



KWAZULU-NATAL PROVINCE  
KWAZULU-NATAL PROVINSIE  
ISIFUNDAZWE SA KWAZULU-NATALI

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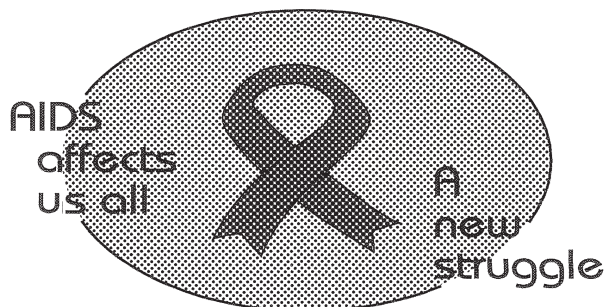
Vol. 10

9 FEBRUARY 2016  
9 FEBRUARIE 2016  
9 KUNHLOLANJA 2016

No. 1602

**PART 1 OF 3**

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DEPARTMENT OF HEALTH

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# Government Printing Works

## Notice submission deadlines

Government Printing Works has over the last few months implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submit your notice request.

In line with these business rules, GPW has revised the notice submission deadlines for all gazettes. Please refer to the GPW website [www.gpwonline.co.za](http://www.gpwonline.co.za) to familiarise yourself with the new deadlines.

### CANCELLATIONS

Don't forget!

Cancellation of notice submissions are accepted by GPW according to the deadlines stated in the table above.

Non-compliance to these deadlines will result in your request being failed. **Please pay special attention to the different deadlines for each gazette.**

**Please note that any notices cancelled after the cancellation deadline will be published and charged at full cost.**

Requests for cancellation must be sent by the original sender of the notice and must be accompanied by the relevant notice reference number (N-) in the email body.

### AMENDMENTS TO NOTICES

take note!

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

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

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GPW reminds you that all notice submissions **MUST** be submitted with an accompanying proof of payment (PoP) or purchase order (PO). If any PoP's or PO's are received without a notice submission, it will be failed and your notice will not be processed.

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A reminder that documents must be attached separately in your email to GPW. (In other words, your email should have an Adobe Form plus proof of payment/purchase order – 2 separate attachments – where notice content is applicable, it should also be a 3rd separate attachment).

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- ☐ Single notice, single email – with proof of payment or purchase order.
- ☐ All documents must be attached separately in your email to GPW.
- ☐ 1 notice = 1 form, i.e. each notice must be on a separate form
- ☐ Please submit your notice **ONLY ONCE**.
- ☐ Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
- ☐ The notice information that you send us on the form is what we publish. Please do not put any instructions in the email body.

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For any information, please contact the eGazette Contact Centre on 012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)

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**PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**

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**PROVINCIAL NOTICE 48 OF 2016****UBUHLEBEZWE MUNICIPALITY****MUNICIPAL PUBLIC TRANSPORT BYLAWS**

<b>1<sup>ST</sup> DRAFT DATE</b>	30 <sup>th</sup> June 2014
<b>2<sup>ND</sup> DRAFT DATE</b>	
<b>ADOPTION BY COUNCIL</b>	
<b>PROMULGATION DATE</b>	

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## CHAPTER 1

### DEFINITIONS

#### Definitions

1. (1) In this by-law, unless the context indicates otherwise, any word or expression defined in the Act shall bear the meaning so given to it .

"authorised official " means any official of the Council who has been authorised by it to administer, implement , and enforce the provisions of these by-law;

"bus rank" means any place designated or any area demarcated for the exclusive parking of busses;

"Bus stop " means any place or area designated or demarcated as a bus stop, by a road traffic sign, for the purposes of loading and off loading passengers;

"Chief Traffic Officer " means the person appointed as such by Council, or during his or her absence, the officer acting in that capacity and includes any employee of the Council acting under control of the Chief Traffic Officer;

"Council" means .....of the Municipality;

"Lift club "means any club of which every member shall, for no direct or indirect reward, have a turn to convey or cause to be conveyed by means of a motor car, the members of such a club or the other persons designated by such members , to or from specified places for a specified purpose;

"Medical Officer of Health" means a person appointed as such under section 22 or 25 of the Health Act No 63 of 1977;

"notice" means an adequate notice in words or in sign, erected or posted in a prominent position;

"Parking bay" means any portion of a public demarcated as a parking bay or parking place for the by a road traffic sign or marking;

"Prescribe fee" means a fee determined by the Council by resolution in terms of section 10 G (7) (a) (ii) of the Local Council Government Transition Act No. 209 of 1993 or any applicable legislation.;

"Prescribe tariff " means the fares and charges prescribed by in any journey undertaken in a taxi or a bus;

"Public car park" means any land reserved as a park as indicated in the town planning maps of the.....

"Public road" means a public road a defined in the National Road Traffic Act No.93 of 1996 as amended;

"road carrier permit " means a public road permit issued in terms of the Road Traffic Transportation Act no 74 of 1977;

"Road Traffic Act " means the National Road Traffic Act No 93 of 1996 ( as Amended);

"Taxi" means a public motor vehicle (other than a public bus) used for the conveyance of passengers or of passengers and goods;

"Taxi meter cab" means a motor vehicle licensed to transport passengers in return for payment of a fare;

"Taximeter" means a devise used in taxis that automatically records the distance traveled and the fare payable;

"taxi rank" means any place designated or area demarcated as a taxi rank or for the exclusive parking of taxis by a road traffic sign;

"Traffic offer" means the same as the meaning in the Road Traffic Act ;

## **CHAPTER 2**

### **TAXI METER CAB**

#### **Driver to take shortest route**

2. (1) A driver of any taxi meter cab must, while the taxi meter cab is hired, drive to the passenger's destination along the shortest route, unless another route is agreed on or directed by the passenger;
- (2) A taxi meter cab driver must have a current map of the municipal area in his or her possession, which must be made available by the driver to a passenger on request.

#### **Driver to keep engagement**



3. (1) A driver of any taxi meter cab must convey a passenger and his or her personal effects to the destination agreed upon between the passenger and the driver;
- (2) Should the driver of a taxi meter cab for any reason whatsoever, be unable to convey the passenger and the passenger's personal effects to the agreed destination, such driver must take all reasonable steps to arrange another taxi meter cab, or let the passenger arrange for the transport to get to his or her destination.

#### **Operation of taxi meter cab**

4. (1) The driver of a meter taxi cab fitted with the taximeter must, as soon as the driver arrives at the point where his or her hiring commences and not sooner, set the taxi meter in motion, and must upon the termination of hiring immediately stop the taximeter from recoding;
- (2) Upon the occurrence of any stoppage not caused by traffic congestion or by the action or request of any passenger, the said driver must for the duration of such stoppage stop the taxi meter from recording..

### **CHAPTER 3**

#### **BUSES**

##### **Stopping places**

5. No driver of a bus, as defined in the National Land Transition Act No. 22 of 2000, may stop the bus for the purpose of picking up or setting down any passenger, except at a stopping place designated by the Council.

##### **Entering and alighting from a bus**

6. A prospective passenger of a bus, as defined in the National Transport Land Transition Act No. 22 of 2000, may only enter or alight from a bus at a stopping place designated by the Council.

##### **Driver to stop at stopping places**

7. The driver of a motor vehicle engaged in a public passenger road transport service, which at the time is not carrying the maximum number of passengers the vehicle is lawfully entitled to carry, must stop at any designated stopping place if a prospective passenger is waiting at such stopping place.

### **CHAPTER 4**

#### **RANK PERMIT FOR BUSES, TAXI METER, TAXIS**



## Permits

8. (1) Bus, taxi, taxi meter shall hold a rank permit which shall be obtained from the offices of Chief Traffic Officer within its jurisdiction;
- (2) Any person wishing to obtain a rank permit shall submit an application to the Chief of Traffic Officer on the prescribe form obtainable from the offices of Chief Traffic Officer within his/her jurisdiction;
- (3) The Chief Traffic Officer may grant the rank permit if he or she is satisfied-
- (a) that the motor vehicle concerned -
- (i) complies with the provisions of this chapter and any law applicable to the testing of motor vehicles prescribe by the Road Traffic Act No 93 of 1996 as amended;
- (ii) that the taxi meter cab has been fitted with the taximeter;
- (b) that it is permitted to operate as a motor vehicle use for hire;
- (c) that the taxi rank fee or fees determined by Council from time to time, have been paid; and
- (d) that the applicant is in possession of a valid certificate from the Local Road Transportation Board to operate the said motor vehicle in the area jurisdiction of the Council.
- (4) the Council may when granting rank permit, impose conditions, restrictions and requirements in respect of the motor vehicle concerned, its equipage and the use of the taxis and buses rank ;
- (5) the Council shall, with every rank permit issue, issue a token specifying-
- (a) the year for which such permit has been granted;
- (b) the registration mark allocated to the motor vehicle;
- (c) the make of such motor vehicle;
- (d) the area, taxi or bus rank from which the motor vehicle may ply for hire; and
- (e) the number of the taxi, taxi meter cab and bus approved for use by such motor vehicle;
- (6) the owner of the taxi, taxi meter cab and bus in respect of which a rank permit has been issued under these by-laws, shall advise the Chief Traffic Officer-

- (a) of any change of his or her residential and or postal address during the validity of such permit; or
- (b) when disposing of or otherwise ceasing to be the owner of motor vehicle during the said year, the name and address of the person to whom the motor vehicle is being disposed to or other cause of his or her ceasing to be the owner, within 31 days of the event.

### **Period of validity of rank permit and token**

9. A rank permit and token shall be valid from the date of issue until the .....

### **Suspension of rank permit**

10. (1) **The Chief Traffic Officer** may by notice in writing suspend the operation of the current rank permit issue in respect of any motor vehicle if it fails to comply with the requirements or restriction imposed under these by-laws;
- (2) The owner shall within 7(seven) days, upon receipt of such notice , deliver the token to the Chief Traffic Officer within his or her jurisdiction;
  - (3) The suspension shall be withdrawn by the Chief Traffic Officer on condition that the owner has complied with provisions of these by-laws within 7 (seven) days and the Chief Traffic Officer is satisfied with same.

### **Restrictions relating to rank permit and token**

- 11.(1) No person shall-
- (a) affix a token to any other motor vehicle other than the motor vehicle the token was issued for;
  - (b) operate the motor vehicle -
    - (i) unless the token of that taxi, taxi meter cab and bus is affixed on the left hand side of the windscreen thereof so that its face is clearly visible from the outside;
    - (ii) while any token has ceased to be valid is affixed to such motor vehicle;
    - (iii) while the operation of the rank permit in respect of such motor vehicle issued is suspended under section 10 above

## **CHAPTER 5**

### **GENERAL**

#### **Parking of taxi meter cab, taxi, bus**

12. No person may park a taxi meter cab, taxi, bus on any public road for the purpose of providing a transport service, except in an exclusive parking bay, marked by a road traffic sign as prescribe in terms of the National Road Traffic Act No. 93 of 1996 as amended , for that motor vehicle.

### **Entering and alighting from the taxi meter cab, taxi, bus**

13. A prospective passenger of a taxi meter cab, taxi, bus , as defined in the National Land Transport Transition Act No 22 of 2000, may only enter or alight from a bus, taxi meter cab and taxi, at a stopping place designated by the Council.

### **Stopping places**

14. (1) No driver of a public motor vehicle, as defined in the National Land Transport Transition Act No 22 of 2000 may stop it for the purpose of picking up or settling down any passenger, except at a stopping place designated by the Council;
- (2) The driver of a public motor vehicle engaged in a public passenger road service, which at the time is not carrying the maximum number of passenger the motor vehicle is lawfully entitled to carry , must stop at any designate place if a prospective passenger is waiting at such stopping place.

### **Engagement of passengers**

15. (1) No driver of taxi meter cab, taxi, bus ,may by using force or threat, or any other offensive manner prevent or seek to prevent any person from hiring any other taxi meter cab, taxi or seek to prevent the driver of such other taxi meter cab, taxi, bus from obtaining or conveying a passenger or a load;
- (2) No person may use force, a threat or any clandestine or other method, to prevent or attempt to prevent any person from participating in a lift club;

### **Conveyance of filthy or diseased persons**

16. (1) A driver of a motor vehicle engaged in a public passenger road transport may refuse to convey or carry-
- (a) any person who is obviously in a state of filth or obviously suffering from any contagious disease ; or
- (b) any dead animal except animal or poultry intended for human consumption if the animal or poultry is properly wrapped

- (2) No person who has another person in his or her care, who to his knowledge has been exposed to, or contaminated with, any contagious disease, may place such person in any taxi meter cab, taxi, bus;
- (3) No person who is obviously in a state of filth or obviously suffering from any contagious disease may enter any taxi meter cab, taxi, bus or having entered, remain upon such motor vehicle after being requested by the driver or conductor thereof to leave the motor vehicle;
- (4) The owner, driver, conductor or any person in charge of a motor vehicle in a public passenger road transport service must immediately take steps as soon as it comes to his or her knowledge that-
  - (a) any person suffering from a contagious disease; or
  - (b) the body of person who has died of such disease; or
  - (c) anything which has been exposed to or contaminated with such disease;

has been conveyed in or upon such public motor vehicle engaged in a public passenger road transport service to report the matter to the Medical Officer of Health;

- (2) The owner, driver, conductor or other person must carry out the instructions issued by the Medical Officer of Health with regard to the disinfection of such motor vehicle engaged in a public passenger road transport services.

#### **Property left in taxi meter cab, taxi, bus**

17. (1) If any property is left in a public motor vehicle engaged in a public road transport service is not claimed within 24 hours after it has been discovered in such public motor vehicle, the driver or conductor of the public motor vehicle must-
- (a) if he or she belongs to a taxi association, take such property to the nearest office of such association;
  - (b) if he or she uses a bus depot for the purposes of the business in which he or she is engaged, take such property to such depot; or
  - (c) if he or she does not belong to a taxi association or use a bus depot for the purpose of the business concerned, take such property to the relevant South African Police Station which have jurisdiction,
- and obtained a receipt from the person with whom the property is deposited, or the officer on duty at the relevant South African Police Services which has jurisdiction, as the case may be;
- (2) if the property referred to is not claimed within seven (7) days of its receipt in the office of the relevant taxi association or bus

depot, the person with whom it was deposited must take it to the South African Police Services.

### **Queue marshal**

18. (1) A queue marshal at any rank must be clearly identifiable and must display his or her name in a conspicuous manner on his or her clothing bellow left shoulder;
- (2) A queue marshal must discharge his or her duties in a courteous and polite manner and show respect to every passenger;
- (3) Where a queue marshal is controlling the entry onto taxi meter cab, taxi, bus, he or she must not allow more than the number of passengers permitted by law, to enter such taxi meter cab, taxi, bus.

### **Rank managers**

- 19.(1) The Taxi Association may appoint rank managers to ensure passengers alight to taxis and there is no shortage of taxis in taxi ranks;
- (2) The rank managers may also assists in any manner which ensure a smooth operation of taxis in their areas which shall be stipulated by the Taxi Association;
- (3) A remuneration shall be paid by the Taxi Association to the rank managers for their assistance at the tax rank;
- (4) The rank managers shall be clearly identifiable and will take upon any grievance from the passengers about a complain about a certain taxi or queue marshal.

### **Offences and penalties**

20. Any person who-
- (a) contravenes or fails to comply with any provisions of these by-laws;
- (b) fails to comply with any notice issued in terms of these by-laws;
- (c) fails to comply with any lawful instruction given in terms of these by-laws'
- (d) who obstructs or hinders any authorised official of the Council in the execution of his or her duties under these by-laws,

is guilty of an offence and liable to a fine of R1000.00 and or imprisonment for a period not exceeding one year

## **CHAPTER 6**

## **GENERAL PROVISIONS**

### **Repeal of existing By-laws**

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

## PROVINCIAL NOTICE 27 OF 2016

## UBUHLEBEZWE MUNICIPALITY

**FENCES AND FENCING BYLAWS**

<b>1<sup>ST</sup> DRAFT DATE</b>	<b>30<sup>th</sup> June 2014</b>
<b>2<sup>ND</sup> DRAFT DATE</b>	
<b>ADOPTION BY COUNCIL</b>	
<b>PROMULGATION DATE</b>	



The Council of the Ubuhlebezwe Municipality has in terms of and under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), the Ubuhlebezwe Municipality, enacts as follows:-

## FENCES AND FENCING BYLAWS

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1. Interpretation
2. Principles and objectives
3. Fences
4. Penalties
5. Notice of compliance and representations
6. Costs
7. Demolition order
8. Authentication and service of notice and other documents
9. Appeal
10. Implementation and enforcement
11. Saving and transitional provision
12. Revocation of by-laws
13. Short title and commencement Schedule
1. **INTERPRETATION**

In these By-laws, unless the context otherwise indicates:

**“boundary”** means the real or notional line marking the limits of premises;

**“Council”** means the Ubuhlebezwe Municipal Council;

**“fence”** includes a fence which is not erected on a boundary.

## 2. **PRINCIPLES AND OBJECTIVES**

The Council, aware of its duties under the National Health Act, 2003 (Act 61 of 2003) to prevent the occurrence of any condition which will or could be harmful or dangerous to the

health of any person within its district, in these By-laws aims to protect the public, hereby adopts these By-laws to regulate fencing with the aim of safeguarding its residents in and visitors to the area.

