a fire is not precluded by any other legislation.
- [3]** The owner or person in charge of the premises used in respect of an occupancy of entertainment or public assembly must ensure that a cooking fire or flame-emitting device is placed in designated areas so as to prevent a fire hazard or other threatening danger.
- [4]** Burning may take place on State land, a farm, a small holding, or land within a proclaimed township that is not utilised for residential purposes provided that the prior approval is obtained from the controlling authority which approval shall be applied for in writing after approval has been obtained in terms of the applicable legislation set out in Schedule 3.

CHAPTER 8

FLAMMABLE SUBSTANCES

[37] Application of this Chapter

Notwithstanding the provisions in either the Hazardous Substances Act or the Occupational Health and Safety Act, this Chapter regulates flammable substances in the local government sphere so as to prevent and reduce fire hazards or other threatening dangers.

[38] Storage and use of a flammable substance

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

[39] Flammable substance certificate

- [1] The owner or person in charge of the premises, who requires a flammable substance certificate mentioned in section 38[6], must submit an application to the controlling authority as prescribed in the Schedule 2 of these by-laws.
- [2] The controlling authority may request additional information from the applicant.
- [3] The controlling authority must refuse to issue the flammable substance certificate if the premises do not comply with the requirements of the National Building Regulations [T1] as well as additional requirements set out in these

by-laws, and where the controlling authority is of the opinion that the non-compliance of the premises can be remedied, he must instruct the owner or person in charge of the premises in writing to take all reasonable steps to render the premises safe prior to usage of the premises in accordance with section 38[6] and the issuing of the certificate.

- [4] A flammable substance certificate must be renewed annually, on or before the date as indicated on the flammable substance certificate, and whenever the quantity or class of the flammable substance requires to be changed or when section 38[5] applies.
- [5] If at any time the controlling authority becomes aware that the usage of the premises is not in accordance with the flammable substances certificate, he must act in terms of sections 4[2] or 6[1] and section 7 of these by-laws.
- [6] Notwithstanding subsection [5], when in the opinion of the controlling authority, a flammable substance is stored or utilised for any process in a manner which is hazardous to life or property, or an installation is unauthorised, an order may be issued for the removal of the flammable substance or installation from the premises.
- [7] A supplier may not supply flammable substances to the owner or person in charge of the premises, unless the owner or person in charge of the premises is in possession of a valid flammable substance certificate issued by the controlling authority.
- [8] A flammable substance certificate is valid only:
 - [a] for the installation for which it was issued;
 - [b] for the state of the premises at the time of issue, and
 - [c] for the quantities stated on the certificate.
- [9] The flammable substance certificate must be available on the premises for inspection at all times.
- [10] The controlling authority must keep records of all premises in respect of which a flammable substance certificate has been issued, amended and renewed.
- [40] **Permanent or temporary above ground storage tank for a flammable liquid**
 - [1] In this section, only a permanent or temporary above ground tank used for the storage of flammable liquids is regulated.
 - [2] A temporary above ground storage tank other than that at a bulk storage depot is permitted, at the discretion of the controlling authority, on the merit of the situation, provided that the following requirements are complied with:

- [a] if it has a capacity not exceeding 9 000 litres and is not used for the storage of flammable substances with a flash point below 40°C;
 - [b] to be on the premises for a period not exceeding six months;
 - [c] the entire installation must comply with SABS 0131: Part 1 or SABS 0131: Part 2 whichever is applicable, and
 - [d] written application together with a plan must be forwarded to the controlling authority at least 14 days prior to the erection of the tank and prior written permission must be obtained from the controlling authority for the erection of the tank.
- [3] Notwithstanding section 38[1], if a larger capacity above ground storage tank is required or the tank is to be a permanent installation, an acceptable rational design based on a relevant national or international code or standard must be submitted to the Municipality for approval in terms of the National Building Regulations [T1].
- [4] The design requirements and construction of a permanent tank must be in accordance with relevant national or international recognised codes.
- [5] The rated capacity of a permanent or temporary tank must provide sufficient usage to permit expansion of the product contained therein by reason of the rise in temperature during storage.
- [6] A permanent or temporary tank must be erected at least 3,5 metres from boundaries, buildings and other flammable substances or combustible materials.
- [7] A permanent or temporary tank must be located on firm level ground and the ground must be of adequate strength to support the mass of the tank and contents.
- [8] A permanent or temporary tank must have a bund wall.
- [9] Adequate precautions must be taken to prevent spillage during the filling of a tank.
- [10] Sufficient fire extinguishers, as determined by the controlling authority, must be provided in weatherproof boxes in close proximity to a tank.
- [11] Symbolic safety signs depicting "No Smoking", "No Naked Lights" and "Danger" must be provided adjacent to a tank, and the signs must comply with SABS 1186: Part 1.
- [12] The flammable liquid in the tank must be clearly identified, using the Hazchem placards listed in SABS 0232: Part 1.

[13] An electrical or an internal combustion-driven pump must be equipped and so positioned as to eliminate the danger of the flammable liquid being ignited.

[14] The electrical installation associated with the above ground storage tank must comply with SABS 0108 and SABS 089: Part 2.

[41] Underground storage tank for a flammable liquid

The installation of underground storage tanks, pumps, dispensers and pipework at service stations and consumer installations must be in accordance with National Building Regulations [T1] read in conjunction with SABS 0400, SABS 089: Part 3 and SABS 0131: Part 3.

[42] Bulk storage depot for flammable substances

The handling, storage and distribution of flammable substances at bulk depots must be in accordance with the National Building Regulations [T1], read in conjunction with SABS 089: Part 1.

[43] Small installations for liquefied petroleum gas

Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500 litres and a combined water capacity not exceeding 3 000 litres per installation must be installed and handled in accordance with SABS 087: Part 1.

[44] Liquid petroleum gas installation in mobile units and small non-permanent buildings

A liquid petroleum gas installation in mobile units and small non-permanent buildings shall be in accordance with SABS 087: Part 2.

[45] The fuelling of forklift trucks and other LP gas operated vehicles

The fuelling of forklift trucks and other LP gas operated vehicles shall be in accordance with SABS 087: Part 8

[46] The storage and filling of refillable liquid petroleum gas containers

Storage and filling sites used for refillable liquid petroleum gas containers of capacity not exceeding 9kg must be in accordance with SABS 087: Part 7.

[47] Bulk storage vessel for liquid petroleum gas

The layout, design and operation of installations for the storage of a bulk liquid petroleum vessel and allied facilities must be in accordance with the National Building Regulations [T1], read in conjunction with SABS 087: Part 3.

[48] Termination of the storage and use of flammable substances

- [1]** If an above ground or underground tank installation, liquid petroleum gas installation or associated pipework is no longer required for the storage or use of a flammable substance, the owner or person in charge of the premises on which the installation was erected must:
- [a]** within seven days of the cessation, notify the controlling authority in writing thereof;
 - [b]** within 30 days of the cessation, remove the flammable substance from the installation and render it safe;
 - [c]** within six months of the cessation, remove the installation including any associated pipework, from the premises entirely, unless the controlling authority otherwise instructs, and
 - [d]** restore a public footpath or roadway, which has been disturbed by the removal to the satisfaction of the Municipality within a period of seven days of the completion of the removal of the installation.
- [2]** If the removal of an underground tank installation detrimentally affects the stability of the premises, the owner or person in charge of the installation must apply in writing to the controlling authority to fill the tank with liquid cement slurry.

[49] Reporting accidents

If an accident occurs which involves a flammable substance and results in a fire, an explosion, spillage or loss of a flammable substance, as well as personal injury or death, the owner or person in charge of the premises must immediately notify the controlling authority.

[50] Flammable stores

- [1]** The construction of a flammable store must be in accordance with the National Building Regulations [T1] read in conjunction with SABS 0400.
- [2]** The floor must be of concrete construction or other impermeable material and must be recessed below the door level or incorporate a sill.
- [3]** The recess or sill must be of such a depth or height that in the case of spillage it will be capable of containing the quantity of flammable liquid, as indicated on the flammable substance certificate and an additional 10% of the quantity mentioned on the certificate.
- [4]** Notwithstanding the National Building Regulations [T1] read in conjunction with SABS 0400:

- [a] the roof assembly of a flammable store must be constructed of a concrete slab capable of providing a two-hour fire resistance when it forms part of another building;
 - [b] the ventilation of a flammable store must be achieved by the use of air bricks located in the external walls at the ratio of one air brick nominally above the sill level and one air brick located in the top third of the wall per 5 m² of wall area or part thereof, so that vapour cannot accumulate inside the store;
 - [c] the air bricks must be covered both internally and externally with closely-woven, non-corrodible wire gauze of at least 1 100 meshes per metre, and
 - [d] the wire gauze must be held in position by metal straps, a metal frame or cement.
- [5] When required by the controlling authority, the flammable store must be ventilated by a mechanical ventilation system approved by the Municipality and must comply with the following requirements:
- [a] the ventilation system is to be intrinsically safe, provide 30 air changes per hour and must operate continuously;
 - [b] the fan extraction point must be nominally above sill level and must discharge through a vertical metal duct terminating at least 1 metre above roof height or at least 3,6 metres above ground level, whichever is the greater;
 - [c] ducting material that is external to the store, but communicates with the remainder of the building, must be fitted with a fire damper of two-hour fire resistance at the point of exit from a flammable store, and
 - [d] the ducting must be as short as possible and must not have sharp bends.
- [6] Notwithstanding the National Building Regulations [T1] read in conjunction with SABS 0400, a flammable store door must be constructed of material with a fire resistance of two hours, provided that all relevant safety distances are complied with, and the door must open outwards.
- [7] When required by the controlling authority, a flammable store door must be a D-class fire door, which complies with SABS 1253.
- [8] Notwithstanding the National Building Regulations [T1] read in conjunction with SABS 0400, artificial lighting in the flammable store must be by electric light having vapour-proof fittings wired through seamless steel conduit and the switches operating the lights must be located outside the store.
- [9] No other electrical apparatus may be installed in the flammable store.

- [10] A flammable store must be provided with a foam inlet consisting of a 65 millimetre male instantaneous coupling and mild steel pipework leading to the inside thereof and the foam inlet must be identified by means of a sign displaying the words "Foam Inlet" in 100 millimetre block letters.
- [11] Racking or shelving erected in the flammable store must be of non-combustible material.
- [12] The flammable store must be identified by the words, "Flammable Store-Bewaarplek vir Vlambare Vloeistowwe-Isitoro Indawo Yokugcina Izixhobo Ezithatha Lula Umlilo", and the permissible quantity allowed within the flammable store, indicated in 100 millimetre block letters on both the inside and outside of all doors communicating directly with the store.
- [13] The owner or person in charge of a flammable store must ensure that the flammable store doors are kept locked when the store is not in use.
- [14] A person shall not enter a flammable store or cause or permit it to be entered without the permission of the owner or person in charge of the premises.
- [15] Sufficient fire extinguishers, as determined by the controlling authority, must be mounted on the external wall of the flammable store in a conspicuous and easily accessible position.
- [16] Any hand tool used in the flammable store must be intrinsically safe.
- [17] A person may not use or permit a flammable store to be used for any purpose other than that indicated on the flammable substance certificate, unless the store is not in use as a flammable store and the controlling authority has been notified in terms of the following procedure:
- [a] within seven days of the cessation, notify the controlling authority in writing thereof;
 - [b] within 30 days of the cessation, remove the flammable substance from the flammable store and render it safe, and
 - [c] within 30 days of the cessation, remove all signage.
- [18] Subject to the provisions in this section, the controlling authority may call for additional requirements to improve the fire safety of a flammable store.
- [51] Container handling and storage**
- [1] All flammable substance containers must be kept closed when not in use.
- [2] A person may not extract flammable liquids from a container of a capacity exceeding 20 litres, unless the container is fitted with an adequately sealed pump or tap.

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

[52] Spray rooms and booths

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

[53] Liquid petroleum gas containers

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

CHAPTER 9**TRANSPORTATION OF DANGEROUS GOODS****[54] Dangerous goods certificate**

- [1]** The operator of a vehicle designed for the transportation of dangerous goods may not operate such a vehicle in the jurisdiction of the controlling authority, unless he has obtained a dangerous goods certificate issued by a fire brigade service in terms of the National Road Traffic Act.
- [2]** An operator of a vehicle mentioned in subsection [1], must submit an application to the controlling authority as prescribed in Schedule 2 of these by-laws.
- [3]** The controlling authority may request additional information from the applicant.
- [4]** The controlling authority must refuse to issue the dangerous goods certificate if a vehicle does not comply with [whichever is applicable to the vehicle] the requirements of SABS 087: Part 4, SABS 089: Part 1, SABS 0230, SABS 1398, SABS 1518, and where the controlling authority is of the opinion that the non-compliance of a vehicle can be remedied, he must instruct an operator of a vehicle in writing to take all reasonable steps to remedy the defaults prior to the use of the vehicle in accordance with subsection [1] as well as the dangerous goods certificate.
- [5]** A dangerous goods certificate must be renewed annually, on or before the date as indicated on the dangerous goods certificate or whenever major maintenance or repairs have been performed on the vehicle.

- [6] If at any time, the controlling authority becomes aware that the usage of a vehicle is not in accordance with the dangerous goods certificate, he must act in terms of section 4[2] or 6[1] and section 7 of these by-laws.
- [7] A consignor may not supply a flammable substance to an operator of a vehicle mentioned in subsection [1], unless the operator is in possession of a valid dangerous goods certificate issued by the controlling authority.
- [8] A consignee may not receive a flammable substance from an operator of a vehicle mentioned in subsection [1], unless the operator meets the requirement in subsection [7].
- [9] A dangerous goods certificate is valid only:
 - [a] for the vehicle for which it was issued;
 - [b] for the state of the vehicle at the time of issue, and
 - [c] for the quantities stated on the certificate.
- [10] The dangerous goods certificate must be available in the vehicle mentioned in subsection [1] for inspection at all times.
- [11] The controlling authority must keep records of all vehicles in respect of which a dangerous goods certificate has been issued, amended and renewed.

CHAPTER 10

GENERAL PROVISIONS

[55] State Bound

These by-laws bind the State and any person in the service of the State.

[56] Offences and penalties

[1] Any person who:-

- [a] contravenes any of the provisions of these by-laws or fails to comply therewith, or
- [b] contravenes or fails to comply with any order made hereunder or any notice served in connection herewith,

is guilty of an offence and liable to a maximum fine or imprisonment as prescribed in the Fire Brigade Services Act.

- [2] The imposition of a penalty for any contravention may not excuse the contravention nor must the contravention be permitted to continue.