### 3. FENCES

(1) No person may, without the consent of the Council –

(a) erect or cause, allow or permit to be erected a fence which is more than 2 meters in height on a boundary of a premises;

(b) alter, make or cause, allow or permit to be altered or made an addition to an existing fence which is more than 2 meters in height on a boundary of premises;

(c) erect or cause or permit to be erected on a boundary, or may have on a boundary, an electrified fence, electrified railing or other electrified barrier, unless –

i. the electrified fence, electrified railing or other electrified barrier on top of wall which may not be less than 2 meters high and built of brick, cement, concrete or similar material;

ii. electrified fence, electrified railing, or other electrified barrier is designed and installed in accordance with a standard issued in terms of the Standards Act, 1993 (Act 29 of 1993); and

iii. the person has obtained the prior written consent of the Council in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);

(2) A person who wishes to obtain the consent of the Council must submit an application form similar to the form contained in the Schedule, which schedule refers, to the Building Inspector, and the Council may refuse or grant consent.

(3) Should the Council refuse permission, it must, on request, supply the person in writing with the reasons for the refusal.

(4) Should the Council grant consent, it may do so subject to such conditions, requirements or specifications which it may determine in each individual case, and subject to the provisions of SABS Code No. 1372, Prefabricated Concrete Components for Fences, made under the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), Notice No.1372 as published on May, 1985 in the Government Gazette, and the consent must entered in Item C of the form contemplated in

- subsection (2), and a person who has obtained consent, must at the request of an authorized official, immediately produce the form.
- (5) A person who has obtained consent in terms of subsection (4) must ensure that the fence is maintained in a good condition.
- (6) No person may –
- (a) without the consent of the Council first having been obtained, demolish, interfere with or damage a fence for which consent has been granted in terms of subsection (4);
  - (b) having opened a gate in a fence, leave such gate open or unfastened;
  - (c) climb over or crawl through a fence without the permission of the owner or occupier of the land upon which such fence is situated, first having been obtained;
  - (d) erect or cause to be erected a fence covered with –
    - (i) canvas, reeds, grass or any combustible material, except poles or split poles, or approved wood, which may not be erected within 4,5m of any street and which may not exceed 1,8 m in height; or
    - (ii) sheet iron, corrugated iron or any other sheeting along or within 4,5m of any street.
- (7) The Council may, whenever it appears that, in the interests of safety, vehicular, pedestrian or otherwise –
- (a) a fence needs to be erected or repaired, instruct the owner or occupier on whose premises such fence needs to be erected or repaired, to undertake such steps as stipulated in the instruction; or
  - (b) the height of wall, hedge or fence at a street corner needs to be reduced, by order in writing instruct the owner or occupier property to such wall, hedge or fence to a height specified in such order and being not less than one meter for distance not exceeding six meters along each side of such corner.
- (8) A person commits an offence if he or she contravenes a provision of subsection (6) or fails to produce a form at the request of an authorized official as contemplated in subsection (2).
- (9) Should a person fail to comply with a provision of subsection (1), with a condition, requirement or specification contemplated in subsection (4), or subsection (5)

or an instruction issued in terms of subsection (7), the Council may serve a notice of compliance or a demolition order on the person, as the case may be.

#### **4. PENALTIES**

A person who has committed an offence in terms of these By-laws, on conviction be liable to a fine or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

#### **5. NOTICE OF COMPLIANCE AND REPRESENTATIONS**

- (1) The notice of compliance must state –
  - (a) the name and residential or postal address of the affected person;
  - (b) the requirement which has not been complied with;
  - (c) having in detail the measures required to remedy the situation;
  - (d) that person must within a specified period take the measures to comply with the notice and complete the measures before a specified date; and
  - (e) that person may within 14 days make written representations in the form of a sworn statement or affirmation to the Council at a specified place.
- (2) The Council, when considering any measure or period envisaged in subsection (1)(c) or (d), must have regard to the principles and objectives of these By-laws, the nature of non-compliance, and other relevant factors.
- (3) Where person does not make representations in terms of subsection (1)(e), and the person fails to take measures before the date contemplated in subsection (1)(d), he or she commits an offence, and the Council may, irrespective of any penalty which may be imposed under section 4, act in terms of subsection (5).
- (4)
  - (a) Representations not lodged within the time contemplated in subsection (1) (e) will not be considered, except where the person has shown good cause and the Council condones the late lodging of the representations.
  - (b) The Council must consider the timely representations and any response thereto by an authorized official.
  - (c) The Council may, on its own volition, conduct any further investigations to verify the facts if necessary, and the results of the investigation must be made available to the permit holder, who must be given an opportunity of making a further

response if he or she so wishes, and the Council must also consider the further response.

- (d) The Council must, after consideration of the representations and any response make issue an order in writing and serve a copy of it on the person, which order must confirm, in whole or in part, alter, or set aside the notice of compliance is confirmed, in whole or in part, or altered, the Council must inform the person that he or she must, within the period specified in the order, discharge the obligation set out in the order and that failure to do so constitutes an offence.
  - (e) Where a person fails to discharge the obligations contemplated in subsection (4)(d), he or she commits an offence and the Council may, irrespective of any penalty which may be imposed under section 4, act in terms of subsection (5).
- (5) The Council may take such measures as it deems necessary to remedy the situation, including the demolition of the fence, and the cost thereof must be paid to the Council in accordance with section 6.

## **6. COSTS**

- (1) Should a person fail to take the measures required of him or her by a notice of compliance contemplated in section 5, the Council may, subject to subsection (3) recover, as a debt, all costs incurred as a result of it acting in terms of section 5(5) from that person and any or all the following persons:
  - (a) the owner of the land, building or premises or
  - (b) the person or occupier in control of the land, building or premises or any other person who has or had a right to use the land at the time when the situation came about.
- (2) The costs recovered must be reasonable and may include, without being limited to, costs relating to labour, water, equipment, administrative and overhead costs incurred by the Council under section 5(5).
- (3) If more than one person is liable for costs incurred, the liability must be apportioned as agreed among the persons concerned according to the degree to which each was responsible for the emergency resulting from their respective failures to take required measures.

## **7. DEMOLITION ORDER**

- (1) A person on whom a demolition order has been served in terms of sections 3(9), must demolish the fence and remove the materials.

- (2) Should the Municipality demolish a fence, it may dispose of the whole or any partly removed or demolished, by public auction or public tender.
- (3) The Municipality may deduct from the proceeds of any materials so disposed of the costs of any such pulling down, removal or demolition and the surcharge thereon and shall thereon and shall thereafter pay any balance to the fence removed or demolished.
- (4) The exercise of any powers set forth in subsection (2) and (3) shall not prejudice or diminish the rights of the Municipality to recover in terms of other provisions of these By-laws.

## **8. AUTHENTICATION AND SERVICE OF NOTICES AND OTHER DOCUMENTS**

- (1) A notice issued by the Council in terms of these By-laws is deemed to be duly issued if it is signed by an officer authorized by the Council.
- (2) Any notice or other document that is served on a person in terms of these By-laws is regarded as having been duly served –
  - (a) when it has been delivered to that person personally;
  - (b) when it has been left at that person's place of residence or business in the republic with a person apparently over the age of 16 years;
  - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained
  - (d) if that person's address in the Republic is known, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
  - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates;
  - (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of such body corporate; or
  - (g) when it has been delivered, at the request of that person, to his or her e- mail address.
- (3) Service of a copy is deemed to be service of the original.

- (4) When any notice or other document is served on the owner, occupier, or holder of any property, it is sufficient if that person is described in the notice or other document as the owner, occupier, or holder of the property or right in question, and it is not necessary to name that person.

## **9. APPEAL**

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

## **10. IMPLEMENTATION AND ENFORCEMENT**

- (1) The Council must appoint and mandate an official to administer the implementation and enforcement of these By-laws.
- (2) Upon appointment the Council must issue the official with an identity card which must state the name and function of the official, and which includes a photograph of the official.
- (3) An official, acting within the powers vested in him or her by these By-laws, must on demand by a trader produce the identity card and proof of identity.
- (4) An official within his or her mandate in terms of subsection (1) –
  - (a) must monitor and enforce compliance with these By-laws;



- (b) may investigate an act or omission which on reasonable suspicion may constitutes an offence in terms of these By-laws;
  - (c) may, for the purposes of paragraph (a) and (b), enter upon premises on which a business is carried on with the aim of ascertaining if an offence in terms of these By-laws has been or is being committed; and
  - (d) may request the owner or occupier to provide such information as he or she deems necessary.
- (5) A person commits an offence if he or she
- (a) hinders or interferes with an official in the execution of his or her official duties;
  - (b) falsely professes to be an official;
  - (c) furnishes false or misleading information when complying with a request of an official;  
or
  - (d) fails to comply with a request official.
- (6) A person who contravenes a provision of subsection (5) commits an offence.

## **11. SAVING AND TRANSITIONAL PROVISION**

An owner or occupier whose premises, at the provisions of these By-laws, do not comply with the provisions of these By-laws must, within a period of six months, ensure that his or her premises comply with the provisions of these By-laws.

## **13. SHORT TITLE AND COMMENCEMENT**

These By-laws are called the Ubuhlebezwe Fences and Fencing By-laws, 2014, and commence on a date determined by Council.

**SCHEDULE (Section 3(2))****APPLICATION TO ERECT A FENCE BY A OWNER OR OCCUPIER**

<b>PART A: DETAILS OF APPLICANT</b>	
Surname and first names of applicant	
ID Number	
Address: Postal	
Address: Residential	
Telephone Number (Business)	
Telephone Number (Residential)	
Facsimile Number	
<b>PART B: PARTICULARS OF PREMISES AND FENCE</b>	
Erf Number	
Nature of fence to be erected/ altered	
Address where the premises can be inspected	
<b>PART C. ISSUED LOCAL AUTHORITY</b>	
Consent is hereby granted in terms of section 5(4) of the Ubuhlebezwe Municipality Fences and Fencing By-Law, 2004 that the above-mentioned fence may be erected on above-mentioned premises. Conditions, requirements or specifications in terms of section 5 (4)	

\_\_\_\_\_  
*Signature*Name of Designated Official  
Designation of Official\_\_\_\_\_  
Date\_\_\_\_\_  
*Signature*Name of Municipal Manager  
Municipal Manager\_\_\_\_\_  
Date

## PROVINCIAL NOTICE 28 OF 2016

## UBUHLEBEZWE MUNICIPALITY

**ADVERTISING BYLAWS**

<b>1<sup>ST</sup> DRAFT DATE</b>	30 <sup>th</sup> June 2014
<b>2<sup>ND</sup> DRAFT DATE</b>	
<b>ADOPTION BY COUNCIL</b>	
<b>PROMULGATION DATE</b>	

The Municipal Council for Ubuhebezwe has adopted the following bylaws at its meeting held on in terms of section 156(2) of the Constitution of the Republic of South Africa (Act No 108 of 1996) read with section 31(2) of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998) and hereby publishes the subjoined bylaws in terms of section 13 (a) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) to come into effect on the date of publication hereof in the Provincial Gazette.

Municipal Manager

## UBUHLEBEZWE MUNICIPALITY

### ADVERTISING BYLAWS

#### 1. DEFINITIONS

In these bylaws:-

1,1 **“Advertisement”** means :-

1.1.1 any visible representation of a word, name, letter, figure or object or of an abbreviation of a word or name, or of any sign or symbol, or

1.1.2 any light which is not intended solely for illumination or as a warning against any danger;

1.2 **“Aerial sign”** means any sign attached to a kite, balloon, or similar device whereby it is suspended in the air;

1.3 **“Alter”** in relation to a sign means to materially alter, modify, adjust or move any sign but does not include the substitution of one sign for another (of exact kind i.e. replacement) or the complete change of an advertisement;

1.4 **“Building”** means any structure whatsoever with or without walls, having a roof or canopy and a means of ingress and egress thereunder, covering an area in excess of 4.6m and having an internal height of more than 1.65m;

1.5 **“billboard”** means a sign which directs attention to a business, commodity, service, or entertainment not necessarily sold upon the premises where such a sign is located or to which it is affixed;

1.6 **“Municipal Manager”** means the person duly appointed by the Council or the person temporarily acting as such or his duly authorised representative;

1.7 **“Clear height”** means the vertical distance between the lowest edge of a sign and the level of the ground, footway or side walk or surface immediately below such sign;

1.8 **“Combustible”** means will burn or ignite at or below a temperature of 750 C when tested for combustibility in accordance with SABS Standard Specification Definitions of Fire-Resistance Incombustibility and Non-Inflammability of building materials and structures [including Methods of tests]

- 1.9 **“Council”** means the Ubuhlebezwe Municipality or its successors in title, and includes the council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Executive Committee has delegated any powers and duties with regard to these bylaws;
- 1.10 **“Depth”** means the vertical distance between the uppermost and lowest edges of a sign;
- 1.11 **“Display”** means to erect and/or expose a sign to the public view by any method whatsoever;
- 1.12 **“driveway entry sign”** means a sign or a pair of signs located at the road right-of-way line, not exceeding the height of 90cm, providing direction for vehicular circulation into and out of a drive-in business;
- 1.13 **“Encroaching sign”** means a sign which extends beyond the street line;
- 1.14 **“Entertainment sign”** means any sign: –
- 1.12.1 relating solely to current or forthcoming programmes displayed on or within any premises used for public entertainment
  - 1.12.2 of a poster or bill type temporarily displayed solely for or in connection with a particular occasion, function or event to which it relates;
- 1.15 **Flag sign”** means any sign on a durable non-rigid material displayed on a flagpole secured to a building, canopy, wall or the ground;
- 1.16 **“Flat sign”** means any sign which is affixed to the main wall of a building and which at no point projects more than 230mm from the surface of such wall;
- 1.17 **“Ground sign”** means any sign, other than an aerial sign, detached from a building and displayed on: –
- 1.15.1 poles, standards or pylons, the bases of which are firmly embedded and fixed in the ground and are entirely self-supporting, rigid and inflexible, or
  - 1.15.2 any fence or wall not being the wall of a building;
- 1.16 **“Interchangeable poster”** means a poster displayed in a poster-type sign;
- 1.17 **“Main wall”** means any external wall of a building excluding any parapet wall, balustrade or railing of a verandah or balcony forming part of a building;
- 1.18 **“Owner”** in respect of a sign means the owner of the sign or of the premises on which it is displayed or the person in possession of or having control over the sign or the premises;
- 1.19. **“Poster type sign”** means a sign designed to accommodate interchangeable posters;
- 1.19 **“Portable sign”** means a sign which: does not exceed 0,5sq m in area , and may be moved from place to place by one person;

- 1.21 **“Projecting sign”** means any sign which is affixed to a main wall of a building and which at any point projects 230mm or more from the surface of such wall;
- 1.22 **“Public street”** means a public street as defined in Section 1 of the Local Authorities Ordinance, 1974 (Act No 25 of 1974);
- 1.23 **“Rotating sign”** means a sign which rotates on any axis;
- 1.24 **“Show sign”** means any sign displayed on any public street advertising the sale or lease of movable property or that such property has been sold or let provided that such signs:
- 1.24.1 give directions to a show house or building, being a house, building or property that is for sale and is open for viewing by the public on a specific day or days;
  - 1.24.2 are displayed on Saturdays, Sundays or public holidays for the duration of such days or for not more than 2 succeeding days;
  - 1.24.3 do not exceed 0.5sqm in area;
  - 1.24.4 do not obstruct vehicular or pedestrian traffic or the lines of sight of drivers or pedestrians;
  - 1.24.5 are not supported on any stake, post or like support which is driven into or buried in the ground.
- 1.25. **“Sign”** means any signboard, structure or device whatsoever, used or intended or adapted for the display of an advertisement, and includes: –
- 1.25.1 any advertisement painted, written, printed or otherwise affixed onto any surface, and
  - 1.25.2 supports, braces and all other structures and/or equipment used to display the sign;
- 1.26 **“Sky sign”** means: –
- 1.26.1 any sign displayed on the roof of a building, not being that portion of a roof which is the roof of a verandah or balcony;
  - 1.26.2 any sign displayed on the top of a parapet of a roof not being the parapet of a roof of a verandah or balcony, but does not include an advertisement painted on the roof of a building;
- 1.27 **“Street line”** means the boundary of a public street;
- 1.28 **“Temporary sign”** means a sign which: –
- 1.28.1 relates to an election or referendum held in terms of any law;

- 1.28.2 relates to the sale of current newspapers and the like within a public street;
  - 1.28.3 is displayed upon any premises during the course of building operations referring to architects, engineers, plumbing, electrical, wiring, painting and renovations and the like, carried out on such premises, and which are commonly referred to as “builders’ boards” or “contractors’ boards” which shall be displayed and removed in accordance with bylaw 10.2;
  - 1.28.4 relates to the sale of goods usually at reduced prices, commonly referred to as a “sale”;
  - 1.28.5 is carried by any person on a public street;
  - 1.28.6 relates to any event or occasion not classified or construed as an :”Entertainment sign” as defined in bylaw 1.12 above (e.g. blood transfusion services);
  - 1.28.7 pamphlets placed in post boxes;
- 1.29 **“Window sign”** means a sign painted on or attached to the window glass;

## 2. APPLICATION OF THESE BYLAWS

- 2.1 The provisions of bylaws 4 and 5 shall not apply to the signs listed in Schedule 1.
- 2.2 The provisions of these bylaws shall not relieve any person from complying with the provisions of the Advertising on Roads and Ribbon Development Act, 1940 (Act no 21 of 1940) or any other law, regulation or act.

## 3. APPROVAL REQUIRED FOR DISPLAY OF SIGNS

Save as otherwise provided for in Schedule 1 hereto, no person shall display or permit the display of any sign which :–

- 3.1 has not been approved in writing by the Council in terms of bylaw 4, or bylaw 5, or
- 3.2 does not comply with conditions of approval granted by the Council.

## 4. APPLICATION TO DISPLAY SIGNS

- 4.1 Application to display any sign (other than those signs exempted in terms of Schedule 1) shall be made in the manner prescribed in Schedule 2.
- 4.2 The Council may approve the display of any sign which does not comply with these bylaws if it is of the opinion that such sign –
  - 4.2.1 will be integrated with the building or premises on which it is intended to be displayed, and



- 4.2.2 will not detract from or disfigure the appearance thereof or the integrity of the environment,
- 4.2.3 and in arriving at such opinion the Council shall take into account, the special nature, design, proposed arrangement, position and size of the sign, and
- 4.2.4 the layout of the building and premises on which the sign is intended to be displayed,
- 4.3 but may refuse to approve any sign which, in its opinion –
  - 4.2.5 will, or is likely to detract from or disfigure, the appearance of any building or premises on which the sign is intended to be displayed;
  - 4.2.6 will be unsightly;
  - 4.2.7 is of an obscene, indecent, repulsive, revolting or objectionable character;
  - 4.2.8 will, or is likely to constitute, a danger to traffic or the public in general, or
  - 4.2.9 will, or is likely to be, so intrusive as to disturb the residents or occupants of adjacent or nearby buildings.
- 4.3 Notwithstanding any approval granted in terms of these bylaws, the Council may at any time require the owner of any sign to alter, partially screen, reduce the intensity of illumination on or remove such sign, if it is subsequently of the opinion that such sign is a danger or potential danger to traffic or the public in general or disturbs the residents or occupants of adjacent or nearby buildings.

## **5. ALTERATIONS AND ADDITIONS TO SIGNS**

- 5.1 The total area of a flat sign or flat signs may not exceed one quarter of the area of a main wall of a building, to which it or they are affixed.
- 5.2 A projecting sign shall not be displayed within 2m of any other projecting sign displayed on the same building;
- 5.3 A sky sign shall not be displayed within 10m of any other sky sign displayed on the same building;
- 5.4 Not more than one ground sign may be displayed on any subdivision, provided that in respect of any subdivision with a street frontage in excess of 30m one ground sign may be displayed on such subdivision for every 15m of frontage thereof.

## **6. GENERAL PROHIBITIONS**

Notwithstanding Schedule 1 hereto, no person shall display any sign which: –

- 6.1 will obstruct any fire escape or the means of egress to a fire escape;
- 6.2 will obstruct or interfere with any window or opening required for ventilation purposes;
- 6.3 will or is likely to obscure, obstruct or otherwise interfere with any road traffic sign or will or is likely to create confusion in the minds of users of the public street insofar as the regulation of traffic is concerned.
- 6.4 is illuminated and contains any one or more of the colours red, green, or amber, unless such sign has a clear height of 6m or unless such sign is more than 15m (measured horizontally) from the vertical line of the street line at the corner of a public street or streets;
- 6.5 is of such intense illumination that it disturbs the residents or occupants of adjacent or nearby buildings, or
- 6.6 is erected or supported by the use of nails or staples;
- 6.7 is specifically otherwise regulated in terms of any Town Planning Schemes applicable within the uBuhlebezwe Municipality;
- 6.8 excluding a sign, is an advertisement, upon the column of a street, verandah or balcony;
- 6.9 is fixed between the columns of a street verandah or balcony, except a sign not exceeding 800mm in height fixed to a beam over verandah columns or to a parapet of a verandah to which sub-bylaw 6.10 does not apply;
- 6.10 projects below any fascia, bearer, beam, or balustrade of any splayed or rounded corner or return of a verandah over a street;
- 6.11 is a swinging sign, not being a sunblind;
- 6.12 which flashes and which is substantially illuminated for intervals of more than 2 seconds;
- 6.13 is to be painted onto or attached in any manner to a tree or plant or to any road traffic sign.
- 6.14 the erection of billboards when they significantly affect the use of the adjoining property.

## **7. METHODS OF CONSTRUCTION OF SIGNS**

- 7.1 Every sign, including these provided for in Schedule 1 hereto, shall be neatly and properly constructed and erected and finished to the satisfaction of the Council.
- 7.2 Every sign attached to or on a building, fence or wall shall be securely and safely attached thereto in such a manner that the method of attachment is capable of securing and supporting not less than twice the weight of the sign as well as any other force to which the sign may be subjected, to the satisfaction of the Council.
- 7.3 All signs and supports thereof which are attached to brickwork, masonry or concrete shall be securely and effectively attached thereto by: –

- 7.3.1 means of bolts, of a size and strength acceptable to the Council, securely embedded in such brickwork, masonry or concrete or passing through the same and secured on the opposite side, or
- 7.3.2 any other method acceptable to the Council.
- 7.4 All exposed metalwork or timber in a sign or its supports shall be suitably painted or otherwise treated to prevent corrosion or decay.
- 7.5 No sign shall be constructed in whole or in part of cloth, canvas, cardboard, paper or like material unless such sign is an entertainment, flag sign or is displayed on a sunblind or is a poster sign.
- 7.6 Unless the Council otherwise approves, all projecting or suspended signs shall have not less than four attachment points: -
  - 7.6.1 which shall be of metal;
  - 7.6.2 any two of which shall be capable of carrying the weight of a sign;
  - 7.6.3 the design strength of which acting together shall be calculated on a mass equal to twice the mass of the sign, as well as any other force to which the sign may be subjected, to the satisfaction of the Council;
  - 7.6.4 which shall be neatly constructed as an integral part of the design of the sign or otherwise concealed from view;
- 7.7 All glass used in signs, other than glass tubing used in neon and similar signs, shall be safety glass with a thickness of at least 3mm.
- 7.8 Glass panels in signs shall not exceed 1m<sup>2</sup> in area and each panel shall be securely fixed in the body of the sign independently of all other panels.
- 7.9 Every illuminated sign and every sign in which electricity is used shall be
  - 7.9.1 constructed of material which is not combustible ;
  - 7.9.2 provided with an external switch in an accessible position approved by the Supplier of Electricity whereby the electricity supply to such sign may be disconnected, and
  - 7.9.3 Wired and constructed in accordance with and subject to the provisions of the applicable SABS Code of Practice.
- 7.10 Billboards must maintain the minimum space from any road as may be determined by the Municipality from time to time.

## **8. ENCROACHING SIGNS**

- 8.1 Notwithstanding any provision of these bylaws, including Schedule 1, any person intending to display any encroaching sign shall make application in the manner described in Schedule 2 and shall pay the application fee set out in the tariff of charges.
- 8.2 Any approval granted by the Council in terms of this bylaw shall be conditional upon the owner: –
- 8.2.1 entering into a written agreement of encroachment with the Council;
- 8.2.2 indemnifying the Council in respect of the sign, and
- 8.2.3 paying the prescribed fee relating to such encroachment.
- 8.3 The Council may at any time revoke its approval for the display of an encroachment sign, cancel the encroachment agreement and shall forthwith give notice in writing to the owner of such decision.
- 8.4 Whenever the owner of an encroachment sign intends transferring ownership, he shall inform the Council thereof in writing giving details of the name and address of the new owner.

## **9. MAINTENANCE OF SIGNS**

The owner of any sign, including those provided for in Schedule 1 hereto, shall at all times maintain such sign in good repair and safe condition.

## **10. REMOVAL OF SIGNS**

10.1 Any sign which: –

- 10.1.1 is displayed in contravention of these bylaws;
- 10.1.2 notwithstanding the provisions of Schedule 1 hereto, by virtue of a change in use, ownership or occupancy of the premises of which it relates or for any other reason, ceases to be relevant to the premises on which it is displayed,
- shall forthwith be removed by the owner.

10.2 No sign or advertisement: –

- 10.1.3 advertising a particular occasion, function, sale or event other than an election or referendum or signs relating to the sale or letting of immovable property as provided for in Schedule 1, paragraph 11, or show signs as provided for in bylaw 1.24 shall be displayed for longer than 14 days before the day on which such event begins or longer than three days after the day on which it ends;
- 10.1.4 advertising an election or referendum shall be displayed for longer than the period:-
- i. in respect of an election, from the date following the official acceptance of nominations of parties or candidates; and

- ii. in respect of a referendum, from the date following official notification in the Gazette / Press of the date on which such referendum is to take place;

Until the end of the tenth day after the final date set aside for the casting of votes for such election or referendum.

10.3 If any person :-

10.3.1 fails to remove a sign referred to in this bylaw, or

10.3.2 is in the course of displaying or altering a sign in contravention of these bylaws;

the Council shall by notice in writing, served upon the owner at the time of issue of such notice and within a period of time specified, which shall be not less than 14 days, in such notice, order him :-

- ☐ to remove such sign;
- ☐ to alter such sign so that it complies with these bylaws;
- ☐ or may order the owner to forthwith cease all work in connection with such display or alteration.

10.4 If any person fails to comply with the terms of an order referred to in this bylaw the Council may either institute legal action or may itself remove, conceal or obliterate the sign and recover from the owner the costs incurred in doing so.

## 11. EXISTING SIGNS

11.1 Any existing sign lawfully displayed on the date of promulgation of these bylaws which complies with the provisions of these bylaws may continue to be displayed and shall be deemed to have been approved in terms of these bylaws.

11.2 Any existing sign lawfully displayed on the date of promulgation of these bylaws which does not comply with the provisions of these bylaws may continue to be displayed, provided that :-

11.2.1 no such sign shall be repainted, renovated or reconstructed unless it is first made to comply with the provisions of these bylaws and the approval of the Council thereto has been obtained in terms of bylaw 4 hereto;

11.2.2 in respect of any sign other than an encroaching sign, the Council may at any time after the expiration of a period of 5 years from the date of promulgation of these bylaws by notice in writing order the alteration, modification, adjustment or removal of such sign within a period of 30 days from the date of issue of such notice or such longer periods as the Council may specify.

11.3 Any existing sign not lawfully displayed at the date of promulgation of these bylaws and in contravention of these bylaws shall be subject to the provisions of Bylaw 10 and 12.

## 12. OFFENCES, PENALTIES AND APPEALS

12.1 The provisions of the council's Offences, Penalties and Appeals Bylaws apply mutatis mutandis to these bylaws

### 13. REPEAL OF BYLAWS / REGULATIONS

- 13.1 Chapter 1 (Buildings) of the Regulations published on 9 March 1961 under Provincial Notice No 119, 1961 by the former Ixopo Health Committee, together with any amendment thereto, are hereby repealed;
- 13.2 Part RX 1, Advertising Regulations, of the Development and Services Board as they applied to the under-mentioned areas, will no longer apply as from the date of publication of these bylaws:-

#### SCHEDULE 1

**NOTE: This schedule relates to signs erected on any privately owned property/premises only. It does not address signs erected or to be erected on public streets, public places or on any property owned or under the control of the council, which do require the consent of the council**

Subject to the provisions of bylaws 5,6,7,8,9,10,11 and 12 and to the payment of the prescribed fee as set out in the Council's tariff of charges, where applicable, no approval of the Council is required to display the following signs on any privately owned immovable premises or property in all parts of the area which are controlled by a town planning scheme unless specifically stated otherwise :-

1. Entertainment signs which do not exceed 0,5sqm in area, provided that no such signs shall be erected on any property used or zoned for residential purposes;
2. All temporary signs, provided that any sign as referred to in bylaw 1.28.3. shall be restricted to one main contractors board of a maximum size of 1,5sqm and two sub-contractors boards each not exceeding 0,5sqm; provided further that no signs referred to

in bylaw 1. 28.1, 1.28.5 and 1.28.6 shall be erected on any property used or zoned for residential purposes.

3. Signs required to be displayed by law.
4. Signs displayed upon a vehicle ordinarily in use as such.
5. Signs displayed in a book, newspaper, magazine or similar publication.
6. Signs displayed flat on any part of a building, not being that part of a building which exists beyond the street line, advertising only the name, address and telephone number of the occupier thereof, with or without a concise description of the type of business lawfully conducted on such premises and the hours of attendance, provided that any such sign does not exceed 0,3sqm in area and does not project more than 75mm from the surface on which it is displayed.
7. Signs not exceeding 0.5sqm in area advertising only the name and telephone number of the occupier of any dwelling house and the address thereof, provided that such signs are displayed upon the premises to which they relate.
8. Signs displayed from the interior of any building being that part of a building enclosed by walls, windows and doors.
9. Rotating signs, except in any property used or zoned for residential purposes, or to be situated on any public street.
10. Window signs, except in any property used or zoned for residential purposes.
11. Signs, not exceeding 0.5sqm in area, restricted to one per property, per agent, displayed on private immovable premises or property or erected parallel to the evident street boundary of the property and encroaching not more than 200mm beyond such boundary to advertise that property for sale or lease or that it has been sold or let, provided that in the case of a sign advertising that immovable property has been let or sold, such sign shall cease to be exempt from the provisions of these bylaws upon the expiry of a period of 30 days calculated from the date on which such sign was erected.
12. Except on any property used or zoned for residential purposes, Verandah signs, being signs which are placed on top of the roof of a verandah only where such roof does not have a parapet wall, balustrade or railing and :-
  - 12.1 are constructed in a straight line;
  - 12.2. do not exceed 1m in depth;
  - 12.3 do not extend beyond the extremities of the verandah roof nor project beyond the rear of any verandah roof gutter;
  - 12.4 are set parallel to that end of the verandah which faces the street and are as near thereto as the design of the verandah roof allows; and



- 12.5 are displayed in such a manner that the bottom of the sign rests directly on the verandah roof; or
13. Signs painted on the roof of a building not being the roof of a building other than one in which an industry or manufacturing process is conducted, provided that such signs advertise only the name of the person, firm, company, society or association occupying the building.
14. Except on any property used or zoned for residential purposes, ground signs on poles, standards or pylons, the base of which are firmly embedded and fixed in the ground and are entirely self-supporting, rigid and inflexible that :-
- 14.1 do not exceed 2 sqm in area;
- 14.2 if displayed flat against a wall, do not:
- 14.2.1 project at any point more than 100mm from the surface of the fence or wall, and
- 14.2.2 extend above the top or beyond either end of the fence or wall, or
- 14.3 if placed onto the top of a fence or wall, rest directly thereon and are displayed in the same vertical plane as the fence or wall.
- 15 except on any property used or zoned for residential purposes, flag signs not exceeding 4sqm in area and maintained to the satisfaction of the Council.
- 16 Except on any property used or zoned for residential purposes, portable signs which are displayed upon premises to which the sign relates.

## **SCHEDULE 2**

Application to display any sign, other than those exempt in terms of Schedule 1, shall :-

1.1 be made on a form obtainable from the Municipal Manager

1.2 be addressed to the Municipal Manager

be accompanied by :-

2.1 the prescribed fee as set out in the tariff of charges;

2.2 a drawing, on durable paper, to a scale of not less than 1:50 showing the full text, colour, material, construction, overall dimensions and method of attachment, suspension and support of the sign;

2.3 a scale drawing on durable paper, showing clearly the proposed position of the sign and its clear height;

provided that the Council may at any time prior to considering the application call upon the applicant to provide it with any other information which it deems necessary or relevant.