- [3] The controlling authority must instruct a person found guilty to correct or remedy the contravention or defect concerned within a time period specified by the controlling authority.

[57] Repeal of laws and savings

- [1] Any by-laws pertaining to community fire safety or fire services adopted by the Municipality or the Council of a Municipality now comprising an administrative unit of the Municipality are repealed.
- [2] In the event of any conflict between the provisions of these by-laws and the provisions in any other legislation excluding national and provincial legislation, the provisions of these by-laws shall prevail.
- [3] A certificate that was issued, a written notice that was served or any other enforcement act done in terms of a by-law repealed in subsection [1], within six months prior to the commencement of these by-laws shall be deemed to be a certificate issued, a notice served or an enforcement act done by a controlling authority in terms of these by-laws.

[58] Short title and commencement

These by-laws are called the Community Fire Safety by-laws and come into operation on the date of publication thereof in the Provincial Gazette.

SCHEDULE 1

BYLAE 1

DANGER GROUP BASED ON FLAMMABILITY.
GEVAARGROEP GEGROND OP VLAMBAARHEID.

1

2

3

Danger Group

Gevaargroep

Closed Cup Flash Point (°C)

Geslotebakkieflietspunt (°C)

Initial Boiling Point(°C)

Aanvanklike kookpunt (°C)

i

-

35 (□°C)

li

<23 (°C)

>35 (°C)

lii

SCHEDULE 2

Forms

- A. Population Certificate Application
- B. Population Certificate
- C. Flammable Substance Certificate Application
- D. Flammable Substance Certificate
- E. Dangerous Goods Certificate Application
- F. Dangerous Goods Certificate

A. Population Certificate Application

For official use only						Ngaka Modiri Molema District Municipality					
Permanent / Temporary (Delete which is not applicable)											
Application No. _____											
File No. _____											
Population Certificate Application											
Application for a Population Certificate is made in terms of Section 21 (1) of the Community Fire Safety By-law.											
Name of applicant:						Telephone No.					
						Cell No.					
Name of business:						Telephone No.					
						Cell No.					
Type of business, e.g. bar, nightclub etc:											
Erf No:											
On what floor of the building is the venue situated i.e. ground, 1 st etc?											
Street address:											
Suburb:						Code					
Details of Premises											
How many floors does the building have?						How many floors are occupied by the venue for which this application is being made?					
Square metres of usable area per floor of venue Indicate a separate square meterage for each floor occupied by the venue in the blocks below						Expected Population					
						Number of exits per floor Indicate exits per floor separately in the blocks below					
Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()

<p>1) The controlling authority may refuse to issue the certificate applied for if the premises do not comply with the requirements of the National Building Regulations.</p> <p>2) The controlling authority may prescribe any additional conditions deemed necessary to render the premises safe prior to the issuing of the certificate.</p> <p>3) The certificate is valid only for the premises for which it is issued and is not transferable.</p> <p>4) If the occupancy or ownership of the premises change, the owner or person in charge must apply for a new certificate.</p>	
Signature of applicant	
Print Name	
Date	
Address	
For Controlling Authority: (Signature)	
<i>Print Name</i>	
<i>Date</i>	
<p>A certificate fee of R_____ is payable to Ngaka Modiri Molema District Municipality in respect of this application and the subsequent inspection.</p>	

B. Population Certificate

For Official use only Permanent / Temporary (Delete which is not applicable) Application No. _____ File No. _____		Ngaka Modiri Molema District Municipality	
Population Certificate This population certificate is issued in terms of Section 21 of the Community Fire Safety By-law.			
Name of certificated owner:		Telephone No.	
		Cell No.	
Name of certificated business:		Telephone No.	
		Cell No.	
Occupancy:			
Erf No:			
The venue is situated on the		floor of the premises (ground, 1 st , 2 nd etc)	
Street address:			
Suburb:			
Details of Premises			
Number of floors in the building		Number of floors occupied by the venue	
Square metres of usable area per floor of the venue		Approved Population	
		A. Number of exits per floor	

Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()
						Maximum population per floor					
						Floor ()	Floor ()	Floor ()	Floor ()	Floor ()	Floor ()
<p>1) The certificate is issued in terms of Section 21 of the Community Fire Safety By-law and is valid only for the premises for which it was issued.</p> <p>2) If the occupancy or ownership of the premises change, the owner or person incharge must apply for a new certificate.</p> <p>3) The certificate must be displayed in a clearly visible and conspicuous position in the premises for which it was issued.</p>											
For controlling authority (signature)											
Print name											
Date											

C. Flammable Substance Certificate Application

For official use only Application No. _____ File No. _____		Ngaka Modiri Molema District Municipality	
Flammable Substance Application Application for the storage and use of flammable substances in terms of Section 38(1) of the Community Fire Safety By-law.			
Name of applicant:			
Trading as:			
Type of business, e.g. shop:			
ERF No.			
Street address:			
Suburb:			Code
Manner of storage Each installation/tank or flammable store must be individually itemised	Itemised quantity of products e.g. 1x23 m ³ tank, 2x5x48 kg LPG manifold, contents of flammable store	Product e.g. petrol, diesel, LPG	
See reverse side for additional information			
Remarks:			

Signature of applicant:	
Address:	
Telephone No:	
For controlling authority: (signature)	
Print name:	
<p>A certificate fee of R_____ is payable to _____ in Ngaka Modiri Molema District Municipality respect of this application and the subsequent inspection.</p>	
Controlling Authority: _____	Date: _____
Name of receiving official: _____	Designation : _____

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D. Flammable Substance Certificate

<p>For official use only</p> <p>Application No. _____</p> <p>File No. _____</p> <p>Certificate No. _____</p>	<p>Ngaka Modiri Molema District Municipality</p>		
<p align="center">Flammable Substance Certificate</p> <p align="center">Permission for the storage and use of flammable substances in terms of Section 37(6) of the Community Fire Safety By-law</p>			
Name of applicant:			
Trading as:			
Type of business, e.g. shop:			
ERF No.			
Street address:			
Suburb:		Code	
<p align="center">In terms of Section 37(6) of the Community Fire Safety By-law the above-mentioned premises are certified to store and/or use the following flammable substances</p>			
<p>Manner of storage</p> <p>Each installation/tank or flammable store must be individually itemised</p>	<p>Itemised quantity of products</p> <p>e.g. 1x23 m³ tank, 2x5x48 kg LPG manifold, contents of flammable store</p>	<p>Product</p> <p>e.g. petrol, diesel, LPG</p>	
<p align="center">See reverse side for additional information</p>			

This certificate is issued by **Ngaka Modiri Molema District Municipality** and is valid until

Date of Renewal _____

Date of Expiry _____

For controlling authority (signature) _____ Date of issue _____

Name of issuing official (Print Name) _____ Designation. _____

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E. Dangerous Goods Certificate Application

For official use <hr/> only <hr/> Application No. File No.		Ngaka Modiri Molema District Municipality	
Dangerous Goods Certificate Application in respect of flammable materials. Application for a dangerous goods certificate in terms of The National Road Traffic Act (No. 93 of 1996)			
Address of operator			
Name of operator:			
Trading as:			
ERF No.			
Street address:			
Suburb:		Code	
City			
Location of vehicle			
ERF No.			
Street address:			
Suburb:		Code	
City			
B. Details of vehicle for which a certificate of registration is required			
Type or class of vehicle			
Vehicle Registration No.			
Dangerous Goods Registration number			
Tare			
Load			
Make			
Number of tanks			
Capacity of tanks			
Year of manufacture of tank			
Engine No. (if applicable)			
Chassis No.			

Quantity of flammable substance to be conveyed			
Flammable liquid (l)			
Flammable gas (kg)			
Flammable solid (kg)			
Remarks:			
Operator (signature)			
Address:		Print name:	
Telephone No:		Fax No:	
For controlling authority: (signature)			
For official use only			
<p>A certificate fee is payable to Ngaka Modiri Molema District Municipality in respect of this application and the Subsequent inspection.</p>			
Signature of receiving official _____		Date: _____	
Name of receiving official: _____		Designation : _____	

F. Dangerous Goods Certificate

For official use only <hr/> Application No. File No.		Ngaka Modiri Molema District Municipality	
Dangerous Goods Certificate in respect of flammable materials. Dangerous goods certificate issued in terms of The National Road Traffic Act (No. 93 of 1996)			
This is to certify that the vehicle, particulars of which are given below, has been examined and found to comply with the relevant sections of S.A.B.S 0230 for the conveyance of flammable substances notwithstanding that such vehicle is subject to all other applicable legislation.			
Details of Operator			
Name of Operator			
Trading as:			
Street Address			
Suburb		Code	
City			
Details of Vehicle			
Type or class of vehicle			
Registration No.			
Dangerous Goods Registration Number			
Tare			
Load			
Make			
Number of tanks			
Capacity of tanks			
Year of manufacture			
Engine No. (if applicable)			
Chassis No.			

Quantity of flammable substance to be conveyed	
Flammable liquid (l)	
Flammable gas (kg)	
Flammable solid (kg)	

This certificate of registration is not a warranty of fitness of the vehicle herein described and any operator, driver or other person interested should satisfy themselves as to the roadworthiness, construction and condition of the aforementioned vehicle.

This certificate is issued by **Ngaka Modiri Molema District Municipality** and is valid until

Date of Renewal _____

Date of Expiry _____

Controlling Authority (Signature) _____ Date of issue _____

Name of issuing official (Print name) _____

_____ Designation _____

SCHEDULE 3
Applicable legislation

With reference to section 35(4): -

Title	No.
Atmospheric Pollution Prevention Act, 1965	Act 45 of 1965
Conservation of Agricultural Resources Act, 1983	Act 43 of 1983
Forest Act, 1984	Act 122 of 1984
National Forest Act, 1998	Act 84 of 1998
National Veld and Forest Fire Act, 1998	Act 101 of 1998
National Water Act, 1998	Act 36 of 1998

SCHEDULE 4
SABS Codes of Practice and Specifications

SABS Code	Title
SABS 019	Portable metal containers for compressed gas –basic design, manufacture, use and maintenance.
SABS 087: Part 1	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 1: Liquefied petroleum gas installations involving gas storage containers of individual water capacity not exceeding 500/ and a combined water capacity not exceeding 3000/ per installation.
SABS 087: Part 3	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 3: Liquefied petroleum gas installations involving storage vessels of individual water capacity exceeding 5000/.
SABS 087: Part 4	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 4: Transportation of liquefied petroleum gas in bulk by road.
SABS 087: Part 7	The handling, storage and distribution of liquefied petroleum gas in domestic, commercial and industrial installations, Part 7: Storage and filling sites for refillable liquefied petroleum gas (LPG) containers of capacity not exceeding 9 kg.
SABS 089: Part 1	The petroleum industry, Part 1: Storage and distribution of petroleum products in above ground bulk installations.
SABS 089: Part 2	The petroleum industry, Part 2: Electrical

	installations in the distribution and marketing sector
SABS 0105: Part 1	The classification, use and control of fire fighting equipment, Part 1: Portable fire extinguishers.
SABS Code	Title
SABS 0108	The classification of hazardous locations and the selection of apparatus for use in such locations.
SABS 0131: Part 2	The handling and storage of liquid fuel, Part 2: Large consumer premises.
SABS 0142	The wiring of premises.
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CEMETERY

BY-LAW

LOCAL GOVERNMENT NOTICE

MUNICIPALITY OF NGAKA MODIRI MOLEMA DISTRICT

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Law Relating to Public Cemeteries which shall come into operation on the date of publication thereof.

PUBLIC CEMETERY BY-LAWS

[1] In these by-laws:

"**adult**" where the word is used to describe a body, means any deceased person over the age 12 whose coffin will fit into the grave opening prescribed for adults in section 7[2]:

"**burial order**" means an order issued in terms of the Births and Deaths Registration Act, 1992 (Act 51 of 1992)

"**caretaker**" means a person or official appointed by a municipality to be in charge of and to exercise control in or over a cemetery;

"**cemetery**" means a piece of land duly set aside and demarcated by the municipality on an official plan for human burials, either within or outside the area of the municipality;

"**child**" where the word is used to describe a body, means any deceased person of the age of 12 years or under and whose coffin will fit into the grave opening prescribed for children in section 7[2];

"**grave**" means a demarcated plot for the burial of a body in a cemetery.

"**memorial work**" means any tombstone, railing, fence, monument, memorial, inscription or other work erected or which may be erected on any grave to commemorate a deceased person and includes a kerb demarcating any grave;

"**municipality**" means the municipality of Ngaka Modiri Molema District and includes the council of the municipality and any duly authorized committee or official of the municipality;

"**municipal manager**" means the person appointed by the municipal council as the municipal manager of the municipality in terms of section 82 of the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998) and includes any person -

[a] acting in such position; and

- [b] to whom the municipal manager has delegated a power, function or duty in respect of such a delegated power, function or duty;

"**non-resident**" means any person who at the time of his or her death was not a resident of the municipality.

"**resident**" means a person who, at the time of death, is ordinarily resident within the municipality or any person who, at the time of death, shall have been the owner or fixed property within the municipality for a period of at least six months immediately prior to death: provided that unless otherwise provided herein, the term does not include inmates of hospitals, institutions or other persons temporarily resident within the municipality.

"**tariff**" means the charges as determined by the Council of the municipality from time to time in terms of these by-laws;

- [2] The municipality may set aside any portion of a cemetery for the burial of the deceased of any religious group or other body or community; provided that:

[a] "religious group" shall not be construed as being a denomination, and

[b] such setting aside shall not entitle any person to be buried in any particular place in a cemetery.

- [3] [1] The municipality may sell or otherwise dispose of the right of burial in plots on such conditions as it may determine from time to time, and shall issue the person thus acquiring such right with a certificate setting out the conditions attaching to such acquisition.

[2] The holder of a right of burial shall not dispose of such right except with the written permission of the municipality, and such holder or his/her next of kin shall not permit any other person who has not been approved by the municipality to be buried in the plot in respect of which such right exists.

- [4] [1] No person shall bury a body in a cemetery:-

[a] except under the authority of a written permit issued by the caretaker; or

[b] otherwise than in accordance with the conditions specified in such permit.

[2] An application for the permit referred to in subsection (1) shall be accompanied by the burial order issued in accordance with the Births and Deaths Registration Act, 1992 (Act 51 of 1992), and shall contain such information as may be required by the caretaker.

- [5]** Except with the permission of the caretaker who shall record the circumstances under which such permission is granted, no person shall bury a body in a cemetery during the hours between sunset and sunrise.
- [6]** No person shall
- [a]** bury a body, unless the grave is of sufficient depth so that the top of the body, or, if contained in a coffin or container, the top of the coffin or container is not less than 1 050 mm below the surface of the ground when the grave has been filled up;
 - [b]** bury more than one body in a grave, unless the grave has been dug to a sufficient depth so that subsection (a) may be complied with and so that the first body or, if such body is in a coffin or container, such coffin or container may be covered with 100 mm of reinforced concrete or 300 mm of soil when the second body is buried, or
 - [c]** remove a body from a grave in order to enlarge such grave.
- [7]** **[1]** The standard measurements for burial plots shall be determined by the municipality.
- [2]** The standard measurements for graves shall be as follows:
- [a]** Adults:
 - Length: 2 200 mm
 - Width: 1 200 mm
 - Depth: 1 800 mm.
 - [b]** Children:
 - Length: 1 350 mm
 - Width: 600 mm
 - Depth: 1 500mm.
- [8]** **[1]** No person shall open a grave or exhume or cause a body to be exhumed from a grave :
- [a]** except under the authority of a written permit which may be issued by the municipality; or
 - [b]** otherwise than in accordance with the conditions specified in such permit.
- [2]** Whenever a municipality deems it advisable that a body be removed from a grave, it may, after consultation, if possible, with any near relative of such deceased person and, with the approval of the MEC for Housing and Local Government or other competent authority, remove such body to another grave.

- [9] [1]** No person shall erect or place any kerb, tombstone, monument, railing or fence or any ornamentation upon a grave:
- [a]** except under the authority set out in a written permit issued by the caretaker;
 - [b]** otherwise than in accordance with the conditions set out in such permit, or
 - [c]** in such a manner as to exceed the boundaries of a burial plot.
- [2]** The size (outer dimensions) of any erections on burial plots shall not exceed the following measurements:
- [a]** Adults:
 - [i]** Single burial plot: 2 500 mm x 1 050 mm;
 - [ii]** Double burial plot: the size of two single burial plots;
 - [iii]** Family burial plot: the appropriate multiple of a single burial plot;
 - [iv]** Width of kerb: 150 mm;
 - [v]** Tombstones shall not be higher than 1 600 mm above the surface of the ground.
 - [b]** Children:
 - [i]** Single burial plot: 1 500 mm x 1 000 mm;
 - [ii]** Width of kerb: 150 mm;
 - [iii]** Tombstones shall not be higher than 1 200 mm above the surface of the ground.
- [3]** An application for a permit referred to in subsection (1) shall contain such details as may be required by the municipality in respect of the erection concerned and the inscription to be placed thereon, and the municipality may refuse to issue such permit if, in its opinion, such erection is likely to be of poor craftsmanship or quality or is likely in any way to disfigure a cemetery or is calculated to hurt or offend the feelings of the public.
- [10]** No person shall:
- [a]** use any portion of a cemetery for the cutting, dressing and manufacturing of tombstones, monuments, railings, kerbs or other grave fittings except with the permission of the municipality or

otherwise than in accordance with the conditions determined by the municipality;

- [b]** carry out any work in connection with any kerb, tombstone, monument, railings or fence on or round a grave or bring any materials into a cemetery for the purposes of such work, except during the following hours:

Mondays to Saturdays (excluding public holidays): Sunrise to sunset, or

- [c]** at any time leave any building sand, stones, builders' rubble, soil, rubbish or other debris in the cemetery.

- [11] [1]** Whenever the person who erected a memorial work in a cemetery allows it to fall into such state of disrepair as in the opinion of the municipality constitutes a danger or a disfigurement in the cemetery, the municipality may by written notice require him or her to effect such repairs as may be specified in such notice, and if his or her address is unknown, such notice may be published in a newspaper circulating within the area of such municipality.

- [2]** In the event of the required repairs not being effected within three months from the service or publication of such notice, the municipality may itself effect the repairs or remove the memorial work without paying compensation and may recover the expense of such repair or removal from such person.

- [12] [1]** The holder of the right of burial in a plot in a cemetery shall keep that plot and the monuments, tombstones or other erections thereon in good order and repair.

- [2]** The municipality may undertake the upkeep of graves at the prescribed tariff.

- [3]** No person shall undertake the upkeep of graves in a cemetery except with the written consent of the municipality.

- [13] [1]** No person shall

- [a]** plant a tree or shrub on a grave site without the permission of the caretaker; or

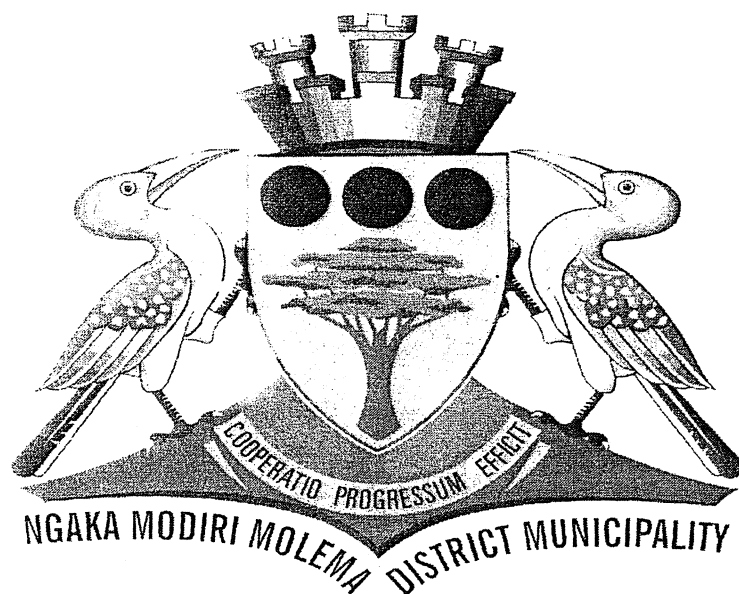
- [b]** when cleaning a grave plot, deposit the material cleared from the grave, in the cemetery at a place other than that provided for such purpose.

- [2]** The caretaker or his authorised assistant may prune, cut down, dig up or remove any shrub, plant or flower in a cemetery if such is in his opinion unsightly.

[14] No person shall:

- [a]** enter or leave a cemetery except by the proper gates;
- [b]** sit, stand or climb upon or over a memorial work, gate, wall, fence or building in a cemetery;
- [c]** drive a hearse in a cemetery except upon the carriage ways provided for that purpose;
- [d]** enter a cemetery
 - [i]** with or on a bicycle; or
 - [ii]** in any other vehicle without the permission of the caretaker;
- [e]** conduct a religious ceremony or service according to the rites of any denomination in that part of a cemetery set aside for members of any other denomination;
- [f]** expose or convey a body in an unseemly manner in a street, cemetery or other public place;
- [g]** mark, draw, scribble or erect an advertisement upon, or in any way deface a wall, building, fence, gate, memorial work or other erection in a cemetery;
- [h]** pick flowers in a cemetery;
- [i]** smoke in a cemetery;
- [j]** bring an animal into a cemetery;
- [k]** hold a demonstration or participate in such demonstration in a cemetery;
- [l]** create or allow to be created a nuisance in a cemetery;
- [m]** disrupt or allow to be disrupted any funeral proceedings in a cemetery, or
- [n]** discharge any fire-arm in a cemetery, except as a salute at a military funeral.
- [o]** use or cause any cemetery to be used for any immoral purpose;
- [p]** bring any dog, cat, fowl or other animal or bird into a cemetery or allow it to wander therein;
- [q]** trade or hawk goods or services in a cemetery;

- [r]** drive a permitted vehicle in a cemetery at a speed in excess of 20km/h;
- [s]** obstruct, resist or oppose the caretaker or any worker employed by the municipality in any cemetery in the course of his or her duty or refuse to comply with any order or request which the caretaker is entitled to make under these by-laws.
- [15]** The tariffs payable in terms of section 3 (1), as well as all other tariffs payable for burials, exhumations, re-interments or any other services rendered by the municipality in a cemetery or in connection with a funeral, shall from time to time be fixed by a resolution of the Council of the municipality.
- [16]** The Municipal Manager shall maintain a register of all burial plots disposed of the municipality in terms of these by-laws and shall record therein the number of each plot in a cemetery which number shall be consecutive, the name of the owner of such plot and its date of purchase. The Municipal Manager shall, furthermore, record in such register details of burials in plots sold by the municipality in terms of these by-laws.
- [17]** Any person who contravenes or fails to comply with any provision of these by-laws or any instruction or permit issued thereunder shall be guilty of an offence and be liable on conviction to a fine not exceeding R1000 or such higher amount as is determined from time to time by the Minister of Justice as contemplated in section 1(1)(a) of the Adjustment of Fines Act 1991 (Act No. 101 of 1991) or to imprisonment for a period not exceeding six months or to both such fine and such imprisonment.
- [18]** Any by-law relating to public cemeteries adopted by the municipality or any municipality now comprising an administrative unit of the municipality is repealed from the date of promulgation of these by-laws.



**WATER, SANITATION, INDUSTRIAL
EFFLUENT
BY-LAW**

LOCAL GOVERNMENT NOTICE**MUNICIPALITY OF NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Laws Relating to Water Supply, Sanitation Services and Industrial Effluent which shall come into operation on the date of publication thereof.

**BY-LAWS RELATING TO WATER SUPPLY,
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CHAPTER I

General provisions

Part 1: Definitions

[1] Definitions

In these by-laws, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and, 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;

"approved" means approved by the municipality;

"authorised agent" means a person authorised by the municipality to perform any act, function or duty in terms of, or exercise any power under, these by-laws;

"best practicable environmental option" means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term;

"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;

"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;

"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 premises

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;

"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 water services 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 water services; or
- [b] a person that obtains access to water services provided through a communal water services work;

"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;

"duly qualified sampler" means a person who takes samples for analysis from the sewage disposal and storm water disposal systems and from public waters and who has been certified to do so by an authorised agent;

"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 the damaging incident;

"fire hydrant" means an installation that conveys water for fire fighting 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 year]" means that level reached by flood waters resulting from a storm of a frequency of 1 in 50 years;

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

"high strength sewage" means sewage with a strength or quality greater than standard domestic effluent;

"industrial effluent" means effluent emanating from industrial use of water, includes for purposes of these by-laws, any 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 or device, apparatus, 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 Metology Act, 1973 [Act No. 77 of 1973], or, in the case of water meters of size greater than 100 mm, a device which measures the quantity of water passing through it;

"municipality" means the Municipality of and includes any political **Ngaka Modiri Molema District Municipality** structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"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, 1927 [Act No. 9 of 1927], or in terms of the Deeds Registries Act, 1937 [Act No. 47 of 1937]; or
- [b] a Sectional plan registered in terms of the Sectional Titles Act, 1986 [Act No. 95 of 1986];
- [c] a register held by a tribal authority;

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

"public notice" means notice to the public in a manner determined by the council;

"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 same meaning assigned to it in terms of the Act and includes for purposes of these by-laws 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 appurtenances 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.

"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 and shall not include 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 shall not include industrial effluent;

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

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

"trade premises" means premises upon which industrial effluent is produced;

"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 same meaning assigned to it in terms of the Act and includes for purposes of these by-laws water for industrial purposes and the disposal of industrial effluent;

“water supply services” has the same meaning assigned to it in terms of the Act and includes for purposes of these by-laws 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;

“wet industry” means an industry which discharges industrial effluent; and

“working day” means a day other than a Saturday, Sunday or public holiday.

- [2] Any word or expression used in these by-laws to which a meaning has been assigned in –

[a] the Act will bear that meaning; and

[b] the National Building Regulations and Building Standards Act, 1997 [Act No. 103 of 1977], the Building Regulations will in respect of Chapter III bear that meaning, unless the context indicates otherwise.

- [3] Any reference in Chapter I of these by-laws to water services or services must be interpreted as referring to water supply services or sanitation services depending on the services to which it is applicable.

Part 2: Application for water services

[2] Application for water services

- [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 consumer are 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 and / 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 or it.
- [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 will 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 and / or charges in respect of water services rendered to him or her until the agreement has been terminated in accordance with these by-laws or until such time as any arrears have been paid.
- [8] In preparing an application form for water services the municipality will ensure that the document and the process of interaction with the owner, consumer or any other person making application are understood by that owner, consumer or other person. In the case of illiterate or similarly disadvantaged persons, the municipality will take reasonable steps to ensure that the person is aware of and understands the contents of the application form.
- [9] An application form will require at least the following minimum information -
 - [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 these by-laws 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] name of consumer;
 - [d] address or stand number of premises to or on which water services are to be rendered or the communal water services work where water services will be used;
 - [e] address where accounts will be sent;
 - [f] source of income of the applicant;
 - [g] name and address of the applicant's employer, where appropriate;
 - [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 these by-laws and the conditions contained in the relevant agreement.

[11] If a municipality refuses an application for the provision of water services or 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 will inform the consumer of such refusal and/or inability, the reasons therefor and, if applicable, when the municipality will be able to provide such water services.

[3] Special agreements for water services

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 are situated.

Part 3: Tariffs and charges

[4] Prescribed tariffs and charges for water services

All tariffs and or charges payable in respect of water services rendered by the municipality in terms of these by-laws, 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 will be determined by the municipality by a resolution passed by the Council in accordance with:

[i] its tariff policy;

[ii] any by-laws in respect thereof; and

[iii] any regulations in terms of Section 10 of the Act.

[5] Fixed charges for water services

[1] 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-laws 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, her or it, whether or not water services are used by him, her or it.

Part 4: Payment

[6] Payment of deposit

- [1] Every consumer must, on application for the provision of water services and before such water services will be provided by the municipality, deposit with the municipality a sum of money as determined in terms of the municipality's credit control policy 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] No interest shall be payable by the municipality on the amount of a deposit held by it in terms of this Section.
- [4] 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.

[7] Payment for water services provided

- [1] Water services provided by the municipality to a consumer shall be paid for by the consumer at the prescribed tariff or charge determined 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.

Part 5: Accounts

[8] Accounts

- [1] Monthly accounts will 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.

Part 6: Termination, limitation and discontinuation of water services

[9] Termination of agreement for the provision of water services

- [1] A consumer may terminate an agreement for the provision of water services by giving to the municipality notice in writing of his or her intention to do so.
- [2] The municipality may, by notice in writing of not less than thirty working days, advise a consumer of the termination of his, her or its agreement for the provision of water services if -
- [a] he, she or it has not used the water services during the preceding six months and has not made arrangements to the satisfaction of the municipality for the continuation of the agreement;
 - [b] he, she or it has failed to comply with the provisions of these by-laws and has failed to rectify such failure to comply on notice in terms of Section 17.
 - [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.