#### **UBUHLEBEZWE MUNICIPALITY**

#### **APPLICATION TO ERECT A SIGN IN TERMS OF THE COUNCIL'S SIGNS BYLAWS**

**THE MUNICIPAL MANAGER  
UBUHLEBEZWE MUNICIPALITY**

I, the undersigned \_\_\_\_\_ hereby apply for permission to erect and display a sign on / near Erf \_\_\_\_\_ in full accordance with the specification hereinafter set forth and the attached drawings, and the provisions of the Council's bylaws relating to advertising, and tender herewith \_\_\_\_\_ application fee.

*\*In the event of there being insufficient space provided hereunder, relevant details can be supplied on the drawings to be submitted or on a separate annexure.*

1. The sign is manufactured of .....
2. The sign is SINGLE / DOUBLE / - faced (delete incorrect)
3. Type of sign GROUND / WALL / PROJECTING / VERANDAH / SKY
4. Measurements (a) Total height above ground level  
.....  
(b) Min. Clearance above ground level .....  
(c) Length .....m  
(d) Width .....m
5. Projecting from building .....mm
6. Colour of (a) Background .....  
Colour & Size of (b) Lettering .....
7. Position on premises (describe) .....  
.....
8. Sky signs (a) Number of storeys .....  
(b) Total height of building .....
9. State how sign is to be secured, type of supports, anchorage, bolts etc  
.....

NOTE: Drawings of the proposed signs as required in terms of clauses 2.2 and 2.3 of schedule 2 are to be attached to this form

I hereby undertake to maintain the sign, fittings and supports in a safe condition and in proper repair and hereby indemnify the Council harmless from any and all claims whatsoever that may arise as a result of, or in connection with the erection and / or display of the sign.

DATED AT \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20\_\_\_\_

\_\_\_\_\_  
SIGNATURE OF APPLICANT

WITNESSES:

1. ....

2. ....

I, the undersigned \_\_\_\_\_ owner of the premises referred to

above, do hereby consent to the erection of the abovementioned sign on the terms and conditions set forth above.

DATED AT \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20 \_\_\_\_

\_\_\_\_\_  
SIGNATURE OF OWNER OF PREMISES

I, the undersigned \_\_\_\_\_ owner of the sign referred to above do hereby acknowledge that I have read the foregoing conditions and agree to abide by them in so far as they effect me or my company.

DATED AT \_\_\_\_\_ THIS \_\_\_\_\_ DAY OF \_\_\_\_\_ 20 \_\_\_\_

\_\_\_\_\_  
SIGNATURE OF OWNER OF SIGN

## PROVINCIAL NOTICE 29 OF 2016

## UBUHLEBEZWE MUNICIPALITY

**ACCOMMODATION ESTABLISHMENT BYLAWS**

1 <sup>ST</sup> DRAFT DATE	30 <sup>th</sup> June 2014
2 <sup>ND</sup> DRAFT DATE	
ADOPTION BY COUNCIL	
PROMULGATION DATE	

**UBUHLEBEZWE MUNICIPALITY****ACCOMMODATION ESTABLISHMENT BY-LAWS**

The Ubuhlebezwe Municipality has in terms of section 268 of the Local Authorities Ordinance, 1974 (Ordinance 25 of 1974); made the following By-law:

**ARRANGEMENT OF BY-LAWS**

1.	Definitions
2.	Application of By-laws
3.	Applications for registration
4.	Display of registration certificate
5.	Validity of registration
6.	Transfer of business
7.	Cancellation of registration
8.	Compliance with laws
9.	Appointment of a responsible person
10.	Certificate by occupants
11.	Display of By-laws
12.	Right of entry and inspection
13.	Limits on occupancy
14.	Identification and marking of bedrooms
15.	Duties of certificate holder: Offences
16.	General offences
17.	Presumptions
18.	Offences and penalties

**1. DEFINITIONS.**

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

**“accommodation establishment”** means any premises in or upon which the business of supplying lodging with or without meals for reward is conducted for more than four persons, but does not include—

- (a) self-catering units of accommodation such as flats or chalets;
- (b) a home for the aged which is registered as such in terms of the Aged Persons Act, 1967 (Act 81 of 1967);
- (c) a hostel which is ancillary to and under the control of a school, university or other educational establishment; or
- (d) a hotel which is registered as an hotel under the Hotels Act, 1965 (Act 70 of 1965);

**“certificate holder”** means a person who is the holder of a valid registration certificate issued in terms of section 3 (6) and includes in his absence from the premises a responsible person referred to in section 9;

**“Council”** means the Ubuhlebezwe Municipality.

**“authorised officer”** means the employee of the Council appointed by it to administer these By-laws and includes any other employee authorised in law to act in his name and on his behalf;

**“National Building Regulations”** mean the regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977);

**“nuisance”** means a nuisance as defined in section 1 of the Ordinance;

**“premises”** means premises in or upon which the business of an accommodation establishment is or is to be conducted together with the land on which the same is situated and includes any outbuildings on such land;

**“prescribed fee”** means a fee prescribed by the Council by resolution from time to time;

**“prescribed form”** means a form prescribed and made available by the Council;

**“registration certificate”** means a registration certificate issued in terms of section 3 (6);

**“responsible person”** means a person appointed as such in terms of section 9 (1); and

**“the Ordinance”** means the Local Authorities Ordinance, 1974 (Ordinance 25 of 1974).

## 2. APPLICATION OF BY-LAWS

(1) No person shall conduct a business which involves the supply of accommodation in an accommodation establishment unless he is in possession of a valid registration certificate issued to him by the Council in terms of section 3.

(2) A person who is at the date of commencement of these By-laws conducting a business referred to in subsection (1) shall within six months of that date, or within such extended period as the Council may on application made prior to the expiry of the said period of six months in writing allow, apply for registration of such business in terms of section 3 and if he fails to do so or his application is refused, he shall if he continues to conduct such business after the expiry of that period or after such refusal be deemed to have contravened subsection (1).

(3) A person whose business has been registered in terms of section 3 shall in the conduct of his business comply with all the provisions of these By-laws and with the limitations, restrictions, terms and conditions imposed upon the approval of the registration of his business and if he fails to do so he shall be guilty of an offence for which the penalties referred to in section 18 shall be applicable.

## 3. APPLICATIONS FOR REGISTRATION.

(1) A person who is referred to in section 2 (2) and a person who intends conducting a business involving the supply of accommodation at an accommodation establishment shall apply for



registration of his business or proposed business to the authorised officer in writing on the prescribed form and such application shall be accompanied by:

- (a) a site plan;
  - (b) a layout plan of the building or buildings on the premises indicating:
    - (i) the dimensions and floor area of each room or other distinct part of the premises and the use to which it is to be put;
    - (ii) the maximum number of persons to be accommodated in each room intended for use as a bedroom as determined in accordance with the provisions of section 13;
    - (iii) the location of cooking facilities, bathrooms, showers, toilets and laundry facilities;
    - (iv) the position of lighting and electrical socket outlet points, electric cooking appliances and electric water heaters, if applicable;
    - (v) the siting of hose reels, fire hydrants and portable fire extinguishers in compliance with the requirements of the National Building Regulations;
    - (vi) the location of emergency routes provided in accordance with the National Building Regulations for escape from the building in the event of fire, reflecting—
      - (aa) all doors, passages, ramps and stairs which are components of such routes and indicating their widths;
      - (bb) the fire resistance of the elements constituting such components;
    - (vii) the siting of all sanitary fixtures, which shall comply with the requirements of Part P of the National Building Regulations; and
  - (c) the prescribed application fee which shall not be refundable; provided that—
    - (i) the authorised officer may require an applicant to submit such other plans, documents and information as he deems necessary for the purpose of considering any application or a particular application.
    - (ii) no person may apply for or be granted registration within six months after the cancellation in terms of section 7 or section 18 (3) of registration effected either in his name or in that of a company, close corporation or partnership of which he is or was a member.
- (2) The application shall be signed by the person who intends to conduct the business on the premises or his authorised agent and in the case of the latter he shall annex a copy of his authorisation to the prescribed form.
- (3) If the applicant is a juristic person the application shall be accompanied by a certified copy of the resolution of the executive body of such person authorising the making of the application.

- (4) If the applicant is not the registered owner of the premises, the application shall be accompanied by a certified copy of the lease or other document from which he derives his right to occupy the premises.
- (5) The authorised officer shall convey his decision on an application made in terms of subsection (1) within 30 days of the date of receipt of the application or within such extended period as may be approved by the Council.
- (6) Upon approval of an application, the authorised officer shall register the business to which the application relates and issue a registration certificate to the applicant on the prescribed form.
- (7) If the authorised officer refuses an application, the applicant may within 30 days of the date of the notice conveying such refusal to him, appeal to a committee appointed by the Council for the purpose, such committee to comprise three persons, of whom one:
  - (a) shall be an independent person who is a retired judge of the Supreme Court, a retired magistrate or a person who has practiced as an advocate or attorney for at least 7 years, with a duly nominated alternate
  - (b) shall be a councillor; and
  - (c) shall be a person with appropriate knowledge or experience nominated from time to time by the Council of Ubuhlebezwe Municipality or, a body having similar objectives which is approved by the Council; and alternates may be appointed or nominated in each case to act in the absence of a member.
- (8) The member referred to in subsection (7) (a) or in his absence his alternate, shall be the chairman of the committee.
- (10) The members of the committee shall hold office until replaced by the Council or, in the case of the member referred to in subsection (7) (c), until the body referred to in that subsection nominates another person for membership of the Committee.
- (11) In granting an application for registration the authorised officer or in the case of an appeal in terms of subsection (7), the committee, may impose such limitations, restrictions, terms and conditions as he or it deems fit in furtherance of the aims of these By-laws.
- (12) An application may be refused on the grounds that the premises do not comply with the requirements of these By-laws or that the applicant is not a fit and proper person to conduct an accommodation establishment business.
- (13) A certificate holder shall within twenty-one days of any such change notify the authorised officer of any change in the information reflected in the application submitted by him in terms of subsection (1) or on any plan or in any document submitted therewith.

#### **4. DISPLAY OF REGISTRATION CERTIFICATE.**

A person to whom a registration certificate has been issued in terms of these By-laws shall publicly display such certificate at all times in the office or reception area of the accommodation establishment to which it relates.

## 5. VALIDITY OF REGISTRATION.

A registration certificate issued in terms of section 3 (6) and the registration to which it relates shall remain valid for as long as the accommodation establishment business continues to be conducted on the premises to which it relates by the person to whom it was issued unless it is cancelled in terms of section 7 or is cancelled by order of court in terms of section 18.

## 6. TRANSFER OF BUSINESS.

- (1) In the event of the transfer of a business relating to the conduct of an accommodation establishment in respect of which a registration certificate has been issued in terms of section 3 or upon any other change in the identity of the certificate holder, the transferee or, in the case of a change in identity, the person who will in future conduct the business shall forthwith apply to the authorised officer on the prescribed form for the registration of the business and the issue to him of a registration certificate in his name; Provided that the proviso to section 3 (1) shall *mutatis mutandis* apply to such person.
- (2) An application made in terms of subsection (1) shall be accompanied by such plans, documents and other information as the authorised officer may have reason to require in accordance with these By-laws, together with the prescribed fee.
- (3) Upon receipt of an application made in terms of subsection (1) the authorised officer shall, if he is satisfied that the premises comply with the requirements of these By-laws and that the applicant is a fit and proper person to conduct the business, register the business and issue a registration certificate in the name of the applicant.

## 7. CANCELLATION OF REGISTRATION.

- (1) If a certificate holder or a responsible person referred to in section 9(1) or either of them has on three separate occasions within any period of 12 months committed a breach of any of the following—

(a) a law referred to in section 8 (1);

(b) paragraphs (a), (c), (d), (h), (i), (j), (k), (l), (n), (o), (q) and (r) of section 15 (1),

for which he is convicted, the authorised officer may, if in his opinion such breach has in each case caused or is likely to cause a threat to the health or safety of persons on the premises of the accommodation establishment concerned, or a nuisance, after notice to the certificate holder calling on him to show cause within a period specified in the notice why he should not do so, cancel his registration, whereupon the certificate issued to that person shall automatically cease to be valid.

- (2) A certificate holder whose registration has been cancelled in terms of subsection (1) may within 21 days of the date of the notice conveying such cancellation to him appeal in writing to the committee appointed by the Council in terms of section 3 (7) and the decision of that committee shall be final.
- (3) Unless the authorised officer decides otherwise, cancellation of registration in terms of subsection (1) shall not take effect until expiry of the period of the 21 days referred to in subsection (2) or, in the event of an appeal in terms of that subsection, until the date on which the committee confirms the cancellation.

**8. COMPLIANCE WITH LAWS.**

- (1) If the certificate holder in the conduct of an accommodation establishment business commits a breach of any law the nature of which constitutes a threat to the health or safety of persons or a nuisance, such breach shall be deemed to be a breach referred to in section 7 (1).
- (2) In the event of the approval of any plan involving the alteration of the premises in terms of section 7 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), which will when implemented result in any change to the number or size of bedrooms depicted as such on the plan lodged in terms of section 3(1), the certificate holder shall within 21 days of the approval of such plan lodge a copy thereof with the authorised officer who may amend the plan lodged in terms of section 3 (1) (b) accordingly.
- (3) The certificate holder shall not—
  - (a) make or cause, permit or allow to be made any alteration to the premises or to the internal arrangement of rooms and other components of the premises;
  - (b) introduce partitions in the premises or alter existing partitions or cause, permit or allow the same to be done;

if the effect of such act will be to interfere with or render less effective the emergency routes referred to in section 3 (1) (b) (vi) and he shall not make any alteration or cause, permit or allow any alteration to be made to any such emergency routes without the prior written consent of the authorised officer.

- (4) The certificate holder shall not keep or cause, allow or permit the keeping of any flammable liquid or substance as defined in the Council's By-laws relating to Fire Prevention, the keeping of which requires authority in terms of any law without that authority and without giving notice in writing to the authorised officer prior to the keeping of such liquid or substance.

**9. APPOINTMENT OF A RESPONSIBLE PERSON.**

- (1) A certificate holder shall be responsible for ensuring that at all times either he or a responsible person appointed by him to act on his behalf is present on the premises.
- (2) The certificate holder shall within seven days inform the authorised officer in writing of the identity and particulars of any responsible person appointed by him and shall furnish the authorised officer with such particulars of such person as the officer may require and shall within seven days of any such change notify the authorised officer of any change that may take place from time to time as to the identity of a responsible person or of his particulars.
- (3) The certificate holder shall ensure that the name of any responsible person appointed in terms of subsection (1) as well as his address and the telephone number or numbers at which he may be contacted are publicly displayed in the office or reception area of the premises at all times.
- (4) The certificate holder and any responsible person appointed to act in his absence shall take all reasonable steps to ensure that the provisions of these By-laws and any limitations, restrictions, terms and conditions imposed in terms of section 3 (8) are complied with.

**10. CERTIFICATE BY OCCUPANTS.**

Every adult person admitted to the premises for the purpose of occupying accommodation therein shall be required to sign a certificate to the effect that his attention has been drawn to the copy of these By-laws displayed in terms of section 11 and in which he acknowledges that he may be required to leave the premises if he commits a breach of these By-laws or commits a nuisance.

**11. DISPLAY OF BY-LAWS.**

The certificate holder shall publicly display an up-to-date copy of these By-laws in the office or reception area of the premises at all times and such By-laws shall be accessible to all occupants.

**12. RIGHT OF ENTRY AND INSPECTION.**

- (1) The authorised officer and any other employee of the Council authorised by him shall at all reasonable and appropriate times be entitled to enter upon the premises for any of the following purposes, namely—

- (a) to determine whether these By-laws and any other law is being complied with;
- (b) to inspect the premises;
- (c) to exercise and perform any power, duty or function vested in or imposed on him by these By-laws or any other law.

- (2) A person commits an offence if he prevents or attempts to prevent any person referred to in subsection (1) from entering the premises or from exercising his powers or performing his duties or functions or if he in any way hinders or interferes with such person in such exercise or performance.

**13. LIMITS ON OCCUPANCY.**

The maximum number of persons that may be accommodated in any room authorised as a bedroom on the plan lodged in terms of section 3 (1) as amended from time to time shall not exceed the maximum number of persons calculated on the basis of the floor space allocation prescribed in paragraph 1 of Schedule 3 to the Slums Act, 1979 (Act 76 of 1979).