[10] Limitation and / or discontinuation of water services provided

- [1] The municipality may limit or discontinue water services provided in terms of these by-laws –
- [a] on failure to pay the prescribed tariffs or charges on the date specified in the municipality's by-laws relating to credit control.
 - [b] on failure to comply with any other provisions of these by-laws, after notice in terms of Section 17 were 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 9 and it has not received an application for subsequent services to the premises within a period of 90 [ninety] 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 will 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].

Part 7: General provisions

[11] Responsibility for compliance with these by-laws

- [1] The owner of premises is responsible for ensuring compliance with these by-laws in respect of all or any matters relating to any installation.
- [2] The consumer is responsible for compliance with these by-laws in respect of matters relating to the use of any installation.

[12] Exemption

- [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 these by-laws, 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 these by-laws 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 these by-laws; and
- [f] the Act, or any regulations made in terms thereof, is not complied with.

- [2] The municipality may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of subsection [1].

[13] Unauthorised use of water services

- [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 those services.
- [2] The municipality may, irrespective of any other action it may take against such person in terms of these by-laws, 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 Sections 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 these by-laws.

[3] The provisions of Section 17 shall apply to a notice in terms of subsection [2] above.

[14] Change in purpose for which water services are used

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

[15] Interference with water supply system or any sanitation services

[1] No person other than the municipality shall manage, operate or maintain the water supply system or any sanitation system unless authorised by these by-laws or an authorised agent.

[2] No person other than the municipality shall effect a connection to the water supply system or sewage disposal system or render any other sanitation services.

[16] Obstruction of access to water supply system or any sanitation services

[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.

[17] Notices and documents

[1] A notice or document issued by the municipality in terms of these by-laws must be deemed to be duly authorised if the authorised agent signs it.

[2] If a notice or document is to be served on an owner, consumer or any other person in terms of these by-laws 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 sixteen 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 pre-paid 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.

[18] Power to serve and compliance with notices

- [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 these by-laws or of any condition imposed thereunder to remedy such breach within a period specified in the notice.
- [2] If a person fails to comply with a written notice served on him or her by the municipality in terms of these by-laws 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 sub-Section [1] will –
- [a] give details of the provision of these by-laws 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 required by subsection [3][e][i] and recover the costs from such person.
- [5] The costs recoverable by the municipality in terms of subsections [3] and [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.

[19] Power of entry and inspection

- [1] A 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 these by-laws, at all reasonable times, after having given reasonable written notice of the intention to do so, unless it is an emergency situation.

[20] False statements or information

No person shall make a false statement or furnish false information to the municipality or falsify a document issued in terms of these by-laws.

[21] Offences

[1] No person may –

- [a]** unlawfully and intentionally or negligently interfere with any water services works of the municipality;
- [b]** refuse or neglect to provide information or provide false information reasonably requested by the municipality;
- [c]** refuse to give access required by a municipality in terms of Section 19;
- [d]** obstruct or hinder a municipality in the exercise of his or her powers or performance of his or her functions or duties under these by-laws;
- [e]** contravene or fail to comply with a provision of these by-laws;
- [f]** contravene or fail to comply with a condition or prohibition imposed in terms of these by-laws;
- [g]** contravene or fail to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption or authority in terms of these by-laws; or
- [h]** fail to comply with the terms of a notice served upon him or her in terms of these by-laws;

[2] Any person who contravenes any of the provisions of subsection 1 shall be guilty of an offence and liable on conviction to:

- [a]** a fine or imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
- [b]** in the case of a continuing offence, to an additional fine or an additional period of imprisonment of 10 days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,
- [c]** a further amount equal to any costs and expenses found by the court to have been incurred by the municipality result of such contravention or failure.

CHAPTER II

Water supply services

Part 1: Connection to water supply system

[22] Provision of connection pipe

- [1] 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.

[23] Location of connection pipe

- [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] A municipality may at the request of any person agree, subject to such conditions as he or she 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 must pay the prescribed connection charge.

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

[1] Notwithstanding the provisions of Section 22 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] will 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 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 is payable in respect of each water connection so provided.

[25] Interconnection between premises or water installations

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.

[26] Disconnection of water installation from connection pipe

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 9 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

[27] Provision of a water services work for water supply to several consumers

A 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

[28] Water supplied from a hydrant

- [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 prescribed 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 any conditions imposed by the municipality.

Part 4: Standards and general conditions of supply

[29] Quantity, quality and pressure

Water supply services provided by the municipality will comply with the minimum standards set for the provision of water supply services in terms of Section 9 of the Act.

[30] General conditions of supply

- [1]** The municipality may specify the maximum height to which water will be supplied from the water supply system. Where a consumer requires water to be supplied at a greater height or pressure the consumer will 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 will inform that consumer of such restrictions.

Part 5: Measurement of water supply services

[31] Measuring of quantity of water supplied

- [1]** The municipality will 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 fair 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 an authorised agent 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 a meter is unsuitable by reason of the quantity of water supplied to 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.

[32] Quantity of water supplied to consumer

- [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 these by-laws, it will, for the purposes of these by-laws, 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;
 - [c]** the entries in the records of the municipality were correctly made; and
 - [d]** if water was 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 was 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 three consecutive measuring periods during the twelve 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 three succeeding measuring periods after the date referred to in subsection [3][a].
- [4]** Nothing in these by-laws 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 not less than 7 [seven] days and subject to payment of the prescribed charge, measure the quantity of water supplied to consumer at a time or on a day other than that upon which it would normally be measured.
- [6] If a contravention of Section 31[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 that 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 in terms of its tariff policy determine a basic tariff or charge to be paid by each consumer within that zone irrespective of actual consumption.

[33] Defective measurement

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 take the steps as provided for in the municipality's by-laws relating to credit control and debt collection.

[34] Special measurement

- [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 Sections 31[5] and 31[6] shall apply insofar as they may be applicable in respect of a measuring device installed in terms of subsection [1].

[35] No reduction of amount payable for water wasted

A consumer shall not be entitled to a reduction of the amount payable for water wasted or water losses in a water installation.

Part 6: Installation work

[36] Approval of installation work

- [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 twenty-four months after the first day of the month succeeding the month in which the authority is 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 that regulation within a specified period;
 - [b]** if work is in progress, to cease the work; and
 - [c]** to remove all such work which does not comply with these by-laws.

[37] Provision and maintenance of water installations

- [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.

[38] Use of pipes and water fittings to be authorised

- [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 the Schedule of Approved Pipes and Fittings as compiled by the municipality.
- [2] Application for the inclusion of a pipe or water fitting in the Schedule referred to in subsection [1] must 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 sub-Section [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 two years.
- [4] The municipality may, in respect of any pipe or water fitting included in the Schedule, 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 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 shall be available for inspection at the office of the municipality at any time during working hours.

[39] Labelling of terminal water fittings and appliances

All terminal water fittings and appliances using or discharging water shall be marked, or have included within the packaging of the item, the following information:

- [a] the range of pressure in kPa over which the water fitting or appliance is designed to operate;

[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
- [iii]** 400 kPa

Part 7: Water pollution, restriction and wasteful use of water

[40] Owner to prevent pollution of water

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.

[41] Water restrictions

[1] The municipality may by public notice to prevent the wasteful use of water in terms of Section 42 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 a limit contemplated in subsection [1][b][i]; 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 and 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]** continue 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 18;

[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].

[42] Waste of water unlawful

[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 shall, by written notice in terms of Section 18, 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. 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.

Part 8: General provisions

[43] Notification of boreholes

- [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 have 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]** adhere to conditions imposed by it in respect of the use of a borehole for water services; and
 - [c]** to pay a fixed charge imposed by it in respect of the use of such a borehole.

[44] Sampling of water

- [1]** The municipality may take samples of water obtained from a source, authorised in terms of Sections 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.

[45] Supply of non-potable water by municipality

- [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.

[46] Testing of pressure in water supply systems

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.

[47] Pipes in streets or public places

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 any municipality, except with the prior written permission of that municipality and subject to such conditions as it may impose.

CHAPTER III**Sanitation services****Part 1: Standards and general provisions****[48] Standards for sanitation services**

Sanitation services provided by the municipality will comply with the minimum standards set for the provision of sanitation services in terms of the Section 9 of the Act.

[49] Objectionable discharge to sewage disposal system

- [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 Sections 66 to 69 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 sea outfalls discharge point or in any public water any offensive, or otherwise undesirable taste, colour, odour, temperature or any foam;
 - [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 or discharge from any sea outfalls 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 these by-laws; 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 these by-laws and to report such findings to an authorised agent.
- [4]** If any person contravenes any provision of subsection [1] or subsection [2] he or she shall within twelve hours, or earlier if possible, advise the municipality of the details of the contravention and the reasons for it.

Part 2: On-site sanitation services and associated services**[50] Application for infrastructure**

- [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 –
- [a]** pay the prescribed charge for the installation of necessary infrastructure;
or
 - [b]** with the approval by 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]** A municipality may specify the type of on site sanitation services to be installed.

[51] Services associated with on-site sanitation services

- [1]** The removal or collection of conservancy tank contents, night soil or the emptying of pits will 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 will be available on request.

[52] Charges in respect of services associated with on-site sanitation services

- [1]** Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of pits will 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 shall be payable in terms of the municipality's tariff policy when the service is rendered.

Part 3: Sewage disposal**[53] Provision of a connecting sewer**

- [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 by 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 premises 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.

[54] Location of connecting sewer

[1] A connecting sewer provided and installed by the municipality or owner in terms of Section 53 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;

[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] A municipality may at the request of any person agree, subject to such conditions as he or she 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 the municipality 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.

[55] Provision of one connecting sewer for several consumers on same premises

- [1]** Notwithstanding the provisions of Section 54 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]** must 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;
- [b]** will 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.

[56] Interconnection between premises

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.

[57] Disconnection of draining installation from connecting sewer

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

[58] Acceptance of sewage delivered by road haulage

A 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.

[59] Written permission for delivery of sewage by road haulage

- [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 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.

[60] Conditions for delivery of sewage by road haulage

- [1]** 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 these by-laws.

[61] Withdrawal of permission for delivery of sewage by road haulage

- [1]** The municipality may withdraw any permission, after giving written notice if its intention to a person permitted to discharge sewage by road haul if the person –
- [a]** fails to ensure that the sewage so delivered conforms to the standards prescribed in Schedule "A" or in the written permission; or
 - [b]** fails or refuses to comply with any notice lawfully served on him or her in terms of these by-laws or contravenes any provisions of these by-laws 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.

Part 5: Disposal of industrial effluent and trade premises**[62] Application for disposal of industrial effluent**

- [1]** A person must apply for the permission to discharge industrial effluent into the sewage disposal system of the municipality in terms of Section 2[1].
- [2]** The municipality may, if in its opinion the capacity of a sewage disposal system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent, for such period and subject to such conditions it may impose, grant written permission to discharge industrial effluent.
- [3]** The provisions of Chapter 1 will mutatis mutandis apply to any permission to discharge industrial effluent.
- [4]** Any person who wishes to construct or cause to be constructed, a building which shall be used as a trade premises, shall at the time of lodging a building plan in terms of Section 4 of the National Building Regulations and Building Standards Act, 1977 [Act No. 103 of 1977], also lodge applications for the provision of sanitation services and for permission to discharge industrial effluent in terms of subsection [1].

[63] Unauthorised discharge of industrial effluent

- [1]** No person shall discharge or cause or permit to be discharged into the sewage disposal system any industrial effluent except with and in terms of the written permission of the municipality and in accordance the provisions of this part.
- [2]** A person to whom such permission is granted shall pay to the municipality any prescribed charges.

[64] Quality standards for disposal of industrial effluent

- [1]** A person to whom permission has been granted in terms of Section 62 must ensure that no industrial effluent is discharged into the sewage disposal system

of the municipality unless it complies with the standards and criteria set out in Schedule A hereto.

- [2] The municipality may by writing in the permission concerned, relax or vary the standards in Schedule A, provided that the municipality is satisfied that any such relaxation or variation represents the best practicable environmental option.
- [3] In determining whether relaxing or varying the standards in Schedule A represents the best practicable environmental option a municipality will consider-
 - [a] whether the applicant's undertaking is operated and maintained at optimal levels;
 - [b] whether technology used by the applicant represents the best available option to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
 - [c] whether the applicant is implementing a program of waste minimisation which complies with national and local waste minimisation standards to the satisfaction of the municipality;
 - [d] the cost to the municipality of granting the relaxation or variation; and
 - [e] the environmental impact or potential impact of such a relaxation or variation.
- [4] Test samples may be taken at any time by a duly qualified sampler to ascertain whether the industrial effluent complies with Schedule A or any other standard laid down in a written permission.

[65] Conditions for disposal of industrial effluent

- [1] The municipality may in the written permission or at any time, by written notice, require a person to -
 - [a] subject the industrial effluent to such preliminary treatment as in the opinion of the municipality will ensure that the industrial effluent conforms to the standards prescribed in Schedule A before being discharged into the sewage disposal system;
 - [b] install such equalising tanks, valves, pumps, appliances, meters and other equipment as in the opinion of the municipality will be necessary to control the rate and time of discharge into the sewage disposal system in accordance with the conditions imposed by it;
 - [c] install for the conveyance of his or her industrial effluent into the sewage disposal system at a given point, a drainage installation separate from the drainage installation for waste water and standard domestic effluent and

may prohibit such person from disposing of his or her industrial effluent at any other point and from disposing of his or her waste water and standard domestic effluent by means other than into a sewage disposal system;

- [d] construct on any pipe conveying his or her industrial effluent to any sewer, a service access hole or stop-valve in such position and of such dimensions and materials as the municipality may prescribe;
 - [e] provide all such information as may be required by the municipality to enable it to assess the tariffs or charges due to the municipality;
 - [f] provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catch-pits, or other appropriate means to prevent a discharge into the sewage disposal system which is in contravention of these by-laws;
 - [g] cause any meter, gauge or other device installed in terms of this Section to be calibrated by an independent authority at the cost of that person at such intervals as required by the municipality and copies of the calibration to be forwarded to it; and
 - [h] cause his or her industrial effluent to be analysed as often and in such manner as may be prescribed by the municipality and provide it with the results of these tests when completed.
- [2] The cost of any treatment, plant, works or analysis which the person mentioned in subsection [1] may be required to carry out, construct or install in terms of subsection [1] shall be borne by the said person;
- [3] The written permission of the municipality must be obtained for any proposed changes to the composition of industrial effluent discharged into the sewage disposal system.
- [4] In the event that industrial effluent that does not comply with the standards in Schedule A or the written permission issued in respect of that process or premises, is discharged into the sewage disposal system, the municipality must be informed of the incident and the reasons therefore within twelve hours of such discharge.