**14. IDENTIFICATION AND MARKING OF BEDROOMS.**

- (1) The certificate holder shall cause each room intended for use as a bedroom and reflected as such on the plan lodged in terms of section 3 (1) as amended from time to time to be allocated a distinct number and he shall cause that number to be displayed on the external face of the door giving access to that room.
- (2) The certificate holder shall cause a notice to be displayed prominently on an internal wall of each room referred to in subsection (1), which notice shall reflect:
- (a) the floor area of the room in square metres;
  - (b) the maximum number of persons who may be accommodated in that room as calculated in terms of section 13;

as shown on the plan lodged in terms of section 3 (1) (b) as amended in terms of section 8 (2).

## 15. DUTIES OF CERTIFICATE HOLDER

(1) The certificate holder shall—

- (a) ensure that in the interests of public health and safety and to obviate the creation of nuisances all buildings comprising the premises are maintained in a clean, hygienic, safe and sound condition and comply with all laws;
- (b) make adequate provision for cooking and food preparation facilities to the satisfaction of the district municipal official responsible for health compliance for the persons accommodated on the premises if meals are not supplied to them, and they are permitted by the certificate holder to cook or prepare food on the premises, which facilities shall be provided in a part of the building which is separate from the bedroom accommodation and which is depicted as set aside for that purpose on the plan lodged in terms of section 3 (1) (b);
- (c) not cause, allow or permit cooking or preparation of food to take place in any bedroom or elsewhere than in the part of the building referred to in paragraph (b) above by means of a naked flame or cause or allow or permit any fire to be lit on the premises except in a stove or in any other device or installation designed for the purpose;
- (d) not use or cause, allow or permit to be used any device for heating or lighting which involves the use of gas or flammable liquid or substance referred to in section 8 (4) other than a stove situated in the part of the premises referred to in paragraph (b) above, except with the prior written permission of the authorised officer;
- (e) provide and maintain in good order ablution and toilet facilities and ensure a supply of water at all times, which facilities and supply are adequate in relation to the services available in the area;
- (f) if occupants to whom accommodation is supplied are furnished with bedsheets, pillows or towels, ensure that each occupant is furnished with clean items which have been laundered since use by any other person;
- (g) equip each bedroom with adequate furniture and fittings, including sufficient beds and mattresses for the number of persons permitted to occupy such bedroom, as well as curtains or screens for each window which are of a width and density adequate to screen such window;
- (h) ensure that no person sleeps in any part of the premises other than a bedroom or occupies or uses any part of the premises for a purpose for which it was not designed;
- (i) not accommodate on the premises any persons in excess of the number for which it is designed and as calculated in accordance with these By-laws and shall not cause, allow or permit any person to occupy a bedroom so that the maximum number of persons that may be accommodated therein as determined in terms of section 13 is exceeded;

- (j) ensure that while the premises are occupied the electricity and water supply and sewage disposal and plumbing installations and all equipment pertaining thereto are in good working order at all times;
- (k) ensure that no person occupies such premises unless:
  - (i) each room has a functioning lighting system and
  - (ii) every emergency route, passageway, entrance, stairway and lift has adequate lighting and is unobstructed;
- (l) provide and maintain in good order fire-fighting equipment in accordance with the requirements of the National Building Regulations and ensure that nothing is done to render any emergency route referred to in section 3 (1) (b) (vi) inadequate or less effective;
- (m) ensure that waste and stormwater drains and gullies are kept clear and unblocked at all times;
- (n) keep all sanitary fittings, boilers, lighting and all other equipment and installations on the premises at all times in proper working order and ensure that they are functioning efficiently and do not give rise to a nuisance;
- (o) not allow the accumulation of refuse, rubble and litter on the premises in a manner or to an extent which could create a nuisance or a public health or safety hazard;
- (p) make adequate provision in compliance with the laws applicable thereto for the collection and temporary storage of refuse generated on the premises and take steps to ensure that refuse is not discarded or dumped elsewhere than in the refuse storage bins placed within the boundaries of the premises;
- (q) take adequate measures to prevent the breeding or harbouring of rodents, flies, vermin or mosquitoes;
- (r) take adequate steps to prevent the commission by any person accommodated on the premises or any other person therein or thereon of any breach of these By-laws or of any nuisance;
- (s) not cause, allow or permit a prostitute, whether male or female, to operate from the premises or to solicit therein;
- (t) not cause, allow or permit any person indecently to expose herself or himself from anywhere on the premises;

and any breach of this section shall constitute an offence for which the penalties referred to in section 18 shall be applicable.

- (2) For the purposes of subsection (1) the expression "certificate holder" shall include any person who is in actual control of the premises or is managing the business on behalf of the certificate holder at the time that a contravention of subsection (1) takes place.



**16. GENERAL OFFENCES.**

A person commits an offence if he—

- (a) commits any act which constitutes a nuisance whilst on the premises, or, being an occupant of the premises, in any public place adjoining the premises;
- (b) whilst on the premises indecently exposes his person to the public view or in any of the common parts of the premises;
- (c) cooks or heats food in a bedroom or in any part of the premises other than a part designed for the purpose and set aside in terms of section 15 (b) or heats any liquid in a bedroom by means of a device which involves a naked flame;
- (d) lights a fire on the premises otherwise than in a stove or other device or installation designed for the purpose;
- (e) sleeps in any part of the premises other than a bedroom assigned to him for that purpose or occupies or uses any part of the premises for a purpose other than that for which it was designed;
- (f) throws or discards any object onto adjoining property or urinates in view of the public or a public place;
- (g) creates any disturbance of the peace on the premises;
- (h) refuses to leave the premises when lawfully required to do so in terms of the certificate referred to in section 10.

**17. PRESUMPTIONS.**

For the purposes of these By-laws—

- (a) a person shall be held to have caused, allowed or permitted an act to be performed, an event to happen or a situation to arise if he fails to take reasonable steps to prevent it; and
- (b) where a responsible person has by act or omission committed an offence under these By-laws the certificate holder shall, notwithstanding prove to the effect that he gave instructions to the manager or responsible person, as the case may be, aimed at preventing the commission of the offence, also be guilty of that offence unless he proves to the satisfaction of the court that he took all reasonable steps to prevent its commission.

**18. OFFENCES AND PENALTIES.**

(1) Any person who—

- (a) contravenes any provision of these By-laws or commits any offence thereunder; or
- (b) contravenes any limitations, restrictions, terms and conditions imposed upon the granting of any application, approval, authority, concession, consent, relaxation or permit in terms of these By-laws; or



(c) fails to comply with the terms of any notice served upon him in terms of these By-laws;

shall be guilty of an offence for which the penalties provided for by section 266 (7) (a) of the Ordinance are hereby prescribed.

- (2) Breach of section 2 (1) and failure to comply with the terms of any limitation, restriction, term, condition or notice referred to in subsection (1) (b) or (c) above shall constitute a separate offence committed on each day during which such contravention or failure continues for which a separate penalty may be imposed in respect of each such offence.
- (3) A court may when convicting and sentencing a certificate holder or a responsible person for an offence under these By-laws in the circumstances described in section 7 (1) order that the registration of the business in terms of section 3 in respect of the accommodation establishment in relation to which the offence was committed be cancelled, whereupon the certificate issued in terms of section 3 (6) shall automatically cease to be valid.

## PROVINCIAL NOTICE 30 OF 2016

## UBUHLEBEZWE MUNICIPALITY

**BYLAWS RELATING TO THE KEEPING OF  
DOGS**

<b>1<sup>ST</sup> DRAFT DATE</b>	<b>30<sup>th</sup> June 2014</b>
<b>2<sup>ND</sup> DRAFT DATE</b>	
<b>ADOPTION BY COUNCIL</b>	
<b>PROMULGATION DATE</b>	

The Municipal Council for Ubuhlebezwe has adopted the following bylaws at its meeting held on \_\_\_\_\_ in terms of section 156(2) of the Constitution of the Republic of South Africa (Act No 108 of 1996) read with section 31(2) of Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998) and hereby publishes the subjoined bylaws in terms of section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) to come into effect on the date of publication hereof in the Provincial Gazette

**Municipal Manager**

**UBUHLEBEZWE MUNICIPALITY**  
**BYLAWS RELATING TO THE KEEPING OF DOGS**

Note: [Words applying to any individual shall include persons, companies and corporations, and the masculine shall include females as well as males and the singular shall include the plural and vice versa],

1. For the purpose of these bylaws-

**“Animal welfare organization”** means any association of persons, corporate or unincorporated, or institution, the objects of which are the prevention of cruelty to animals and the promotion of animal welfare;

**“Area of jurisdiction”** unless otherwise stated in the context of these bylaws means the area of jurisdiction of the Ubuhlebezwe Municipality;

**“Authorized Officer”** means:

- (a) a traffic officer or warden appointed in terms of the National Road Traffic Act, 1996 (Act No 93 of 1996);
- (b) a member of the Services as defined in section 1 of the South African Police Services Act, 1995 (Act No 58 of 1995);
- (c) a peace officer contemplated in section 34 of the Criminal Procedure Act, 1977 (Act No 51 of 1977);
- (d) any other official duly authorized by the council

**“Breeder”** means a member of KUSA (Kennel Union of South Africa) or similar organization;

**“Council”** means the Ubuhlebezwe Municipality or its successors in title, and includes the council of that municipality or its executive committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the executive committee has delegated any powers and duties with regard to these bylaws;

**“Dog”** means the male or female of this species;

**“Farm”** means a portion or portions of agricultural land as defined in the Subdivision of Agricultural Land Act, 1970 (Act No 70 of 1970), and includes a small holding, on which the utilization of the means of production and the utilization by man of the natural agricultural resources

for the production of, inter alia, food, fibre, and drink of quality takes place;

**“Nuisance”** unless otherwise provided for in these bylaws means any condition, thing, act or sound which is offensive or injurious or tends to prejudice the safety, good order, peace or health of the area or part thereof the rights or reasonable comfort, convenience or quiet of any neighborhood within the area;

**“Premises”** shall be any building together with the land on which the same is situated and adjoining land used in connection therewith or any land without buildings thereon;

**“Prescribed fee”** means the fee as provided for in the Council’s tariff of charges;

**“Public place”** shall mean an area as defined in section 1 of the Town Planning Ordinance, 1949(Ordinance 27 of 1949)

**“Public street”** means any street, road, lane, passage or other right-of-way and includes any bridge, subway, drain, culvert or the like in a street;

**“Traditional Council”** means a traditional council as defined in section 1 of the Traditional Leadership and Governance Framework Act, 2003( Act No 41 of 2003);

**“Traditional Community”** means a traditional community recognized as such in terms of section 2 of the Traditional Leadership and Governance Framework Act, 2003( Act No 41 of 2003) and which:

- (a) is subject to a system of traditional leadership in terms of that community’s customs; and
- (b) observes a system of customary law;

**“Traditional Leadership”** means the customary institutions or structures or customary systems or procedures of governance, recognized, utilized or practiced by traditional communities, as provided for in section 1 of the Traditional Leadership and Governance Framework Act, 2003(Act No 41 of 2003);

2. No person shall keep on any premises within the area-

- (a) any dog which is ferocious or vicious unless such a dog is kept on a lead or chain so that lawful visitors to the premises are safe from attack. (For the purpose of this paragraph, a dog which has bitten or attempted to bite a person or animal other than in defense of itself or it’s custodian, on the premises shall be deemed to be vicious);
- (b) any dog on any premises where such premises are not properly surrounded by a fence of such material as to ensure that such a dog is confined to such premises, or suitably enclosed area of not less than 70m<sup>2</sup> in which any dog can be confined, unless such a dog is kept on a leash, provided that where it is physically impossible to provide an enclosure of 70m<sup>2</sup> on the property, such enclosure shall be to the size

as determined by the authorised officer, taking into account the size of the property, any obstructions or buildings thereon, the topography and shape thereof, and the type of the dog;

- (c) any bitch in season unless he keeps such a bitch under proper control so as to prevent her from being a nuisance to the neighbors or public. The Council may through an authorised officer, by notice in writing, require the owner or person in control of such premises to remove it to a place in which suitable accommodation has been provided for the housing of such a bitch and at the owner's expense there to be kept until she is out of season;
- (d) with the exception of a farm and/ or a Traditional Community as defined herein, more than three dogs without the consent in writing of the Council which consent may be given subject to conditions and may be withdrawn by the Council. An authorized breeder may, with the permission of council, keep breeding stock, subject to such conditions as may be imposed by council;
- (e) any dog for which no valid license is held, all such license fees being due to the Council on the first day of January in each year in respect of every dog which is then of the age of six months or more and shall be payable on or before the last day of the March next succeeding except in the following cases of exemptions from licensing:-
  - (1) The Society for the Prevention of Cruelty to Animals or any similar body approved by Council, or any authorized representative of said Society or body living in the area in cases where the Society / body does not have official premises in the area, in respect of any dog or dogs in it's possession or under his control as a result of any action taken in terms of these bylaws, including strays; and
  - (2) A blind person, in respect of one dog used by such a person as a guide dog, if such dog has been supplied to that person by the South African Guide Dog Association or similar body, or such a dog is certified in writing by a responsible official of the aforesaid Association or similar body or any branch thereof, to be a dog suitable for blind persons.
- (f) any dog for which he does not hold a valid rabies inoculation certificate;
- (g) any dog which attacks, bites or savages any person, unless it can be proved that such action was in defense of the owner or person keeping the dog, their dependants or property and that the person bitten seriously threatened the owner, dependants or property of the owner or person keeping such a dog, or that the person bitten entered the property without the owners permission or in defiance thereof;

(to prove the said contravention it shall not be necessary to prove that the dog in question had previously shown a vicious nature nor that it was acting against the nature of domestic pets)

- (h) any dog which, by reason of continued barking, yelping, howling, or making other noises, disturbs the public peace or is a source of nuisance to the neighborhood, commits a breach of these bylaws if the nuisance or disturbance continues after the expiration of a reasonable time to be stipulated in a notice signed by the Municipal Manager or his authorized representative, upon receipt of a written and signed complaint, and served upon such person, requiring him to abate such disturbance or nuisance; provided that any officer duly appointed in terms of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) may, in any circumstances in which the nuisance is of such a nature as to require immediate abatement, disregard the service of a notice as herein before provided, and provided he has witnessed the nuisance first hand, issue a notification in terms of Section 341 of the aforementioned Act upon the owner of such dogs or proceed immediately with further action as provided for in these bylaws. If any person is found guilty of a second contravention of this bylaw in respect of the same animal, it shall be competent for the court, which has found him guilty, in addition to imposing any other sentence, to order the removal of the animal in accordance with bylaw 5(a)

- 3 For the purpose of Bylaw 2 and without in any way detracting from or diminishing the liability of the owner of or person keeping any dog for a breach of these regulations:

- (a) the owner of any premises, if he resides on such premises, shall be deemed to be keeping any dog kept on such premises;
- (b) if the owner of the premises does not reside on the premises, any person over the age of twenty one years who resides on such premises shall be deemed to be keeping the dog on such premises.  
In the case of any prosecution in terms of these bylaws, it shall be competent to charge the true owner of the dog in question or alternatively, to charge the person keeping or deemed to be keeping the dog in question.

- 4 (a) No person shall allow any dog being his property or in his charge to be in any street or place to which the public has access unless it is on a leash held by the person or under some form of bodily restraint, provided that no dog shall be permitted on any portion of town lands under Council's jurisdiction where signs expressly prohibiting dogs have been erected, except in the case provided for in bylaw 2(e)(2);
- (b) Any dog which is not on a leash held by a person or under some other form of bodily restraint and is found at large in any public street, public place, or in a diseased state and apparently ownerless, may be removed or seized in accordance with bylaw 5(a) or (b) and, if found to be dangerous, vicious or diseased, may be destroyed by an authorized officer.

- (c) Any dog, not being the property of the owner of any land or property on which it is found, may, if such dog has the tendency to attack any animal belonging to the owner of such land, be dealt with in accordance with the provisions of section 5(a) to (g) of these bylaws; provided that in the event of it being impossible for any authorized officer or owner to capture such dog for any reason, the authorized officer may authorize the destruction of such dog by the owner or any competent person nominated by him, or may destroy it himself. In either case, the circumstances surrounding the destruction of any dog in terms of this section shall be reported to the council as soon as possible after the event;
- (d) Unless otherwise authorized in terms of the Kwazulu Nature Conservation Act, 1992(Act No 29 of 1992) or any other applicable legislation, no person, being the owner of, or in possession of any dog or dogs used for hunting purposes, shall permit such dog or dogs to hunt on any property within the council's area of jurisdiction without the consent, in writing, of the appropriate minister and the owner of the property in question first having been obtained. Any consent thus obtained shall be produced by the owner of such dog or dogs to any authorized officer on demand.

(For the purpose of this regulation, any dog not wearing a collar disc or other means of identifying the owner thereof and which appears to be ownerless shall be deemed to be ownerless).