[66] Withdrawal of written permission for disposal of industrial effluent

- [1] The municipality may withdraw any permission, after giving written notice if its intention to a person permitted to discharge industrial effluent into the sewage disposal system if the person –
- [a] fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in Schedule A of this by-laws or the written permission;

[b] fails or refuses to comply with any notice lawfully served on him or her in terms of these by-laws or contravenes any provisions of these by-laws or any condition imposed in terms of any permission granted to him or her; or

[c] fails to pay the assessed charges in respect of any industrial effluent discharged.

[2] The municipality may on withdrawal of any written permission -

[a] in addition to any steps prescribed in these by-laws, and on written notice authorise the closing or sealing of the connecting sewer of the said premises to any sewer for such charge as may be prescribed in the municipality's tariff of charges; and

[b] refuse to accept any industrial effluent until it is satisfied that adequate steps have been taken to ensure that the industrial effluent to be discharged conforms with the standards prescribed in these by-laws.

Part 6: Measurement of quantity of effluent discharged to sewage disposal system

[67] Measurement of quantity of standard domestic effluent discharged

[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 premises 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 of standard domestic effluent will be a percentage of the total water used on that premises as may be reasonably estimated by the municipality.

[68] Measurement of quantity of industrial effluent discharged

[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 premises 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 premises 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 of standard industrial effluent will 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.

[69] Reduction in the quantity determined in terms of Sections 67 and 68

- [1] A person shall be entitled to a reduction in the quantity determined in terms of Sections 67 and 68 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] The quantity of water loss shall be calculated as the consumption for the leak period less an average consumption, based on the preceding 3 [three] months, for the same length of time. In the event of no previous consumption history being available the average water consumption will 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 these by-laws.

Part 7: Drainage installations

[70] Erection or installation of drainage installations

- [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 2 m³ 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. 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. The rim must be raised so that liquids used for washing the floor do 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;
 - [ix] the latrine must have access to water for washing hands.

[71] Drains in streets or public places

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.

[72] Construction by municipality

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 these by-laws or the Building Regulations, will be constructed by the municipality against payment, in advance or on demand, of all costs associated with such construction.

[73] Maintenance of drainage installation

- [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 will be liable to pay the prescribed tariff.
- [3]** A 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 specified in the prescribed tariff or charges.

[74] Installation of pre-treatment facility

A 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.

[75] Protection from ingress of floodwaters

Where the premises 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.

Part 8: Quality standards**SCHEDULE A****Acceptance of industrial effluent for discharge into the sewage disposal system**

No industrial effluent shall be accepted for discharge into the sewage disposal system unless it complies with the following conditions.

The effluent shall not contain concentrations of substances in excess of those stated below:-

Large Works general quality limits are applicable when an industry's effluent discharges in a catchment leading to the sewage works of greater than 25 M/d

capacity. Small Works quality limits apply for catchments leading to sewage works with less than 25 M/d capacity.

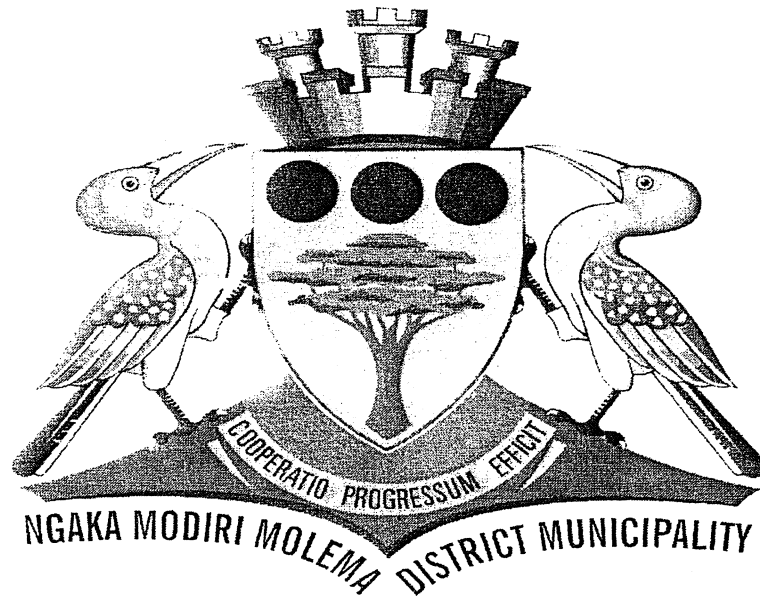
GENERAL QUALITY LIMITS	LARGE WORKS > 25 M/d	SMALL WORKS < 25 M/d	UNITS
1. Temperature [C]	< 44 C	< 44 C	Degrees Celcius
2. pH	6 < pH < 10	6,5 < pH < 10	pH units
3. Oils, greases, waxes of mineral origin	50	50	mg/
4. Vegetable oils, greases, waxes	250	250	mg/
5. Total sugar and starch [as glucose]	1 000	500	mg/
6. Sulphates in solution [as SO_4^{2-}]	250	250	mg/
7. Sulphides, hydrosulphides [as S^{2-}] and polysulphides	1	1	mg/
8. Chlorides [as C]	1 000	500	mg/
9. Fluoride [as F]	5	5	mg/
10. Phenols [as phenol]	10	5	mg/
11. Cyanides [as CN^-]	20	10	mg/
12. Settleable solids	Charge	Charge	m /
13. Suspended solids	2 000	1 000	mg/
14. Total dissolved solids	1 000	500	mg/
15. Electrical conductivity	-	400	MS/m
16. Anionic surfactants	-	500	mg/
17. C.O.D.	Charge	Charge	mg/

GENERAL QUALITY LIMITS	LARGE WORKS > 25 M/d	SMALL WORKS < 25 M/d	UNITS
Heavy Metal Limits			
18. Copper [as Cu]	50	5	mg/
19. Nickel [Ni]	50	5	mg/
20. Zinc [Zn]	50	5	mg/
21. Iron [Fe]	50	5	mg/
22. Boron [B]	50	5	mg/
23. Selenium [Se]	50	5	mg/
24. Manganese [Mn]	50	5	mg/
25. Lead [Pb]	20	5	mg/
26. Cadmium [Cd]	20	5	mg/
27. Mercury [Hg]	1	1	mg/
28. Total Chromé [Cr]	20	5	mg/
29. Arsenic [As]	20	5	mg/
30. Titanium [Ti]	20	5	mg/
31. Cobalt [Co]	20	5	mg/
TOTAL METALS	100	20	mg/

Special limitations

[1] No calcium carbide, radio active waste or isotopes

- [2] No yeast and yeast wastes, molasses spent or unspent
- [3] No cyanides or related compounds capable of liberating HCN gas or cyanogen
- [4] No degreasing solvents, petroleum spirit, volatile flammable solvents or any substance which yields a flammable vapour at 21 C



MUNICIPAL HEALTH BY-LAW

LOCAL GOVERNMENT NOTICE**MUNICIPALITY OF NGAKA MODIRI MOLEMA DISTRICT**

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Laws Relating to the Control of Refuse Disposal Sites which by-laws shall come into operation on the date of publication thereof.

BY-LAWS RELATING TO THE CONTROL OF REFUSE DISPOSAL SITES**Purpose of By-Laws**

The purpose of these by-laws is to promote the achievement of a safe and healthy environment for the benefit of residents within the area of jurisdiction of the municipality and to provide for procedures, methods and practices to regulate the dumping of refuse and the management of disposal sites.

Definitions

- [1] In these By-laws, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and unless the context otherwise indicates: -

"attendant", means an employee, agent or contractor of the municipality duly authorised to control or manage a disposal site;

"municipality" means the Municipality of Ngaka Modiri Molema District Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998 and includes any political structure, political office bearer, councillor, duly authorised agent or contractor or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such

political structure, political office bearer, councillor, agent, contractor or employee;

“disposal site” means any site set aside by the municipality for the disposal of refuse and/or waste material and which can be identified as such by means of a notice to this effect at or near to the entrance of such site, and;

“offensive matter” means such matter, including fluids, that may be classified as such by the municipality from time to time.

Control of disposal site

- [2] The municipality may control a disposal site, or may appoint agents or may contract some other person or body to control, manage and operate a disposal site on behalf of the municipality in accordance with the provisions of these by-law and the provisions of any other applicable legislation.

Access to disposal site

- [3] [a] No person shall enter a disposal site or shall be or remain on such a site except on such days and at such times as shall be fixed by the municipality from time to time. A notice setting forth the days and hours during which a disposal site will normally be open for the dumping of refuse, shall be displayed by the municipality in a clearly visible place at or near the entrance to such disposal site.
- [b] Only those persons who have paid the prescribed fees and are in possession of written permission issued by the municipality authorising them to dump or deposit refuse at a disposal site and persons having obtained the written consent of the

municipality to recycle any materials or objects at or on such a site, shall be entitled to enter a disposal site or remain on such a site.

- [c] Notwithstanding anything to the contrary contained in these by-laws, any employee of the municipality or anybody acting on behalf of the municipality and duly authorised thereto, may enter a disposal site at any time in exercising his duties.
- [d] Any person making use of or entering a disposal site, shall do so solely at his own risk and the municipality accepts no responsibility for the safety of such person or for any damages or losses sustained by such person as a result of his presence at or on a disposal site.
- [e] Anybody who enters a disposal site or who is found on a disposal site in contravention of the provisions of these by-laws shall be guilty of an offence.

Off-loading of refuse and rubbish etc.

- [4] Any person who wishes to dump refuse or rubbish or any other obsolete object or thing of whatsoever nature, at a disposal site, shall off-load such refuse or rubbish or obsolete object or thing at such places within the borders of the disposal site as the attendant may direct. Any person who disregards the reasonable instructions of the attendant shall be guilty of an offence.

Prohibition on dumping of offensive matter

- [5] The municipality reserves the right to prohibit the dumping of any offensive or toxic matter at a disposal site.

Ownership of refuse

- [6] Refuse, rubbish, obsolete objects or any other material or waste of whatsoever nature, dumped at a disposal site, shall become the property of the municipality and no person who is not duly authorised by the municipality to do so shall remove or interfere with such refuse, rubbish, objects or any other material or waste.

Charges

- [7] The municipality may from time to time fix the charges payable to it for the dumping of any refuse, rubbish, obsolete objects or any other material or waste at any disposal site under its control.

Penalties

- [8] Any person who contravenes or fails to comply with any provision of these by-law shall be guilty of an offence and liable upon conviction to

—

- [a] a fine or imprisonment for a period not exceeding six months or either such fine or such imprisonment or both such fine and such imprisonment;
- [b] in the case of a continuing offence, an additional fine or an additional period of imprisonment of 10 days or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and
- [c] a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as a result of such contravention or failure.

Repeal of By-Laws

- [9] Any other by-laws adopted by the municipality or a municipality now comprising an administrative unit of the municipality and relating to the control of refuse sites are, from the date of promulgation of these by-laws, repealed.



CHILD CARE SERVICES BY-LAW

LOCAL GOVERNMENT NOTICE

MUNICIPALITY OF NGAKA MODIRI MOLEMA DISTRICT

BY-LAWS RELATING TO CHILDCARE SERVICES

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Laws Relating to Childcare Services which shall come into operation on the date of publication thereof.

[1] Definitions

In these by-laws, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and, unless the context otherwise indicates -

"authorised official" means an official of the Council or the official of another municipality or another organ of state with which the Council has concluded an agreement for the rendering of services in terms of these by-laws and to whom the Council has delegated a duty, function or power under these by-laws,

"child" means any person under the age of 18 [eighteen] years who is in the care of a childcare facility;

"childcare service" means any undertaking involving the custody and care of more than six children during the whole or part of the day on all or any days of the week;

"childminder service" means any undertaking involving the custody and care of a maximum of six children during the whole or part of the day on all or any days of the week;

"certificate" means a certificate issued in terms of Section 3 of these by-laws;

"certificate holder" means a person to whom a certificate has been issued in terms of Section 3 of these by-laws;

"communicable disease" means a communicable disease as defined by Section 1 of the Health Act, 1977 [Act No 63 of 1977];

"Council" means the Council of the Municipality or any Committee, Political Office Bearer or official thereof acting by virtue of any power entrusted or delegated to it or him in terms of legislation with regard to the application and implementation of these by-laws;

"facility" means a place where either a childcare or a childminder service is conducted, whichever is applicable, and "service" has a corresponding meaning;

"Health Act" means the Health Act, 1977 [No. 63 of 1977];

"Municipality" means the Municipality of Ngaka Modiri Molema District and includes the Council thereof;

"National Building Regulations" means the regulations published under the National Building Regulations and Building Standards Act, 1977 [Act No. 103 of 1977];

"occupier" includes any person in actual occupation of land or premises without regard to the title under which he or she occupies, and, in the case of premises sub-divided and let to lodgers or various tenants, includes the person receiving the rent payable to the lodgers or tenants whether for his or her own account or as agent for any person entitled thereto or interested therein;

"owner" includes any person that has title to any premises or land or any person receiving the rent or profits of any land or premises from any tenant or occupier thereof, or who would receive such rents or profits if such land or premises were let, whether for his or her own account or as agent for any person entitled thereto or interested therein: Provided that the "owner" in respect of premises on the Sectional Title Register opened in terms of Section 12 of the Sectional Titles Act, 1986, [Act 95 of 1986] means the body corporate, as defined in that Act, in relation to such premises;

"premises" means the stand, including any buildings or part thereof and outdoor play areas in or upon which a childcare service or a childminder service is conducted;

[2] Application of by-laws

- [1]** These by-laws shall apply to all childcare services and childminder services within the jurisdiction of the municipality.
- [2]** Subject to the provisions of these by-laws, no person shall conduct a childcare service or a childminder service unless it has been registered as contemplated in section 3 of these by-laws and such service is in possession of a valid certificate issued in terms of that section.
- [3]** A person who is, at the date of commencement of these by-laws, conducting a childcare service or a childminder service shall, within one month of that date, or within such extended period as Council may allow, on written application made prior to the expiry of the said period, apply for registration of such service in terms of section 3 of these by-laws. If any person conducting such a service fails to apply as aforesaid or his application is refused, he shall, if he continues to conduct such

service after such period or after refusal of his application, be deemed to have contravened section 2[2] of these by-laws.

- [4] A person whose service has been registered in terms of Section 3 of these by-laws shall ensure that the service and the premises comply with the conditions and restrictions imposed upon the operation of the service.