- 5
- (a) Any police officer or other officer duly authorized by the Council who shall remove or seize any dog in the exercise of the power hereby conferred shall take or convey the same to a place of safety or any animal welfare organization or dog pound approved by the Council.
  - (b) Any person claiming that any dog so removed or seized is his property shall be allowed to take away the same on satisfying the officer in charge of such place of safety, animal welfare organization or such dog pound that he is owner of such dog and upon payment of the following charges:

Lodging, vet fees, feeding and traveling payable to such place of safety, animal welfare organization or dog pound in accordance with rate laid down from time to time.

- (e) Any dog not claimed within 7 (seven) days may be sold by the person in charge of such place of safety, animal welfare organization or dog pound. The proceeds of such sale shall be applied in defraying the expenses incurred in connection with removal and maintenance of the dog so sold and the balance, if any, paid to the place of safety, animal welfare organization or such dog pound.
- (f) If any dog is not claimed within 7 (seven) days or cannot be sold under the provision of sub-bylaw (c) or if any dog is found to be suffering



from any infection or incurable diseases or injury or to be so vicious as to be dangerous, the person in charge of the place of safety, animal welfare organization or dog pound may act in terms of Section 5(1) and (2) of the Animals Protection Act, 1962 (Act No. 71 of 1962), as amended from time to time.

- (g) The powers herein conferred upon any police officer may be exercised by any officer of an animal welfare organization or dog pound authorized under the provision of section 8 of the Animal Protection Act, (Act No. 71 of 1962), as amended from time to time.
  - (h) Any such officer may convey any dog removed or seized by him to any building or place provided for the purpose of keeping stray dogs.
  - (i) The provisions of sub-bylaw (e) and (f) of this bylaw shall apply to the sale or destruction of dogs removed or seized by any such officer.
- 6 Any person claiming any dog impounded under the preceding bylaws shall be deemed, unless he proves the contrary, to be the owner thereof and thus liable to prosecution for a contravention of these bylaws.
- 7 No person shall use or cause or allow any premises in a residential area of the Councils area of jurisdiction to be used for the accommodation for reward of dogs which are the property of some other person, *or for the commercial breeding thereof*.
- 8 The owner or person in charge of any dog which has died shall be responsible for its proper burial at such place as may be approved by the Council, and should the owner or person in charge of any dead dog fail or be unable to bury it, the Council shall cause it to be buried or otherwise disposed of at the expense of the owner or person in charge, in accordance with the tariff of charges prescribed.
- 9 No person, being in a street or public place, shall by any means willfully frighten, tease or enrage any dog.

#### **OFFENCES AND PENALTIES AND APPEALS**

- 10 The provisions of the council's Bylaws Relating to Offences and Penalties and Appeals shall mutatis mutandis apply.

#### **REPEAL OF BYLAWS / REGULATIONS**

11. (a) The Bylaws relating to the keeping of dogs as well as the Bylaws relating to Dog Licenses of the former Ixopo Health Committee, together with any amendments thereto as published on 26 April 1984 under Provincial Notice No 210 of 1984 are hereby repealed;
- (b) Part RX1: Keeping of Animals and birds of the Development and Services Board with specific reference to dogs only as they applied to the under mentioned area will no longer apply as from the date of publication of these bylaws:-  
Part RX 1: Regulated Area: Stuartsville



**NOTE: The Animals Protection Act, 1962 (Act No. 77 of 1962)**

1. Section 5 deals with the circumstances in which a police officer may destroy any animal. It provides authority for a police officer to destroy any animal in the absence of the owner or in circumstances where the owner will not grant consent, if the animal is injured or diseased to the extent that such police officer considers the destruction thereof to be necessary, provided he summonses a veterinarian who concurs. In the event of there being no veterinarian available the police officer shall call upon two adults who he considers to be reliable and of sound judgement. If they concur with the opinion of the officer, he may destroy the animal.
2. Section 8 deals with the powers conferred upon officers of a society for the prevention of cruelty to animals. This section empowers such an officer, if authorized thereto by writing under the hand of the Magistrate of a District, to exercise the duties of a police officer in terms of section 5.

## PROVINCIAL NOTICE 31 OF 2016

## UBUHLEBEZWE MUNICIPALITY

**BUILDINGS REGULATIONS BYLAWS**

1 <sup>ST</sup> DRAFT DATE	30 <sup>th</sup> June 2014
2 <sup>ND</sup> DRAFT DATE	
ADOPTION BY COUNCIL	
PROMULGATION DATE	

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**PART A****DEFINITIONS****1. Definitions**

**"Adequate"** means adequate in the opinion of the municipality, regard being had in all cases to all the circumstances of a particular case and to the accepted principles of drainage installation and in the case of any appliance, fitting or other object, to the purpose such appliance, fitting or object is intended to serve;

**"Municipality"** means the Municipality established by General Notice 6770 in Provincial Gazette Extraordinary 141 of October 2000 in terms of the provisions of the Local Government: Municipal Structures Act, 1998(Act 117 of 1998), the Municipal Council acting under the powers delegated to it in terms of the provisions of section 58 of the Local Government (Administration and Elections) Ordinance, 1960(Ordinance 40 of 1960) or any officer to whom the Mayoral Committee has delegated in terms of the provisions of section 58(3) of that Ordinance, any function, duty or power vested in the Municipality in respect of this By- Law;

**"Owner"** means:

- (a) the person who receives the rent or profits of land or property from a tenant or occupier of the land or property or who would receive a rent or profits if the land or property were leased, whether for his or her own account or as an agent for a person entitled to the rent or profit,
- (b) 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 the premises vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative and
- (c) in relation to  
A piece of land delineated on a sectional plan registered in terms of the Sectional Title Act, 1986 (Act 95 of 1986) the developer or the body corporate in respect of the common property or (ii) a section as defined in the Sectional Title Act, 1986 the person in whose name the section is registered under a sectional title deed and includes the lawfully appointed agent of such person;

**"Piece of Land"** means a piece of land registered in a deeds registry as an erf, stand, lot plot or other area or a subdivision portion of such erf, stand, lot or other area; or (b) a defined portion, not intended as a public place, of a piece of land which is held under surface right permit or under mining title or which being proclaimed land not held under mining title, is used for residential purposes or for purposes not incidental to mining operations

## **PART B SCOPE OF BYLAW**

### **2. Scope of ByLaw**

- (i) These By-Laws are supplementary to the National Building Regulations and are applicable to every building, sewerage and water installation and in relation to any sewerage installation or water installation in particular, to the operation and maintenance of such installation in any new building or existing building, with or without any alteration of or addition to the existing installation whether or not such alteration or addition to the existing installation, whether or not such alteration or addition is required by the Municipality in terms of the National Building Regulations or this By-Law.
- (ii) any building, sewerage installation or water installation may at any time after its completion and commissioning be subject to such inspection, approval, tests and control as the municipality may deem fit or require.

## **PART C STREETS AND PAVEMENTS**

### **3. Catheads, cranes and platforms**

A Cathead, lifting crane, platform or other similar device may not overhang any street or sidewalk without the special consent of the municipality.

### **4. Slab footways and pavements**

- (i) the owner or occupier of a piece of land adjoining a street may lay or construct a slab footway or pavement on that portion of the verge of the street which is intended for exclusive use as a street sidewalk.
- (ii) the paving or slabs for a slab footway or pavement referred to in subsection (i) must be laid to the grade, line and crossfall determined by the Municipality and must meet the following requirements:
  - (a) for ordinary paving or slabs the minimum crossfall: 1:100 and the maximum crossfall is 1:25,
  - (b) Non-skid paving or non-skid slabs of a type to be approved by the municipality must be used when the crossfall is between 1:25 and 1:15, provided that the crossfall does not exceed 1:15,
  - (c) Longitudinal grades may not be steeper than 1:25 for ordinary paving or ordinary slabs, non-skid paving slabs must be for longitudinal grades of between 1:25 and 1:15 provided that the longitudinal grade does not exceed 1:15
  - (d) if in respect of a slab footway or pavement referred to in subsection (i), a vehicular opening is formed in a kerb or an intersecting footway or pavement, the opening must be paved or slabbed.
  - (e) the Municipality may impose such conditions as it deems necessary in respect of a slab

footway or pavement referred to in subsection (i) with due regard to public safety, the preservation of municipal property and all other relevant circumstances.

#### **5. Plants on street verges**


- (a) the owner or occupier of a piece of land adjoining a street may grade and plant with grass the area lying between such piece of land and that part of the street that is intended, laid out made up for the use for of vehicular traffic.
- (b) the owner or occupier of a piece of land adjoin a street may plant with flowers or small shrubs on a strip of land not exceeding 1 m in which immediately adjoining the piece of land.
- (c) the Municipality, may due regard being had to public safety, the preservation of Municipal property and all other relevant circumstances, impose such conditions as it deems necessary in respect of the planting of grass, flowers and small shrubs as contemplated in subsections(a) and (b).

### **PART D**

#### **BUILDINGS**

#### **6. Encroachments**

With the consent of the Municipality;

- (a)  An overhanging roof maybe erected over a street boundary or building at a height of at least 2,75 m above the finished ground level, measured from the finished ground level to the lowest point of the overhanging roof;
- (b) foundations that are atleast 0.75m under the ground level may exceed a street boundary or building line by a maximum of 0.5m;
- (c) a sunshade or overhead lamp may exceed a street boundary or building line, provided that there is a head clearance of atleast 2.1m, measured from the finished ground level to the lowest point of such sunshade or overhead lamp; and
- (d) a projection from any eaves may exceed a street boundary or building line

#### **7. Restriction on the erection of buildings**

- (a) no building may without the express permission of the municipality be erected so that the building at its nearest point to a natural watercourse, nearer to the centre of the natural watercourse than to a line indicating the maximum level likely to be reached every fifty years on average by flood water in water course.
- (b) for the purpose of subsection(a) the municipality is the sole judge as to the position of the line and the centre of the natural watercourse.
- (c) for the purpose of this section, a natural watercourse means a topographic land depression that collects and conveys surface stormwater in a definite direction and includes any clearly defined natural channel that conveys water in a definite course along a bed between visible banks, whether or not the channel's conformation has been changed by artificial means and whether or not the channel is dry during any period of the year.

## 9. Building activities that need approval of the Municipality

Generally building activity that requires approval of the Municipality includes the following:

- (a) Constructing a new building or other structures such as sheds, towers, temporary structures,
- (b) Extending existing buildings,
- (c) Undertaking alterations to an existing building including structural alterations, altering internal walls and partitions,
- (d) Installing new or altering existing services such as electrical or hydraulic works,
- (e) Demolishing or removing buildings, engineering works or services,
- (f) Installing signs, antennas or some fences.

## 10. Construction of unapproved building plans

Any proposed use or development on the erf requires the approval of the municipality. This includes any construction or demolition of a building, carrying out of any internal alterations to an existing building, or the carrying out of works on the erf.

The municipality is responsible for the following in accordance to this By- Law:

- (a) processing and approving building plans presented by individuals, the private sector, associations and Government Agencies;
- (b) Inspect building constructions from time to time and declare the building fit for occupation upon its completion;
- (c) Control unapproved building construction/connection and prepare reports, issue notices and initiate legal action;
- (d) Issue temporary permits for temporary building applications, work garage buildings, placement of construction materials, erecting tents, film shows and so on;
- (e) Issue compounds for violation of such stalls, temples and placement of building materials within public areas.

Applications will not be assessed until all relevant plans, elevations and supporting information is submitted and appropriate application fee is paid. The primary responsibility of the Municipality is to assess land use and development proposals against the requirements of the Land Use Plan.

Upon receipt of an application the Municipality will first check that the application submission requirements have been met. Once the Municipality is satisfied that the appropriate information has been submitted, a preliminary assessment of the application will be made to ensure that the proposal is broadly consistent with the requirements of the Land Use Plan. The application will then be referred to other Departments internally for further assessments.

Where appropriate, the comments requirements of other Departments within the Municipality maybe addressed via conditions on the planning permit issued by the Municipality. Once the authorities have commented upon an application, the Municipality will prepare a report and recommendations on the proposal for consideration. Where appropriate this will include additional conditions that address the requirements of authorities.

Subject to municipal adoption of the recommendation, a planning permit and/or approval will be issued for the development. Once the municipality has granted planning approval, a building approval is required to be obtained from the municipality. The municipality is required to make an assessment of the development against the Building Regulations By-Law and any other relevant legislation. Importantly the Building Regulations By-Laws presents the Municipal officials from issuing any approval which is not consistent with the approved Master Plan

**11. Exemptions from requiring building approval**

There are numerous minor works that may not require formal building approval but will still require a minor work order. Examples are:

- (a) Minor painting;
- (b) Some minor landscaping works;
- (c) Some minor repair and maintenance works;
- (d) Works that the municipality deems to be minor.

Advice is to be sought from the municipality, who will liaise with the individual as to whether the proposed works are exempt. No works are to commence until advice is sought.

**12. Building approval requirements**

An application for building approval is required to be lodged with the responsible municipal official (Building Inspector) who will forward it with appropriate comment(s) to the Director Infrastructure, Planning and Development. Generally this will require an application form to be completed, appropriate drawings and or details to be submitted depending on the extent of the works and payment of the application fee which is based on the cost of works. Prior to the building approval being issued, consent for the works must be issued by municipality.

**13. Certificate of occupancy**

Before a building may be occupied or used, a certificate of compliance for Occupancy / Use is required to be obtained from the Municipality. This allows individual to legally occupy or use the building or works you have just completed.

**14. Penalties for construction of unapproved building plans**

This Building Regulations By-Law gives authority to the responsible Municipal official to issue on-the-spot fines for building activity undertaken without formal building approval and for new buildings occupied or used without a Certificate of Compliance.

**15. Penalties for altering of existing structure before approval**

It should be noted that heavy penalties exist for non-compliance with the Building Regulations By-Law.

**16. Construction of shacks on proclaimed areas and Procedures relating to the termination of unauthorized informal settlements**

- (a) As soon as a determination of the status of an unauthorized informal settlement has been made and within a reasonable period, the Director Infrastructure, Planning and Development must, personally or through a subordinate official designated by him or her for



that purpose, visit the informal settlement and notify the residents of the status of the unauthorized informal settlement by means of a written notice hand-delivered to each shack in the informal settlement.

- (b) The written notice contemplated in subsection (a) must:-
- (i) Notify the residents of a shack in the unauthorized informal settlement that their occupation of the shack and the site or stand on which it is situated is illegal; and
  - (ii) Request the residents of the shack to vacate the shack and remove any building materials and other personal property from the unauthorized informal settlement within a period of 24 hours after receipt of the written notice.
- (c) If the residents notified in terms of subsection (a) cooperate and vacate their shacks and remove building materials and other personal property from the site or stand in the unauthorized informal settlement, the Director Infrastructure, Planning and Development must take such steps as he or she may deem appropriate to prevent a recurrence of any incident of land invasion or illegal land occupation on that site, stand or unauthorized informal settlement and must regularly monitor the situation to ensure the non-recurrence of such land invasion or illegal land occupation.
- (d) If the residents notified in terms of subsection (a) fail to cooperate and vacate their shacks and remove their building materials and other personal property from the site or stand in the unauthorized informal settlement, the Municipality must immediately institute the necessary legal procedures to obtain an eviction order contemplated in subsection (e).
- (e) Within a period of 24 hours after the expiry of the period stipulated in the written notice contemplated in subsection (a), the Municipality must lodge an application in a competent court to obtain an eviction order contemplated in section 4, 5 or 6 of the Prevention of Illegal Eviction from an Unlawful Occupation of Land Act, 1998 (Act 19 of 1998), against any person or persons, jointly or severally, occupying or residing in a shack or on a site or stand in the unauthorized informal settlement.
- (f) The Municipality must, within a period of 24 hours after obtaining the eviction order referred to in subsection (e), deploy relevant Municipal officials or service provider to execute the eviction order and to terminate the unauthorized informal settlement by-
- (i) evicting the residents of the unauthorized informal settlement;
  - (ii) demolishing and removing all shacks and removing all building materials and other personal property from the unauthorized informal settlement; and
  - (iii) disposing of the building materials and other personal property in accordance with the provisions of these bylaws as per section 16 (f) (i)(ii).
- (g) Any costs incurred by the Municipality for the purpose of executing the provisions of this By-Law must be borne by the Municipality in accordance with its approved budget.