[3] Registration of Childcare Facilities and Childminder Facilities

- [1] Any person wishing to undertake the operation of a childcare or childminder service, must apply in writing, in a manner and form as near as possible to Form 1 of the Schedule, to the Council for such service to be registered for the intended purpose. If the applicant is not the owner of the premises, the written consent of the owner shall accompany the application.
- [2] The Council may, before or during the consideration of the application, request such further information relating to the application as it deems necessary.
- [3] The Council may approve an application and register the service if it is satisfied that the applicant is a fit and proper person to conduct the relevant facility, and that no circumstances exist which are likely to be prejudicial to the health, safety and welfare of the children who are to be cared for at the facility.
- [4] The Council may, at any time before or after approval of an application in terms of this section, require the applicant to submit to the Council a report at his own cost from a registered psychologist pertaining to the applicant's state of mental health as well as a social report on the qualifications and criminal background of such applicant.
- [5] The Council may approve an application and register the facility if it is satisfied that the premises comply with:-
- [a] the National Building Regulations;
 - [b] the Health Act;
 - [c] the Council's Town Planning Scheme or Town Planning Scheme in the course of preparation; and
 - [d] requirements relating to the premises on which the childcare or childminder service is to be conducted as contemplated in these by-laws.
 - [e] as far as childcare facilities are concerned, registration with the Department of Social Development in accordance with the Childcare Act, 1983 [Act No 74 of 1983] as amended.

- [6] When approving an application for registration, the Council may impose such further conditions and restrictions as it deems fit.
- [7] Once an application for registration has been approved, the Council will issue a certificate which:-
 - [a] states the name of the person to whom it is issued;
 - [b] describes the premises in respect of which the application was approved;
 - [c] specifies any conditions or restrictions imposed in terms of sub-section [6];
 - [d] states the period for which the premises will be so registered.
- [8] Neither registration nor the certificate is transferable to any other person, heir or successor-in-title to the certificate holder.
- [9] If the Council does not approve an application for the registration of a childcare or childminder facility, the Council must within 14 [fourteen] days of the decision:-
 - [a] inform the applicant of such a decision;
 - [b] provide written reasons for such refusal if so requested by the applicant; and
 - [c] may give the applicant an opportunity to comply, within a period determined by the Council, with the stated requirements of or any other conditions and/or requirements that the Council may stipulate.
- [10] A certificate holder shall, at least 30 days before expiry of the period referred to in sub-section [7][d], re-submit an application for registration in terms of this section.

[4] Cancellation of Registration

- [1] The authorised official shall, by written notice to the certificate holder where possible, cancel registration of a childcare service if-
 - [a] the certificate holder is convicted of an offence under these by-laws or pays an admission of guilt in respect of any such contravention;
 - [b] the certificate holder fails to comply with any condition or restriction imposed in terms of section [3.6] of these by-laws ; or

- [c] the authorised official is of the opinion that the certificate holder is an unsuitable person to conduct a childcare service, or that circumstances exist that are likely to be prejudicial to the health, safety and welfare of children being cared for by the service;
- [d] if the applicant sell or vacates the premises;
- [e] upon the applicant or owner's death; and
- [f] if the certificate holder notifies Council of the permanent termination of the service as contemplated in section 5 of these by-laws.

[2] Upon cancellation of registration in terms of sub-section [1], the registration certificate shall lapse and the facility shall be closed immediately, provided that, before cancellation of the registration, the authorised official may in his sole discretion, suspend cancellation to afford the certificate holder an opportunity to remedy a defect in the premises or rectify an omission. If the certificate holder complies to his satisfaction, the authorised official may elect not to cancel the registration. During the period of such suspension, the certificate holder shall cease operation of the facility.

[5] Termination of Service

The certificate holder shall immediately notify Council of the temporary or permanent termination or closure of the childcare facility to which the certificate relates.

[6] Right of Entry and Inspection of Premises and Records

An authorised official may, in the enforcement of these by-laws, at any reasonable time and without prior notice, enter any premises upon which a childcare or childminder service is being conducted, or upon which such official has reasonable grounds for suspecting the existence of such service and conduct such examination, enquiry and inspection thereon as he may deem necessary.

[7] Requirements for Childcare Facility

Every childcare facility shall comply with the under-mentioned requirements provided that the authorised official may determine such additional requirements as he may consider fit to meet any prescribed and/or desirable health and safety considerations:

[1] Office, staff room and sick-bay:

- [a] If more than 30 children are cared for on the premises, provision should be made for a separate office large enough to be divided into a sick bay to accommodate at least two children, as well as

a staff room where staff can rest and safekeep their personal possessions.

- [b] The office, staff room and sickbay referred to in paragraph [a] may be combined.

[2] Indoor Play Area:

- [a] Provision should be made for an indoor play area covering a minimum floor space of 1,8m² per child to be used for play, meals and rest.
- [b] Not more than one third of the compulsory floor space per child may consist of covered veranda.
- [c] Cots and mattresses utilised for sleeping purposes by children must be arranged so that there shall be a minimum of 50cm space between the cots and or mattresses.

[3] Kitchen:

- [a] The kitchen must comply with the following requirements:
 - [i] adequate and suitable cooking and washing facilities must be provided;
 - [ii] a smoothly finished floor of concrete or any other impervious material;
 - [iii] adequate natural lighting and ventilation;
 - [iv] wall surfaces should have a smooth finish and should be painted with a washable paint;
 - [v] ceilings must be dust-proof;
 - [vi] all working surfaces must be of stainless steel or other impervious material;
 - [vii] cooling facilities for the storage of perishable food must be provided;
 - [viii] adequate storage space must be provided;
 - [ix] adequate number of waste bins with tightly fitting lids;
 - [x] adequate supply of potable as well as hot water and cleaning agents for the cleansing of equipment and eating utensils must be provided;

- [xi] the kitchen must be separate from the play area;
- [xii] the kitchen must not be accessible to the children;
- [xiii] all foodstuffs must be protected from contamination by dust, dirt, pests and any contaminating agent;
- [xv] kitchen staff must wear personal protective clothing which must be maintained in a clean and tidy condition at all times.

[4] Sanitary facilities:

- [a] Subject to sub-section [b], provision must be made for -
 - [i] one toilet and one hand washing facility for every 20 or less children under 5 years of age irrespective of sex; and
 - [ii] one toilet and hand washing facility for every 20 or less children above the age of 5 years, separate for each sex.
- [b] One urinal is to be regarded as equal to two toilets, provided that urinals should not replace more than 25% of the total toilet facilities.
- [c] Separate toilet facilities must be provided for the staff as contemplated in the National Building Regulations.
- [d] Walls and floors of the sanitary facilities must be of an impervious material rendered to a smooth surface.
- [e] The following additional toilet and wash facilities for children under the age of 2 years must be provided -
 - [i] facilities for the hygienic handling of nappies and potties;
 - [ii] adequate containers for the storage of clean and soiled napkins;
 - [iii] ready access to a suitable washing facility;
 - [iv] suitable and adequate toilet and wash facilities for children who are not toilet trained;
 - [v] a supply of hot and cold running potable water at the wash-hand basins, or if no running water is available, a minimum of 25 litres of potable water, stored in a hygienically clean container.

- [f] Chamber pots [potties] are to be emptied, cleaned and disinfected with a disinfectant immediately after being used and stored in a suitable place when not in use;
- [g] All basins must be closely fitted to the walls at the rear of such basins which walls shall be smooth and washable.

[5] Outdoor play Area:

- [a] An outdoor play area of at least 2 m² per child must be provided.
- [b] The outdoor play area must -
 - [i] comprise lawns, shady areas or other safe surfaces;
 - [ii] be fenced/walled to a height of 1.8 m;
 - [iii] have approved lockable or child-proof gates; and
 - [iv] shall be free of excavations and dangerous steps and levels.

[8] Requirements for Child Minder Facility

The certificate holder shall ensure that a child minder facility complies with the National Building Regulations and that the following minimum accommodation and facility requirements are provided:

- [a] adequate, suitable and unobstructed indoor floor area reserved for the use of the children;
- [b] suitable floor covering for the area referred to in paragraph [a] if required by, and to the satisfaction of the authorised official;
- [c] a kitchen on the premises for the preparation of meals;
- [d] storage facilities for the personal belongings of each child;
- [e] a towel and face cloth for each child, which shall be kept or hung separately;
- [f] a plastic bucket with a close-fitting lid for each child for the storage of soiled napkins, which buckets must be marked to ensure individual use and must be stored in a bathroom or other suitable area, inaccessible to any child;
- [g] separate storage for clean napkins; and
- [h] adequate outdoor play area, comprising lawns or other safe surfaces which is fenced and has approved lockable or child-proof gates,

provided that if such an area cannot be provided, the authorised official may, at his sole discretion, approve of the substitution of an indoor area additional to that provided in terms of paragraph [a] above.

[9] Equipment for children

The certificate holder shall, to the satisfaction of the authorised official, provide sufficient and suitable equipment in every childcare facility and, except where otherwise provided, such equipment shall comprise as least the under-mentioned items which items shall comply with the minimum requirements listed:

- [a]** chairs must be lightweight, washable and of a suitable height, without splinters or rough surfaces;
- [b]** tables should be sturdy, washable and without splinters;
- [c]** beds and mats for sleeping and resting purposes must in no way be dangerous to the child. Mattresses must be covered with suitable waterproof material;
- [d]** sheets, waterproof sheets and blankets must be provided;
- [e]** sufficient, safe and adequate indoor as well as outdoor play apparatus and toys must be provided;
- [f]** personal toiletries such as face cloth, toothbrush, a comb or brush and items such as soap, paper towels and toilet paper must be supplied. It should be ensured that enough soap, towels or paper towels are available at the washbasins at all times;
- [g]** sufficient eating utensils must be provided;
- [h]** sand pits should be covered overnight, sprinkled with coarse salt every six weeks and the sand replaced at least once a year.

[10] General Requirements

Notwithstanding anything to the contrary contained in these by-laws, every childcare and childminder facility shall comply with the following general requirements:

- [1]** All interior walls must have a durable finish that can be cleaned with relative ease.
- [2]** All floors must be constructed of a smooth and impervious material that is durable and can be easily cleaned.
- [3]** If carpeting is used on the floors, it must be kept clean at all times.

- [4] Any slats or rails forming part of an enclosure, security gate, play pen, bed, cot or any other object or structure whatsoever, must be a minimum of 75 mm apart, must be installed and maintained in a good state of repair, and if painted, only non-toxic paint must be used.
- [5] All windows and doors accessible to children must be constructed of safety glass.
- [6] A separate storage area must be provided for the storage of indoor and outdoor play materials, equipment, stretchers, sleeping mats, bedding and linen.
- [7] Waste bins with tightly fitted lids must be provided.
- [8] Apparatus and equipment used and any structures that may be on the premises must in no way present any danger to the children.
- [9] Provision should be made for the storage of medicines, cleaning materials and other harmful agents in such a way that it is out of the reach of children and kept separate from food.
- [10] Pets may not be kept on the premises without the prior permission of Council.
- [11] All food, eating utensils and equipment used for the preparation, handling or serving of food must be properly protected against dust, dirt, insects or any contaminating agent.
- [12] No children may have free access to living quarters of staff at any time. Adequate measures must be taken to keep such living quarters separate from the facility.
- [13] Insects and vermin must be efficiently combated.
- [14] Where a child stays with the childcare or childminder facility for longer than 4 [four] hours at a time, the person in charge of such facility must provide at least 2 [two] meals per day, which meals must be balanced and meet the child's daily nutritional requirements.
- [15] Children must at all times be under the direct supervision of an adult staff member.
- [16] Staff should be trained and skilled in First Aid and Basic Fire Fighting.

[11] Ratio of Staff to number of children

- [1] The certificate holder shall ensure that the following staff-to-children ratio is adhered to at all times:

Children from birth - 18 months old

1 childcare worker for every 6 or less babies

Children from 18 months to 3 years old

1 childcare worker for every 12 or less babies

Children from 3 to 4 years old

1 childcare worker for every 20 or less children

Children from 4 to 5 years old

1 childcare worker for every 30 or less children

School going children

1 staff member for every 35 or less children

- [2] Administrative and domestic staff are not included in the ratio referred to in sub-section [1].

[12] Health register

- [1] The certificate holder shall maintain a health register reflecting the following details of all children attending the facility:
- [a] The child's name and date of birth.
 - [b] The name of the parents or guardian and their address and telephone number, both at home and at place of employment.
 - [c] The name and address and telephone number of each child's medical practitioner and dentist, with written authority from the parents or guardian to consult them in emergencies.
 - [d] Information concerning the child's general state of health and physical condition.
 - [e] Details of operations which each child has undergone, and any illnesses or communicable diseases from which the child has suffered and the relevant dates.
 - [f] Details of immunisations against polio, diphtheria, tetanus, whooping cough, measles, mumps, German measles and tuberculosis; and
 - [g] Details of allergies and any medical treatment the child may be undergoing.
- [2] The names of children who are allergic to certain substances or products should be posted prominently in the facility.
- [3] A proper record of any medicine that is given to a child should be kept.

[13] Medical Care of Children**[1]** The certificate holder shall -

- [a]** observe all children for any signs of illness, indisposition, injury or other abnormal condition, including possible child abuse.
- [b]** keep an Incident Register of all injuries and illnesses which occurred or manifested themselves whilst the child was on the premises and keep records of injuries observed on the child which have occurred other than at the premises;
- [c]** immediately notify the parent or guardian of such illness, indisposition, injury or other abnormal condition;
- [d]** if necessary and subject to the prior consent of the parent or guardian, summon the private medical practitioner if any child is suffering or suspected to be suffering from illness or injury or in the event of the unavailability of such medical practitioner, summon a medical practitioner of the certificate holder's choice;
- [e]** immediately isolate the child suffering as contemplated in sub-section [d] and devote all care necessary to the comfort and treatment of the child whilst on the premises;
- [f]** only administer medicine to a child with the written consent of that child's parents or guardian;
- [g]** in the event of a communicable disease or detection of signs of possible child-abuse, notify the authorised official and/or the local social worker immediately;
- [h]** ensure that all children admitted to the facility have completed basic immunisation schedules, provided that if a child is too young, the certificate holder shall ensure that such immunisation be performed soon as the child is old enough;
- [i]** inform the parents or guardian immediately if head or body lice are noticed and the child or children concerned may not be allowed back into the facility before the condition has cleared up.