## **17. Disposal of building materials and personal property**

- (a) In the execution of the provisions any building materials and other personal property belonging to a resident or occupier of a shack in an unauthorized informal settlement must be removed and stored in a safe place by the Municipality.
- (b) If the building materials and other personal property contemplated in subsection 17 (a) are not claimed by their owner within a period of thirty days after the date of the

removal and storage, the building materials and personal property must be sold to the best advantage by the Municipality, or a person designated by the Municipality, who must, after deducting the amount of any charges due or any expenses incurred, deposit the net proceeds into the Municipality's Revenue Account, provided that-

- (i) subject to the laws governing the administration and distribution of estates, nothing in this subsection contained may deprive the heir of any deceased person of his or her right to the balance of the proceeds of the property; and
  - (ii) any building materials or other personal property which is, in the opinion of an authorised Municipal Official, valueless and unable to realize any meaningful amount may be destroyed, abandoned, dumped or otherwise disposed of.
- (c) The Director Infrastructure, Planning and Development must compile and maintain a register in which is recorded and appears-
- (i) particulars of all building materials or other personal property removed and stored in terms of this By-Law;
  - (ii) the date of the removal and storage of building materials or other personal property in terms of subsection (a) and the name and site or stand number of the owner of the building materials or personal property; and
  - (iii) the signature or left thumb print of the person who is claiming ownership and to whom delivery of building materials or other personal property has been made; or
  - (iv) full details of the amount realized on the sale of the building materials or other personal property in terms of subsection (ii) and the date of the sale; and
  - (v) if building materials or other personal property has been destroyed, abandoned, dumped or otherwise disposed of in terms of subsection (ii), a certificate by the Director Infrastructure, Planning and Development to the effect that the building materials or personal property was valueless.
- (d) Neither the Municipality nor any of its officials acting within the reasonable scope of their authority are liable for any loss of or damage to property or injury to any resident or occupier of a shack in an unauthorized informal settlement or any other person for any reason whatsoever.

#### **18. Enclosures**

Where a piece of land is enclosed in any manner whatsoever, the enclosure must be designed, erected and maintained in accordance with any provisions of this By-Law.

#### **19. Roofs**

- (i) Sheet metal/corrugated iron that is used for a roof and that is visible from a street or a surrounding erf must be properly painted within 15 (fifteen) months after construction thereof if the municipality so requires.;
- (ii) no roof surface may have a luminous finish.

**PART E****NOTICES****20. Notices**

- (i) by an officer of the Municipality who is duly authorised thereto, every notice, order or other document issued or served by the Municipality in terms of this By-Law is valid if signed
- (ii) any notice, order or other document, or a true copy thereof, must be delivered personally to the person to whom it is addressed or must be delivered at his or her last-known residence or place of business; or
- (ii) any notice, order or other document, or a true copy thereof, must be posted to the person to whom it is addressed at his or her own last known residence or place of business, in which case it will be deemed to have been served five days after it was posted.
- (iv) in every notice, order or other document issued or served in terms of this By-Law, the premises to which the notice, order or document relates must be specified, but the person for whom it is intended may be referred to as "the owner" or "the occupier" if his or her name is not known.

**PART F****OFFENCES & PENALTIES****21. Offences and Penalties**

- (i) notwithstanding any provision of this By-Law in which an offence is explicitly specified, any person who contravenes or fails to comply with any provision of this By-Law commits an offence and is **on conviction liable to a penalty not exceeding the fine and imprisonment in terms of section 105 of the Local Government ordinance, 1939.**
- (ii) a person commits an offence if he or she fails any way to comply with a notice which has been served on him or her by the municipality and in which he or she is ordered to do or not to do something and where such failure continues and is, with regard to every offence, on conviction liable to a penalty not exceeding the fine and imprisonment prescribed in terms of section 105 of the Local Government Ordinance, 1939.

**PART G****TIMEFRAME FOR ERECTION/CONSTRUCTION****22. Timeframe for erection/construction after purchasing a stand**

The "owner" of the property shall be given a timeframe of maximum of three years to erect/construct a building on an empty stand. The three years will be calculated from the date of purchase and should the owner fail to comply with this clause, the municipality will take legal steps deemed fit in accordance with non-compliance of this By-Law:

**23. COMMENCEMENT DATE**

This By-Law shall commence on the date of publication in the Provincial Gazette.

**24. SHORT TITLE**

This By-Law shall be called Building Regulations By-Law of Ubuhlebezwe Local Municipality.

## PROVINCIAL NOTICE 32 OF 2016

## UBUHLEBEZWE MUNICIPALITY

**CEMETERY BYLAWS**

<b>1<sup>ST</sup> DRAFT DATE</b>	<b>30<sup>th</sup> June 2014</b>
<b>2<sup>ND</sup> DRAFT DATE</b>	
<b>ADOPTION BY COUNCIL</b>	
<b>PROMULGATION DATE</b>	

**The Municipal Council for Ubuhlebezwe has adopted the following bylaws at its meeting held on \_\_\_\_\_ in terms of section 156(2) of the Constitution of the Republic of South Africa (Act No 108 of 1996) read with section 31(2) of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998) read with section 27 of the KwaZulu Natal Cemeteries and Crematoria Act, 1996 (Act No 12 of 1996) and hereby publishes the subjoined bylaws in terms of section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) to come into effect on the date of publication hereof in the Provincial Gazette.**

**Municipal Manager**

## **UBUHLEBEZWE MUNICIPALITY CEMETERY LAWS**

Note: For the establishment or extension of a cemetery or crematorium, the Regulations in terms of the Cemeteries and Crematoria Act, 1996 (Act No 12 of 1996) published on 17 April 1997 under Proclamation No 130 of 1997 are to be consulted.

### **CHAPTER 1**

#### **DEFINITIONS**

1. Unless the context otherwise indicates:

“**Act**” means the Cemeteries & Crematoria Act, 1996 (Act No 12 of 1996)

“**Adult**” means any deceased person over the age of 12 years, whose coffin will fit into the grave opening prescribed for adults in section 40(2);

“**Ashes**” means the physical remains of a body after it has been cremated;

“**Berm**” means a concrete strip laid by the Council along a row of graves;

“**Caretaker**” means the person holding the position of caretaker or superintendent of any cemetery or acting in such capacity in the service of the Council;

“**Cemetery**” means any piece of land duly set aside by the Council within the Municipal area for the purpose of a public cemetery;

“**Child**” means any deceased person of the age of 12 years or younger whose coffin will fit into the grave opening prescribed in section 40(2);

“**Contractor**” means the person who has paid any of the tariffs contained in the tariff of charges or who has obtained the right to have any memorial work erected or constructed or who has obtained any rights or interests referred to in these bylaws;

“**Council**” means the Ubuhlebezwe Municipality and its successor in law and includes the Council of that Municipality or its Executive Committee of any other body acting by virtue of any power delegated to it in terms of legislation, as well as any official to whom the Executive Committee has delegated any powers and duties with regard to these bylaws;

“**Cremation**” means the incineration of any human body or its remains to ashes;

**“Foot Kerb”** means the construction on which a memorial works or headstone is attached;

**“Funerary Vessel”** means a container in which cremated remains are placed having a maximum size 280 mm x 170 mm x 105 mm;

**“Garden of Remembrance”** means a section of a cemetery, which has been set aside for the interment or scattering of ashes;

**“Grave”** means any grave in a cemetery in respect of which any person has obtained the right of having a single body interred therein;

**“Landscape Section”** means the section of a cemetery set aside by the council where memorial work is restricted to a plaque or memorial slab;

**“Lawn Section”** means the section of a cemetery set aside by the council in which memorial work is restricted to a headstone only;

**“Memorial Plate”** means a plate of 305 mm x 210 mm x 12/15 mm manufactured of granite or marble attached to the memorial wall over a niche;

**“Memorial Section”** means a section of a cemetery set aside by the council for the erection of memorials;

**“Memorial Wall”** means a wall with niches set out to preserve the funerary vessels against which only memorial plates can be attached;

**“Memorial Work”** means any tombstone, slab, foot-kerb, railing, fence, monument, memorial inscription, plaque or other work erected on any grave;

**“Municipal Manager”** means the official appointed by the Council to this position or any official duly authorized by the Council to act therein;

**“Niche”** means a shallow recess measuring 300 mm x 175 mm x 110 mm in a memorial wall to contain a funerary vessel;

**“Registrar of Deaths”** means any person appointed by the Government of the Republic of South Africa to register deaths;

**“Resident”** means a person who, at the time of death, was ordinarily a resident within the area of jurisdiction of the Municipality, excluding inmates in hospitals, institutions, or other persons temporarily resident within the area of jurisdiction of the Municipality; and

**“Tariff”** means fees payable as determined by the Council from time to time.

## CHAPTER 2

### GENERAL

#### 2. Establishment of Cemeteries

Subject to compliance with the National Environment Management Act, 1998(Act No 107 of 1998) and the Cemeteries and Crematoria Act, 1996(Act No 12 of 1996), The Council may set aside any land for the purpose of a cemetery and no person shall be permitted to intern a body in any other place, except as is provided for in terms of section 3 (as amended) of the Cemeteries and Crematoria Act, 1996(Act No 12 of 1996)

### **3. Hours of Admission for Visitors**

Every cemetery shall be open to the public during the following hours; Mondays to Saturdays: 07h30 to 16h00 and Sundays and Public Holidays: 08h00 to 16h00. The Council shall have the power to close to the public any cemetery or part thereof for such periods as it may deem fit.

### **4. Reserving of Graves**

- (1) No person shall, without the written consent of the Council, sell or transfer to any other person any right relating to a grave that has been obtained in terms of these bylaws. Should the Council consent to such transfer, it will be subject to the conditions that every transfer of the rights relating to a reserved grave be registered by the caretaker and the registration fee as determined by the Council be paid by the new contractor.
- (2) Any person having reserved a grave and failing to use the grave within a period of 50 years from the date of reservation, or omitting to notify the Council that he/ she does not intend to use the grave, thus gives the Council the right to sell the grave. The applicable charges as determined by the Council shall be payable in respect of graves sold in terms of this section.
- (3) The Council shall not be obliged to refund any charges paid in respect of a grave sold in terms of subsection (2).

### **5. Religious Ceremonies**

Subject to the provisions of these Bylaws, the members of any religious denomination may conduct religious ceremonies in connection with any interment or memorial service subject to the verbal consent of the Council.

### **6. Plans of Graves, Plots and Niches**

Plans indicating the different graves and niches available shall be kept at the Council's offices for inspection free of charge.

### **7. Complaints**

Any person wishing to lodge a complaint concerning the conditions in or the management of the cemetery shall lodge the complaint in writing to the Municipal Manager.

### **8. Charges/ Tariffs**

The tariff of charges as determined by the Council, shall be payable to the Council for the services rendered in terms of these bylaws.

**9. Consent, Notice, or Order**

Any written consent, notice or order issued by the Council in terms of these bylaws, shall be signed by the Municipal Manager or his authorized representative and shall be prima facie evidence thereof.

**10. Instruction of Caretaker**

Every person taking part in any funeral procession or ceremony in the Cemetery shall obey the instruction/s of the caretaker/ officer in charge.

**11. Flowers**

The caretaker may remove flowers and foliage placed on graves when, in his opinion, they have wilted.

**CHAPTER 3****PROHIBITION ORDERS****12. Children**

No person under the age of 12 years may enter any cemetery unless under the supervision of an adult.

**13. Keeping to Paths/ Walkways**

Except for the purposes permitted by these Bylaws, all persons shall only use the roads, paved walkways and demarcated turf walkways provided in the cemetery.

**14. Entrances and Exits**

No person shall enter or leave a cemetery except through the official entrances provided.

**15. Performance of Activities**

No person shall use any road, path or grass route within the cemetery for the purpose of transporting goods, parcels or any other material except if it is intended for use within the cemetery.

**16. Prohibited Actions Within Cemeteries**

(1) No person shall:-

- (a) commit any nuisance within the cemetery;
- (b) ride on any motorized vehicle, animal, cycle, skateboard or roller skate within any cemetery;
- (c) allow any animal to wander inside any cemetery;
- (d) plant, cut, pick or remove any plant, shrub or flower without the permission of the caretaker;



- (e) hold or take part in any demonstration in any cemetery;
- (f) obstruct, resist or oppose the caretaker or any official employed by the Council in the performance of his/ her duties, or refuse to comply with any order or request which the caretaker is entitled to make in terms of these bylaws;
- (g) mark, draw or scribble objects on walls or erect advertisements on buildings, fences, gates and memorial work or on anything within any cemetery / or section or deface it in any way;
- (h) sit, stand or climb on or over any memorial work, gate, wall, fence or building in any cemetery;
- (i) be in or remain in any cemetery or part thereof before or after the hours mentioned in section 3 or during any period when it is closed to the public; and
- (j) without the written permission of the Council, tout or operate any business, order, exhibit or distribute any tracts, business cards or advertisements within or at the entrance to any cemetery.

#### **17. Miscellaneous**

- (1) No person shall dispose of a body in any other manner than by interring it in a cemetery or having it cremated in a crematorium approved in terms of the provisions of the KwaZulu Natal Cemeteries and Crematoria Act, 1996 (Act No 12 of 1996).
- (2) No person shall acquire any right to or interest in any ground or grave in any cemetery, other than such rights or interests as may be obtainable in terms of these bylaws.

#### **18. Exposure**

No person shall convey a dead body that is not covered, or expose any such body or any part thereof or remove the lid or cover of the coffin wherein such dead body or corpse is placed, in any street, cemetery or public place.

#### **19. Music Inside Cemetery**

No loud music shall be played in any cemetery without the consent of the Council, except in the case of State, Police or military funerals.

#### **20. Occupation of Chapel or Shelter**

No person shall for the purpose of a funeral, occupy any chapel or shelter in a cemetery for more than 45 minutes.

#### **21. Hours of Interments**

No interments shall be held before 9h00 or after 16h00 on any day without the prior consent of the Council.

**22. Numbering of Graves**

No person shall fix a peg or numbered plate on any grave not properly allocated by the Council and no person shall intern a body in any grave on which a peg-marked number or numbered plate has not been lawfully fixed.

**23. Rubble and Damage to Cemetery**

No person shall at any time leave any refuse, soil, stone or any other debris within a cemetery or in any way damage or deface any part of any cemetery or anything therein.

**24. Inclement Weather**

No person shall fix or place any memorial work during inclement weather or while the soil is, in the opinion of the Council, in an unsuitable condition.

**25. Disturbance of Human Remains**

Subject to the provisions of an exhumation order in terms of the Inquest Act, 1959 (Act No 58 of 1959) or any amendment thereof; or section 20 of the KwaZulu Natal Cemeteries and Crematoria Act, 1996 (Act No 12 of 1996) or any amendment thereof; or any other provision of any law relating to the exhumation of bodies, no person shall disturb any mortal remains or any ground surrounding it in any cemetery.

## **CHAPTER 4**

### **INTERMENTS**

**26. Application for and Acquisition of the Use of a Grave**

- (1) Any person desiring to have a body or human remains interred in a grave shall submit the appropriate form to the caretaker before the time of interment. The next of kin or the closest surviving relative or a person of interest shall sign the application of interment.
- (2) The Council may, on payment of the applicable fees, allocate the use of any grave appropriated for an interment to any person who has applied for it in terms of subsection (1).
- (3) No body or human remains shall be interred within any cemetery without the permission of the caretaker. This permission will only be granted on submission of a written burial order, signed by the Registrar of Deaths authorizing the interment, and on presentation and submission of such a notice of interment. In all cases where a postmortem has been held, the order of the magistrate shall also be submitted to the caretaker.
- (4) The Council may upon request, inter any body free of charge, or in terms of the provisions of any applicable legislation.

**27. Alteration of Date of Interment**

Should any changes to the date or time previously fixed for an interment be made, notice of such changes shall be given to the caretaker at least 24 hours before the interment. For the purpose of this section, 48 hours notice should be given if the aforesaid 24 hours includes a Sunday or part thereof.

**28. Dimension of Graves and Grave Apertures**

- (1) The standard dimensions of an adult gravesite shall be 2 500 mm x 1 500 mm and that of a child 1 500 mm x 1 000 mm.
- (2) The standard dimensions of the aperture of an adult's grave shall be 2 200 mm in length and 900 mm in width and that of a child's grave 1 200 mm in length and 700 mm in width.
- (3) Anybody requiring a grave for the interment of an adult with an aperture larger than the standard size, shall, when applying for the interment, specify the measurements of the coffin and the mountings. The appropriate fee for the enlargement of the aperture will be payable to the Council as prescribed in the tariff of charges.

**29. When a Child's Coffin is Too Large**

Should a child's coffin be too large for the aperture of a child's grave, it shall be placed in an adult grave and the fees payable for an adult's interment shall apply.

**30. Depth of Grave**

No adult grave shall be less than 1 800 mm and that of a child less than 1 500 mm in depth.

**31. Covering of Earth**

There shall be at least 1m of earth between the coffin and the surface of the ground. In the instance of successive burials, at least 300 mm of earth shall be left between coffins.

**32. Coffins in Graves**

No person shall place any coffin constructed from any material other than wood or other perishable materials approved by the Council, unless otherwise stipulated in other legislation.

**33. Number of Bodies in One Grave**

No more than two bodies shall be buried in the same grave.