[14] Health and Safety Measures**[1]** The certificate holder shall, in the interest of the health and safety of the children -

- [a]** take effective precautions for the protection of the children against fires, hot water installations, electrical fittings and appliances and any other object, condition or thing which may be dangerous or is likely to cause injury to any child;

- [b] fence and completely cover any swimming or paddling pool on the premises at all times when not in use. Any children utilising the pools must do so with the parents' consent and must be under adult supervision at all times;
 - [c] ensure that all gates or doors of outdoor play areas are securely locked or otherwise closed at all times so as to prevent children from entering or leaving the confines of such areas or the premises of their own accord, and to prevent the entrance or presence of unauthorised people and domestic animals in the facility;
 - [d] equip and maintain first-aid equipment, to the satisfaction of the authorised official, and keep it readily available for use and out of reach of children;
 - [e] install fire fighting equipment on the premises in accordance with National Building Regulations SABS 0400 and submit an Emergency Procedure to the Fire Brigade Disaster Management Officer or other designated official of the municipality for approval.
 - [f] store medicines, corrosive and other harmful substances, including cleaning materials and alcoholic beverages, in a safe manner and in a place not accessible to the children;
 - [g] ensure that no noxious or poisonous plant or shrub grows on the premises;
 - [h] arrange for the medical examination of employees and other persons involved in the conduct of the childcare service or present on the premises when called upon by the authorised official to do so, and shall not allow any person who is found to be suffering from, or a carrier of, a communicable disease, to remain on the premises.
- [2] The provisions of the Regulations relating to Communicable Diseases and the Notification of Notifiable Medical Conditions published under Government Notice R. 2438 dated 30 October 1987, as amended, and or any other similar and applicable law shall, mutatis mutandis, apply to the services as if it falls within the scope of the expression "teaching institution" in Regulation 1 of those Regulations and-
 - [a] a breach by a certificate holder of a duty placed upon a principal in terms of the Regulations shall be deemed to be a breach of these by-laws;
 - [b] the duties placed upon and the powers vested in a medical official of health under the Regulations shall be placed upon or

vested in the authorised official for the purposes of these by-laws.

[15] Management responsibilities

[1] The certificate holder shall ensure that -

- [a]** no refuse receptacle or any other potentially harmful or hazardous object or material is stored in the outdoor play area used by the children;
- [b]** children are under adult supervision at all times;
- [c]** each child uses his own sleeping equipment, towel and face cloth, clearly marked and kept separately;
- [d]** prepared infant feeds are provided by the parents or guardians of babies, in bottles with covered teats;
- [e]** the facility has access to a telephone at all times;
- [f]** the premises is maintained in a clean, hygienic, safe, sound and pest-and-rodent-free condition at all times;
- [g]** staff are clean, healthy and appropriately dressed at all times;
- [h]** no person smoke or use any tobacco product in the presence of children.

[16] Transport

[1] The certificate holder shall ensure that -

- [a]** if transport is provided for the children to and from the facility, the staff of the facility are held responsible for the child for the period that he is so transported until he is handed back to his parent or guardian or an authorized person;
- [b]** in addition to the driver, at least one other adult should be in the vehicle with the children;
- [c]** all doors are fitted with child locks and said locks are used at all times when transporting children;
- [d]** the driver remains in the driving cabin of the vehicle at all times and may not assist in the handing-over of the children;
- [e]** no children are transported in the driving cabin;

- [f] the driver of the vehicle is in possession of a special license to transport passengers;
- [g] babies in carrycots are not pushed in underneath the seats;
- [h] the sitting space for each child and the room for carrycots must comply with the prescribed requirements; and
- [i] any other prescribed legislation regulating the transportation of children is adhered to.

[17] Offences and Penalties

[1] Any person who -

- [a] contravenes or fails to comply with any provision of these by-laws;
- [b] contravenes or fails to comply with any notice given or condition imposed in terms of these by-laws;
- [c] for the purpose of these by-laws, makes a false statement knowing it to be false or deliberately furnishes false or misleading information to an authorized official or official; or
- [d] threatens, resists, interferes with or obstructs an authorized official or employee of Council in the performance of his/her powers, duties or functions as contemplated in these by-laws, shall be guilty of an offence and upon conviction be liable to a fine or imprisonment for a period not exceeding six months or to both the fine and the imprisonment.

[18] Repeal of By-laws

- [1] Any by-laws adopted by the Council or the Council of a Municipality now forming an administrative unit of the Council and relating Crèches and Crèches-Cum Nursery Schools or any facilities in respect to or with regard to any matter regulated in these by-laws are hereby repealed.
- [2] Anything done under the provisions of the by-laws repealed by subsection [1], shall be deemed to have been done under the corresponding provision of these by-laws and such repeal shall not affect the validity of any approval, authority, waiver or other act which at the commencement of these by-laws is valid under the by-laws so repealed.

[19] Date of commencement

These by-laws commence on the date of publication thereof in the Provincial Gazette.

SCHEDULE

FORM 1

APPLICATION FOR OPERATION OF A CHILDCARE FACILITY

To be completed by an applicant as contemplated in section 3 of these by-laws.

DETAILS OF APPLICANT FIRST NAMES : _____

SURNAME : _____

GENDER [tick applicable block]

MALE

FEMALE

NATIONALITY : _____

IDENTITY NUMBER [attach certified copy of ID document] : _____

RESIDENTIAL ADDRESS : _____

POSTAL ADDRESS : _____

TELEPHONE NUMBER : _____

DETAILS OF PREMISES INTENDED FOR CHILDCARE FACILITY

ADDRESS : _____

ERF NO [attach certified copy of title deed or owner's consent] : _____

QUALIFICATIONS HIGHEST STANDARD PASSED : _____

LIST ALL OTHER RELEVANT QUALIFICATIONS : _____

HAVE YOU EVER BEEN CONVICTED OF A CRIMINAL OFFENCE
[tick applicable block]

YES

NO

IF YES, PROVIDE DETAILS WITH REGARD TO OFFENCE, INCLUDING DATE OF COMMISSION :

SENTENCE, INCLUDING DATE OF CONVICTION : _____

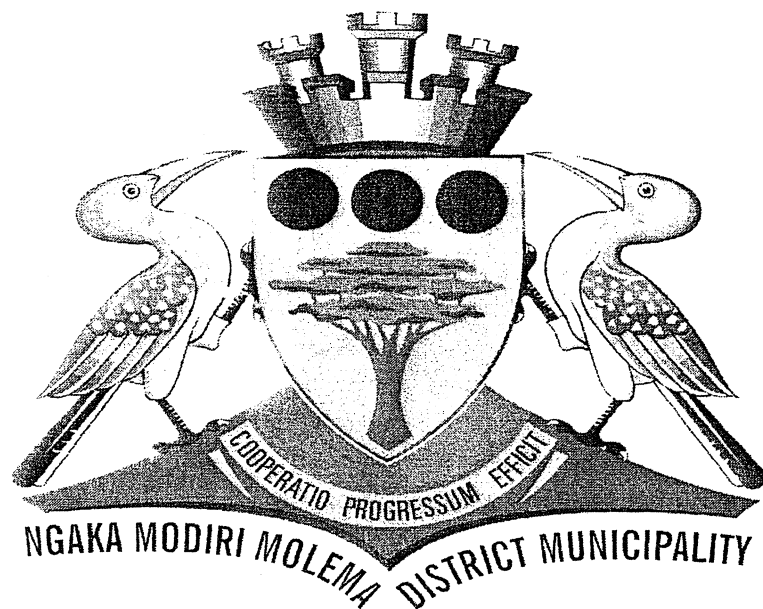
POLICE STATION WHERE OFFENCE WAS REPORTED INCLUDING CASE NUMBER : _____

MEDICAL HISTORY

DO YOU SUFFER FROM ANY CHRONIC ILLNESS FOR WHICH YOU ARE CURRENTLY RECEIVING MEDICAL TREATMENT. IF YES, STATE THE NATURE OF THE MEDICAL CONDITIONS AND TREATMENT BEING ADMINISTERED AND ATTACH A COPY OF A DOCTOR'S MEDICAL REPORT :

SIGNATURE OF APPLICANT

DATE



REFUSE REMOVAL AND DISPOSAL BY-LAW

LOCAL GOVERNMENT NOTICE

MUNICIPALITY OF NGAKA MODIRI MOLEMA DISTRICT

BY-LAW RELATING TO REFUSE REMOVAL AND DISPOSAL

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Laws Relating to Refuse Removal and Disposal which shall come into operation on the date of publication thereof.

Purpose of By-Laws

The purpose of these by-laws is to promote the achievement of a safe and healthy environment for the benefit of the residents in the area of jurisdiction of the municipality and to provide for procedures, methods and practices to regulate the dumping of refuse and the removal thereof.

[1] Definitions

In these by-laws, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and unless the context otherwise indicates: -

"bin-liner" means a plastic bag, as prescribed by the municipality, for placement inside a container;

"builder's refuse" means any waste or refuse resulting from or generated by the construction, renovation or demolition of a building or other structure or works;

"bulky refuse" means any refuse, other than industrial refuse, which emanates from any premises and which by virtue of its mass, shape, size or quantity cannot be conveniently accumulated in or removed from a container with a bin liner;

"charge" means the charge prescribed by the municipality by resolution;

"container" means a standard type of refuse container as approved by the municipality.

"domestic refuse" means any refuse or waste normally emanating from or incidental to the normal occupation of a dwelling, flat, hotel, boarding-house, restaurant, guest house, hospital, school, cafe, shop, old age home or office but shall not include stones, soil, gravel, bricks, waste liquids, night soil, or industrial, builder's or trade refuse;

"garden refuse" means any refuse which is generated as a result of normal gardening activities such as grass cuttings, leaves, trees, plants, flowers, weeds and other similar light matter;

"industrial refuse" means any refuse generated as a result of manufacturing, maintenance, production and dismantling activities;

"municipality" means the Municipality of Ngaka Modiri Molema District Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998 and includes any political structure, political office bearer, councillor, duly authorised agent or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

"municipal service" means, unless otherwise stated, the provision or supply of water, sewerage or electricity services;

"occupier" for the purposes hereof means the person who controls and resides in or who controls and otherwise uses immovable property and includes joint occupiers;

"owner" means and includes:

- [a] the person or persons in whom the registered title in immovable property is vested;
- [b] the person administering an estate as curator, executor, proxy, trustee or administrator of a person in whom the legal title in immovable property is vested and who is insolvent, dead or of unsound mind;
- [c] the agent or persons receiving the rental of immovable property in cases where the owner as described above is away or absent;
- [d] the beneficiary of a usufruct over immovable property, or
- [e] the fiduciaries of municipal property; and

where the text so requires, includes the occupier of a property.

"trade refuse" means any trade material or trade waste as determined by the municipality and agreed to by the owner or occupier.

[2] Domestic refuse removal

The municipality shall provide a service for the removal and disposal of domestic refuse subject to such conditions as it may determine.

[3] Use of service compulsory

Every owner or occupier of immovable property shall make use of the service for the removal and disposal of domestic refuse provided by the municipality in respect of all domestic refuse which emanates from such property.

[4] Municipality to remove refuse

No person other than the municipality or person authorised thereto in writing by the municipality shall remove domestic refuse from any property or dispose of it in any manner whatsoever.

[5] Accumulation and removal of domestic refuse

- [a]** Subject to the provisions of subsection [6], the municipality may require every occupier of a property to provide on such property a container with a capacity of not less than 85 litres, constructed of a material approved by the municipality and with a closefitting lid and two handles for the accumulation of domestic refuse.
- [b]** If the municipality is of the opinion that more than one container for the accumulation of domestic refuse is essential on a particular property, it may, according to the quantity of domestic refuse normally accumulated on such property, require the occupier thereof to provide as many containers as it may determine on such property.
- [c]** If a container used by an owner or occupier does not comply with the requirements of the municipality, it may instruct such owner or occupier to obtain and use some other suitable container complying with its requirements.
- [d]** The municipality may, where it considers it necessary or desirable of its own accord supply containers to particular classes of owners or occupiers, or to particular classes of properties or in particular areas, in which event the cost of such containers shall be recovered from the owners or occupiers of the properties concerned.
- [e]** All containers shall be equipped with bin liners, unless the municipality determines otherwise.
- [f]** The municipality may, generally or in particular, issue instructions to owners and occupiers on the manner in which or the arrangements according to which refuse or refuse bags shall be placed in containers, be removed therefrom, be tied and thereafter be placed or deposited for removal, and any disregard of such instructions shall constitute a contravention of these by-laws.
- [g]** No material, including any liquid which, by reason of its mass or other property is likely to render such bin liners or containers difficult for the

municipality's employees to handle or carry, shall be placed in such bin liners or containers.

- [h] The containers or bin liners, or both, shall be removed by the municipality at such intervals as the municipality may deem necessary but only if such containers or bin liners, or both, have been placed or deposited at the prescribed places as determined by the municipality.
- [i] The municipality shall not be liable for the loss of or for any damage to a container or bin liner.
- [j] In any case where the occupier of a property is not also the owner, the municipality may hold the owner himself, instead of the occupier, liable for compliance with the provisions of these by-laws.
- [k] The municipality may, in specific cases, impose different requirements, other than the use of an 85 litre container, for the removal and disposal of refuse and the owner or occupier of immovable property, as the case may be, to which such requirements relate shall be obliged to comply with the aforesaid directions of the Council.
- [l] The municipality may prescribe policy with regard to the reclamation of refuse in which case directions may be issued in terms of which certain types of refuse shall be separated and disposed of.

[6] Accumulation of domestic refuse

The owner or occupier of any property shall ensure that all domestic refuse generated on such property shall be accumulated only in a container, as determined by section 5, and in no other manner.

[7] Littering

No person shall -

- [1] throw, drop, deposit or spill any refuse into or onto a public place, street, vacant stand, vacant erf, stream or water-course, or
- [2] sweep any refuse into a gutter on a public place or into any public street.

[8] Pavements

It shall be the duty of every owner or occupier of a shop or trade premises to ensure that the pavement in front of or abutting such shop or premises is kept clean and free of refuse or waste material emanating from such shop or premises or resulting from the delivery of goods to such shop or premises or from the supply or sale of goods to the public by the occupier of such shop or premises.

[9] Garden refuse

- [1] Garden refuse may be removed from property where it accumulates according to any arrangements which the owner or occupier of such property desires to make, provided that, should any accumulation of garden refuse not be removed and should such accumulation in the opinion of the municipality constitute a nuisance or danger to public health or an unnecessary fire hazard to nearby property, the municipality may order such owner or occupier by written notice to cause such accumulation to be removed within a specified period. If it has sufficient facilities available, the municipality may in its discretion and on application from the owner or occupier of property remove garden refuse from such property at the cost of the owner or occupier and subject to such terms and conditions as the municipality may determine.
- [2] No garden refuse may be dumped, kept or stored in or on any sidewalk or vacant ground.

[10] Removal of bulky and industrial refuse

- [1] The occupier or, in the case of premises occupied by more than one person, the occupiers of premises in which bulky or industrial refuse is generated, shall ensure that such refuse is disposed of in terms of these by-laws within a reasonable period after the generation thereof.
- [2] Bulky and industrial refuse shall, once it has been removed from the premises on which it was generated, be deposited on a site designated by the municipality as a disposal site for such refuse.
- [3] The municipality does not accept any responsibility for the removal of bulky or industrial refuse.

[11] Builder's refuse

Builder's refuse which may have accumulated in the course of the construction, alteration, renovation or demolition of any structure or works shall be removed from the property concerned according to suitable arrangements to be made by the owner of such property with the municipality. If there is any undue delay in the removal of such refuse after the completion of the works involved, the municipality may direct, by written notice to such owner, that the refuse be removed within a specified time to an approved disposal site.

[12] Trade refuse

The municipality may enter into an agreement with the owner or occupier of any premises for the removal of trade refuse by the municipality at a charge fixed by the municipality.

[13] Disposal sites for domestic, garden and builder's refuse

- [1]** The municipality shall set aside and maintain a place or places where domestic, garden and builder's refuse shall be deposited or dumped. Any person dumping domestic, garden and builder's refuse in any other place shall be guilty of an offence.
- [2]** The municipality may, from time to time, determine tariffs for the dumping of refuse at a dumping or disposal site.

[14] Ownership of refuse

All refuse removed by the municipality and all refuse on disposal sites controlled by the municipality shall be the property of the municipality, and no person who is not duly authorised by the municipality to do so, shall remove or in any manner interfere with such refuse.

[15] Abandoned objects

Any object other than a vehicle deemed to have been left or abandoned anywhere in terms of the National Road Traffic Act, 1996 [Act 93 of 1996], which is, in the light of such factors as the place where it is found, the period it has been lying at such place and the nature and condition thereof, be reasonably regarded by the municipality as having been abandoned, may be removed and disposed of by the municipality in a manner as it may deem fit.

[16] Liability

- [1]** Where any object has been removed and disposed of by the municipality in terms of section 15, the owner or person responsible for such object shall be liable to pay the municipality the charge fixed by it for its removal, disposal or custody.
- [2]** For the purposes of subsection [1], the person responsible shall be:
 - [a]** the owner of the object, including any person who is entitled to be in possession of the object by virtue of a hire-purchase agreement or an agreement of lease at the time when it was abandoned or deposited in the place from which it was so removed, unless he can prove that he was not concerned in and did not know that it had been deposited in such place, or
 - [b]** any person who deposits the object in the place aforesaid, or
 - [c]** any person who knowingly permits or permitted the object to be deposited in the aforesaid place.

[17] Charges and deposit

The charges payable to the municipality for the establishment, provision and maintenance of a refuse removal service and the amount a person making use of such service shall deposit with the municipality, shall be determined by resolution adopted by the municipality.

[18] Penalty

Any person who contravenes or fails to comply with any provision of this by-law shall be guilty of an offence and liable upon conviction to—

- [1]** a fine or imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
- [2]** in the case of a continuing offence, to an additional fine or an additional period of imprisonment of 10 days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,
- [3]** a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

[19] Repeal of By-laws

Any by-law relating to refuse removal and disposal adopted by the municipality or any municipality now comprising an administrative unit of the municipality is repealed from the date of promulgation of these by-laws.



NUISANCE BY-LAW

LOCAL GOVERNMENT NOTICE

MUNICIPALITY OF NGAKA MODIRI MOLEMA DISTRICT

The Municipal Manager hereby publishes, in terms of Section 13 of the Local Government Municipal Systems Act, 2000 [Act 32 of 2000] read with Section 162 of the Constitution of the Republic of South Africa Act 1996 [Act 108 of 1996] the By-Law Relating to the Prevention of Nuisances which shall come into operation on the date of publication thereof.

BY-LAW RELATING TO THE PREVENTION OF NUISANCES

Purpose of By-Law

The purpose of these by-laws is to promote the achievement of a safe, peaceful and healthy environment for the benefit of residents within the area of jurisdiction of the municipality and to provide for procedures, methods and practices to regulate nuisances.

Definitions

- [1] In these by-laws, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and, unless the context otherwise indicates: -

“council” means the council of Ngaka Modiri Molema District Municipality or any political structure, political office bearer, councillor, or any staff member acting under council’s delegated or sub-delegated authority;

"erf" means any land, whether vacant, occupied or with buildings thereon;

"municipal area" means the municipal area of **Ngaka Modiri Molema District Municipality**;

“municipality” means the Municipality of Ngaka Modiri Molema District Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998;

"objectionable material" means garden litter, rubbish, waste material, rubble, scrap metal, article or thing, disused motor cars, machinery or other vehicles, as well as the disused parts thereof, refuse from any building operations, or any refuse capable of being dumped on any land or premises, including new or used building materials not necessarily required in connection with bona fide building operations actually in progress on any land, and includes any solid, liquid or gas which is or may become offensive or dangerous or injurious to health or which materially interferes with the ordinary comfort or convenience of the public;

“public nuisance” means any act, omission or condition which is offensive and/or injurious and/or dangerous to health and/or which materially interferes with the ordinary comfort, convenience, peace or quiet of the public and/or which adversely effects the safety of the public;

“public place” means any square, building, park, recreation ground or open space which:—

- [a] is vested in the Municipality;
- [b] the public has the right to use, or
- [c] is shown on a general plan of a township filed in a deeds registry or a Surveyor-General's office and has been provided for or reserved for the use of the public or the owners of erven in such township;

“public road” means any road, street or thoroughfare or any other place [whether a thoroughfare or not] which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes:-

- [a] the verge of any such road, street or thoroughfare;
- [b] any bridge, ferry or drift traversed by any such road, street or thoroughfare, and
- [c] any other work or object forming part of or connected with or belonging to such road, street or thoroughfare;

Enforcement

- [2] The council may, whenever it regards it necessary to do so, enter any premises at any reasonable time to ensure compliance with these by-laws.

Behaviour and conduct

- [3] Notwithstanding the provisions of any other by-law, no person shall:
 - [a] dump, accumulate or place or cause or permit to be dumped, accumulated or placed objectionable material in or on any erf, street, drain, water furrow, sewer, thoroughfare, public square or commonage except at such place or places as the council may from time to time set aside or approve for such purposes, provided however that the council may permit public garages, workshops and other trades, subject to such conditions as may be imposed in each case, to keep, store, repair, dismantle or re-assemble any motor vehicle or other vehicle or apparatus on premises approved by the council;

- [b]** do work on any erf or use any building or land for purposes calculated, in the opinion of the council, to depreciate or to disfigure such erf or to interfere with the convenience or comfort of the neighbours thereof or to become a source of danger to any person;
- [c]** carry on any trade, business or profession on any erf in the municipal area which may in the opinion of the council be a source or become a source of discomfort or annoyance to the neighbourhood;
- [d]** deposit, leave, spill, drop or place any fruit or vegetable peels, broken bottles, glass, refuse or any objectionable material or thing which is offensive or likely to cause annoyance, danger or injury to persons in or upon any erf, street or public place;
- [e]** allow any erf to be overgrown with bush, weeds or grass or other vegetation except cultivated trees, shrubs and grass to such extent that, in the opinion of the council or any duly authorised employee of the council it may be used as a shelter by vagrants, wild animals or vermin or may threaten the public health or the safety of any member of the community or may promote the spread of fires;
- [f]** allow any erf to be dirty, neglected or infested with rodents, snakes, mosquitoes, flies, ticks, bugs or other insects harmful to health, or allow any offensive odours or gasses to emanate from such erf;
- [g]** allow the fencing of any erf to fall into a state of disrepair or to become unsightly or dilapidated;
- [h]** allow any building or structure or any portion thereof on any erf to fall into a dilapidated, neglected or unsightly state, or fail to maintain the roof-water disposal system, pipes, sewers, drains, water fittings, waste water fittings, water closet fittings and all other appurtenances forming part of or attached to any building or structure in good and sound repair, or fail to maintain the walls of any building or structure free from dampness;
- [i]** use or cause or permit to be used any stoep and/or verandah of any shop or business premises or vacant land adjoining such shop or business premises for the purpose of storing, stacking, dumping, disposing, displaying, keeping, selling or offering for sale any goods, articles or merchandise;
- [j]** use or cause or permit any shop or business premises or vacant land adjoining such shop or business premises or any portion thereof which is open or visible to the public for the purpose of storing, stacking, dumping, disposing, or keeping any waste material, refuse, cartons, crates, containers or other articles of a like nature;
- [k]** enclose or cause or permit the enclosing of any stoep or verandah of any shop or business premises by means of movable or immovable

structures, objections, articles or devices otherwise than by such means as the council may approve;

- [l]** keep on his premises any animal or bird which creates a disturbance or a nuisance to the neighbours by making frequent and excessive noise;
- [m]** deposit or keep or cause or suffer to be deposited or kept any night soil on any premises, except in a proper sanitary convenience approved by the council and in accordance with any by-law of the council;
- [n]** keep or cause or suffer to be kept upon his premises any sanitary convenience of such nature that it is a nuisance or is offensive or injurious or dangerous to health;
- [o]** befoul, misuse or damage any public convenience or any convenience provided in any public building or place of public entertainment;
- [p]** carry or 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 offensive or dangerous or injurious to health, unless such objectionable material or thing is covered with a suitable material to prevent the creation of any nuisance;
- [q]** bury or dispose of any dead body in any unauthorised place;
- [r]** permit the carcass of any animal, being his property or of which he is in charge, and which has died on his premises or elsewhere in the municipal area, to remain unburied;
- [s]** cause or permit any stream, pool, ditch, drain, gutter, watercourse, sink, bath, cistern, water closet, privy or urinal on any land or premises owned or occupied by him or of which he is in charge to be or become so foul or in such a state or to be so situated or constructed as to be offensive or dangerous or injurious to health;
- [t]** cause or permit any foul or polluted water or any foul liquid or objectionable material to run or flow from any premises owned or occupied by him, whether occupied for trade, business, manufacturing, dwelling or any other purpose, into any street or on any land;
- [u]** commit or cause or permit to be committed, any act which may pollute any water which inhabitants of the municipality have the right to use or which is provided or deserved for the use of such inhabitants;
- [v]** bathe or wash himself or any animal or article or clothing or any other article or thing in any public stream, pool or water trough or at any public hydrant or fountain or at any place which has not been set aside by the council for any purpose;

- [w]** disturb the public peace in any street or public place by making unseemly noises or by shouting, insistent hooting, wrangling or quarrelling, or by collecting a crowd or by organising any demonstration or by fighting or challenging to fight, or by striking with or brandishing or using in a threatening manner any stick or other weapon or by any other riotous, violent or unseemly behaviour at any time of the day or night, or by loitering in any street or public place or by gathering in crowds on pavements;
- [x]** advertise wares or services in any street or public place by means of any megaphone, loudspeaker, or similar device or by insistent shouting, striking of gongs, blowing of horns or ringing of bells in such manner as to constitute a public nuisance in the neighbourhood;
- [y]** in or upon any property or premises disturb the public peace in the neighbourhood of such premises by making therein or thereon any unseemly noises, or by shouting, wrangling, quarrelling and singing or by playing therein or thereon a musical instrument or use or permit to be used any musical instruments, radios, television sets or the like or any loudspeaker or other device for the reproduction or amplification of sound, in such manner or at such a time or in such circumstances that the sound thereof is audible beyond the boundaries of such property or premises and materially interferes with the ordinary comfort, convenience, peace or quiet of the occupiers of surrounding properties;
- [z]** in any street or public place use any abusive or threatening language or commit any act which may or is calculated to cause a breach of the peace;
- [za]** solicit alms in any street or public place or endeavour by the exposure of wounds, sores, injuries or deformities or the production of begging letters to obtain alms, or
- [zb]** cleanse or wash any vehicle or part in any street or public place.

Failure to comply with provisions

- [4]** **[1]** Where any material, article or thing of whatsoever nature has been accumulated, dumped, stored or deposited on any erf, or where there is an overgrowth of bush, weeds, grass or vegetation on any erf in contravention of section 3[a], [d] and [e] the council may serve a notice on -

 - [a]** the person directly or indirectly responsible for such accumulation, dumping, storing or depositing;
 - [b]** the owner of such material, article or thing, whether or not he is responsible for such accumulation, dumping, storage or depositing;

- [c] the owner of the erf on which such accumulation, dumping, storage or depositing takes place, whether or not he is responsible therefor, or
- [d] the owner of the erf on which there is an overgrowth of bush, weeds, grass or vegetation -

requiring such persons or owners to dispose of, destroy or remove such material, article or thing or to clear such overgrowth to the satisfaction of the council.

- [2] Should any person or owner fail to comply with the requirements of a notice in terms of subsection [1] within the period stipulated by the council, the council may itself dispose of or destroy or remove such material, article or thing, or clear the overgrowth from any erf at the cost of any one or more of the persons or owners mentioned in subsection [1][a], [b], [c] and [d].
- [3] Where on any erf there is a contravention of section 3[b], [f], [g], [h] and [i] the council may at its discretion serve a notice on either the owner or the occupier to abate the nuisance within a defined period to be stated in such notice.

Sanitary facilities at construction sites

- [4] Every person engaged in building operations, road construction or construction work of any nature shall, when required to do so by the council, provide adequate sanitary accommodation for himself and his employees to the satisfaction of and in accordance with any requirements specified by the council.

Unlawful occupation

- [5] [1] No person shall, without the permission of the council, occupy or permit to be occupied for human habitation any caravan, tent or other similar shelter of any description except on an authorised camping or caravan site controlled by the council or any other camping or caravan site which conforms with the provisions of the by-laws relating to such caravan parks or camping sites.
- [2] The council may serve notice on any person who occupies a caravan, tent or shelter in contravention of subsection [1] to vacate such caravan, tent or shelter within 3 days after the service of such notice upon him, failing which, such person shall be guilty of an offence.

Penalties

- [6] Any person who contravenes or fails to comply with any provision of these by-laws or any notice served in terms thereof shall be guilty of an offence and be liable upon conviction to -

- [i] a fine or imprisonment for a period not exceeding six months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and,
- [ii] in the case of a continuing offence, to an additional fine or an additional period of imprisonment of 10 days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued and,
- [iii] a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as a result of such contravention or failure.

Repeal of By-Laws

- [6] Any by-law relating to the prevention of nuisances adopted by the municipality or any municipality now comprising an administrative unit of the municipality is repealed from the date of promulgation of these by-laws.
-