**34. Reservation of Graves**

Any person wishing to reserve a grave or upon the death of a person to reserve an adjoining grave, if available, shall obtain the right, on payment of the fees prescribed in the tariffs of charges, to use such grave for future burial purposes.

**35. Second Interments**

- (1) Any person who wishes to apply for a second interment in the same grave may do so only after a period of two years has lapsed since the date of the first interment on condition that the grave was deepened prior to or during preparation of the grave for the first interment.
- (2) The applicant who wishes to have a body interred for the purpose of a second interment shall:-
  - (a) apply on the prescribed form at least 24 hours before the interment shall take place; and
  - (b) remove any memorial work on such grave at his own cost and comply with any requirements made by the caretaker in this regard.

**CHAPTER 5****ASHES****36. Acquiring of Niches**

Subject to the provisions of these bylaws, a person may acquire a niche in any cemetery, if available, and by paying the prescribed fees.

**37. Burial of Ashes**

- (1) Subject to the provisions of these bylaws, ashes may be buried in a grave in the cemetery and all prescriptions, provisions and fees applicable in terms of these bylaws pertaining to the burial of a body in a grave are mutatis mutandis.
- (2) No ashes shall be buried in a grave without it being proved to the satisfaction of the Council as being the cremated remains of a human body and the required documentation is submitted to this effect.
- (3) Ashes buried in a grave shall be placed in a funerary vessel.
- (4) There shall be at least 100 mm of earth between the vessel containing the ashes, and the surface of the ground.
- (5) Subject to the provision of these bylaws, the burial of ashes in a grave being used already for a first interment, may take place free of charge.

**38. Placing of ashes in Memorial Wall, Garden of Remembrance or any other section of the cemetery**

- (1) Any person who desires to place a funerary vessel containing cremated remains in a niche in a Memorial Wall, Garden of Remembrance or any other section of the cemetery shall submit an application, accompanied by the Cremation Certificate, in writing or on the prescribed form to the caretaker. If the caretaker is satisfied that the signature of the nearest surviving relative

cannot be obtained timeously, he may, in his discretion, grant an application signed by any other person.

- (2) Any person applying in terms of subsection (1) shall pay the prescribed fees as determined by the Council.

#### **39. Exhumation of Ashes**

- (1) No person shall exhume ashes from any grave without prior written consent or complying with any conditions determined by the Council.
- (2) Applications for the exhumation of ashes shall be submitted to the Council at least 8 working hours prior to the exhumation.

#### **40. Scattering of Ashes**

The scattering of ashes in any Landscape Section or Garden of Remembrance is permitted with the prior written consent of the Council.

### **CHAPTER 6**

#### **EXHUMATION OF BODIES AND RE-OPENING OF GRAVES**

##### **41. Exhumations**

- (1) Subject to the provisions of these bylaws and the Act, no grave shall be re-opened without the written consent of the Council, and any organ of State as may be required.
- (2) Subject to the provision of these bylaws, no person shall exhume or cause any body to be exhumed without the written consent of the Council and the charges for exhumation as determined by the Council shall be paid before the exhumation takes place. Such consent shall be submitted to the caretaker at least two days before the date fixed for the exhumation or removal of the body.
- (3) Such exhumation shall be performed by the undertaker authorized to do so, under the supervision of the Municipal Manager or person authorized by him to attend the exhumation.

##### **42. Closure due to Exhumation**

At the time of an exhumation of a body, the cemetery shall be closed to the public.

##### **43. Screening of Activities**

The grave from which a body is to be removed shall be effectively screened from view during the exhumation and a suitable container shall be supplied for the remains.

##### **44. Council and SAPS Authorised Representative to be Present**

No exhumation shall take place unless the Council's and South African Police Services authorized representatives are present.

**45. Transfer of Body from One Grave to Another by the Council**

Subject to the provisions of these bylaws and any applicable legislation, the Council may move a body from one grave to another.

## **CHAPTER 7**

### **CARE OF GRAVES**

**46. General**

- (1) No shrub, tree or any other plant material may be planted on graves without the consent of the Council and the Council may use its discretion to prune, cut down, dig up or remove any shrub, plant or flower at any time.
- (2) No person shall bring into a cemetery, erect, alter, paint, clean, renovate, decorate, remove or otherwise interfere with any memorial work or cut any inscription thereon without prior written consent of the Council.

**47. Position of Memorial Work**

No person shall erect any memorials on any grave except in such a position as indicated by the caretaker or as otherwise provided for in these bylaws.

**48. Repairs to Memorial Work**

If a contractor allows the memorial work to fall or cause danger to deface the cemetery in any way, the Council may order him to repair the damage. Should the required repairs not be done within one month of receiving such notice, the Council may carry out these repairs or remove the memorial work without paying any compensation and recover the cost incurred from the contractor.

**49. Supervision of Work**

Any person engaged in any work in any cemetery shall carry out such work under the supervision and to the satisfaction of the caretaker.

**50. Damaging of Memorial Works**

The Council shall not accept responsibility for any damages caused or which may occur which is not due to the negligence of the Council's employees.

**51. Moving of Memorial Work**

The Council may, after due notice, at any time, change or alter the position of any memorial work in any cemetery.

**52. Bringing Material into Cemetery**

(1) No person shall bring any material into the cemetery for the purposes of constructing any memorial work on any grave unless:-

- (a) a sketch plan indicating the dimensions of the memorial work, the inscription and position thereof has been submitted and approved by the caretaker;
- (b) all charges due in respect of such grave have been paid; and
- (c) the Council's written approval has been given to this effect.

**53. Removal of Memorial Works by the Council**

Any memorial work placed, built, altered, decorated, painted, in contravention of these bylaws or which, in the opinion of the Council, contravenes the good ethics and morals of society, may be removed by the Council after due notice, without payment of any compensation.

**54. Requirements for Erection of Memorial Works**

(1) Any person erecting memorial work shall conform to the following requirements:-

- (a) Where any part of any memorial work is to be joined to any other part, copper or galvanized iron clamps, pins or dowels of approved thickness and of sufficient length, shall be used for such purposes. The holes into which such clamps, pins or dowels must fit shall not be less than 50 mm deep.
- (b) Any part of such work, which rests upon the ground or stone or other foundation, shall be squared and added.
- (c) The stones referred to in subsection (1) will not be of uneven thickness nor have uneven corners.
- (d) The underside of all memorial work shall be set at least 50 mm below the natural level of the ground.
- (e) No kerbstones shall be used which protrude more than 230 mm above the surface of the ground or are more than 200 mm thick.
- (f) All head and kerbstones shall be properly secured from the inside with round copper or galvanized iron pins.
- (g) All headstones up to 150 mm in thickness shall be securely attached to the base in an approved manner.

- (h) All memorial work shall be completed as far as possible before it is brought into the cemetery.
- (i) No soft stone shall be used for memorial work and memorial work shall be constructed or made of marble or granite or any other approved hard stone.
- (j) In the case of single graves, foot kerbs shall consist of one solid piece.
- (k) No person shall do any stonework, chiseling etc. in the cemetery which is not connected with the erection of memorial work, except if the work is expressly permitted in these bylaws.
- (l) All memorial work shall have an adequate concrete foundation capable of taking the weight of any headstone to be erected and where joints occur in the kerbstones, all joints shall be fitted with good cement mortar.
- (m) Where memorial work has a base at ground level, such base shall not be less than 900 mm wide by not less than 300 mm x 300 mm.
- (n) All letters on memorial work shall be engraved thereon and shall not protrude above the surface of the memorial work.
- (o) With the consent of the contractor, the name of the maker may be affixed to any memorial work, provided that no address or other particulars be added thereto.

#### **55. Vehicles and Tools**

Any person engaged in any work on any grave shall provide such vehicles, tools and other appliances of his own as he may require.

### **CHAPTER 8**

#### **INTERMENT AREAS**

#### **56. Division of Cemetery**

The Council is entitled to divide the cemetery into one or more interment areas or may reserve an area for the burial of a specific religious denomination, provided it has adequate land available for the division of the cemetery or for the reservation of any portion of a cemetery for any religious denomination

#### **57. Memorial Section**

- (1) The following provisions will be applicable to any section which may be designated as a Memorial Section:-
  - (a) No person shall, after the expiration of 28 days from the date of any interment, erect, place or leave on or around any grave any railing, wirework, flower stand or other object of any kind.



- (b) No person shall place or leave on a grave any object in the nature of an ornament or embellishment.
- (c) Flowers, whether natural or artificial, and whether loose or in a vase or wreath, may be placed or left on a grave at any time.
- (d) Subject to the provision of section 58, memorial work may, with the written consent of the council, be erected on any grave.
- (e) No kerbstones shall be laid in such a manner so as to be more than 230 mm above the surface of the ground and more than 200 mm deep, without the written consent of the Council.
- (f) All kerbstones shall be properly dowelled and shall be fixed as to permit their easy removal without danger of damaging the headstones or other memorial work on the grave.
- (g) The standard dimensions of a memorial work for one single gravestone for an adult are 2 500 mm x 1 050 mm.
- (h) The standard dimensions of a memorial work for a double memorial work for adults are 2 500 mm x 2 550 mm.
- (i) The standard dimensions of a memorial work for children's memorial work are 1 500 mm x 900 mm.

#### 58. Lawn Section

- (1) The following provisions will be applicable to any section which may be designated as a Lawn Section:-

- (a) Except during the first 28 days after an interment and subject to subsection (5), no person shall erect, place or leave on or around a grave any railings, wirework, flower stands, ornament, embellishment or other object of any kind. Provided that during the first six months after an interment flowers, whether natural or artificial and whether loose in wreaths, may at any time be placed or left on the berm or at the head of the grave or where no berm has been provided, anywhere on the grave.
- (b) A headstone in the lawn section shall not exceed 1 070 mm above the berm or ground level, as the case may be, and shall not exceed the width of the berm.
- (c) The dimensions of the base of a headstone shall not exceed 600 mm x 250 mm and the position of the base on a berm shall be such that the edge thereof nearest to the grave shall be at least 120 mm from the edge of the berm, provided that the base of a headstone erected over two adjoining graves may exceed 600 mm in width but shall not exceed 1 200 mm x 250 mm.

- (d) In the lawn section, a receptacle approved by the caretaker or a vase may be placed in the cavity in the berm provided for this purpose. Such vase or receptacle shall be at least 380 mm in height and shall not exceed the perimeter of the said cavity.

#### 59. Requirements for Memorial Work in any Lawn Section

- (1) The following provisions are applicable to memorial work and graves in any Lawn Section:-
  - (a) Headstones shall be a maximum of 1 500 mm in height, 910 mm in width and with a length of 250 mm.
  - (b) No kerbstones demarcating any grave and no flat slab covering any grave shall be allowed.
  - (c) The foundation of a gravestone erected or laid over any single grave shall be at the most 910 mm x 380 mm and at least 300 mm (depth) in size.
  - (d) The base of a gravestone erected over any single grave shall be at the most 910 mm x 250 mm x 250 mm in size.
  - (e) The foundation of any single gravestone erected or laid over two continuous graves shall be at the most 2 130 mm x 380 mm and at least 300 mm (depth) in size.
  - (f) The base of any single gravestone erected or laid over two continuous graves shall be at the most 1 830 mm x 250 mm x 250 mm in size.
  - (g) In order to make provision for the fitting of a number plate, two holes of 6 mm in diameter and 30 mm depth shall be made 500 mm from each other on the foundation of every grave and in such a manner that both holes shall be in the middle of the foundation and 40 mm from the border of the foundation on the grave side.
  - (h) A single gravestone shall not be erected or laid over more than two continuous graves.
  - (i) The Council will maintain and decorate, as it deems fit and free of charge, the graves by planting flowers, shrubs or grass.

#### 60. Landscape Section

- (1) The following provisions will be applicable to any section which may be designated as a landscape area:-
  - (a) No person shall place, build, erect or plant anything, including memorial work and flowers on, around or next to any grave, provided that flowers and wreaths may be placed on a grave during the first month following interment.

- (b) Anything that is placed, built, erected or planted on or around or next to a grave or flowers or wreaths that are still on a grave one month after interment, in contravention of subsection (1), may be removed by the Council and be destroyed or otherwise disposed of.
- (c) The standard dimensions of a grave for an adult are 2 500 mm x 1 500 mm and for a child 1 500 mm x 1 000 mm.
- (d) The standard dimension of the aperture of a grave for an adult is 2 200 mm in length and 900 mm in width and that of a child 1 200 mm in length and 700 mm in width.
- (e) Any person who requires a grave for the interment of an adult with an aperture larger than the standard size, shall when applying for the interment, specify the measurements of the coffin including the mountings.
- (f) A marble or granite memorial slab or a plaque of 305 mm x 210 mm x 12/15 mm in dimension may be placed on a grave in any Landscape Section.
- (g) A memorial slab or plaque is placed horizontally on a concrete slab with dimensions of 355 mm x 260 mm x 150 mm (in thickness) with the eventual height level with the ground.
- (h) Memorial slabs or plaques are placed in the middle of the grave stand so that eventually all memorial slabs or plaques form straight lines.
- (i) No permanent vases or containers shall be attached to a memorial slab or plaque in any Landscape Section.
- (j) Charges payable are as determined by the Council.
- (k) No additional charges are levied for a second interment in any Landscape Section.
- (l) Only one memorial slab or plaque per grave is allowed in any Landscape Section.
- (m) The Council may develop the area as a park and maintain it accordingly.

## 61. Memorial Wall

- (1) A funerary vessel containing cremated remains may be placed in a niche in the Memorial Wall, provided that:-
  - (a) a maximum of two vessels may be placed on one niche;
  - (b) the maximum dimension of a funerary vessel is 175 mm x 185 mm x 110 mm; and
  - (c) the tariff(s) as determined by the Council are paid.

- (2) A marble or granite memorial plate is placed over a niche; provided that such memorial plate does not exceed 305 mm x 210 mm x 12/15 mm in dimension.
- (3) Durable, non-rust metal, glass or plastic vases may be placed next to a marble or granite memorial plate, provided that the application is approved by the Council and complies with the following standards:-
  - (a) Size of vase 40 mm wide x 100 mm high and manufactured from durable, non-rust metal, glass or plastic.
  - (b) Fixing of vase. The fixing shall take place by way of a durable, non-rust metal plate affixed against the wall with screws. The top portion of the plate shall be rectangular bent to the front with the vase attached.
  - (c) Dimensions of the plate 20 mm x 2 mm thick x 55 mm long. The total length of metal strip preparatory to bending should be 125 mm.
  - (d) Position for attaching vases. Vases will be attached to the right of the marble memorial plate with the lower point of the attachment plate in line with the lower side of the memorial plate. A gap of 20 mm shall be left open between the memorial plate and the attachment plate.

## 62. Garden of Remembrance

- (1) A funerary vessel containing cremated remains may be placed in the ground in any Garden of Remembrance, provided that:-
  - (a) the standard dimension of a burial site for cremated remains is 500 mm x 500 mm;
  - (b) the standard dimension of the aperture for the burial of cremated remains is 400 mm x 200 mm x 200 mm;
  - (c) the standard dimension of a marble or granite memorial plate is 410 mm x 210 mm x 15 mm and may be placed on such grave in any Garden of Remembrance;
  - (d) a memorial plate is placed horizontally on a concrete slab with dimensions 420 mm x 220 mm x 50 mm (in thickness) with the eventual height level with the ground;
  - (e) memorial plates are placed in the middle of the grave stand so that eventually all memorial plates form straight lines;
  - (f) no permanent vases or containers shall be attached onto any memorial stone in the Garden of Remembrance;
  - (g) charges are payable as determined by the Council from time to time;
  - (h) no additional charges are levied for a second interment on the same burial site in the Garden of Remembrance; and

- (i) only one memorial plate per grave is allowed in the Garden of Remembrance;

## **CHAPTER 9**

### **OFFENCES, PENALTIES AND APPEALS**

63. The provisions of the council's Bylaws Relating to Offences, Penalties and Appeals shall apply mutates mutandis to these bylaws.

## **CHAPTER 10**

### **REPEAL OF BYLAWS / REGULATIONS**

64. The following Bylaws/ Regulations are hereby repealed.

The Cemetery Regulations adopted by the former Ixopo Health Committee under Provincial Notice No 6 of 1949 dated 6 January 1949.

PART R III Establishment and Maintenance of Cemeteries of the former Development and Services Board in so far as these were applicable to the under mentioned area, shall no longer apply from the date of promulgation of this notice in the Gazette:

Regulated Area: Stuartsville

**PROVINCIAL NOTICE 33 OF 2016**  
**UBUHLEBEZWE MUNICIPALITY**



**INTEGRATED WASTE MANAGEMENT**  
**(RECYCLING) BYLAWS**

<b>1<sup>ST</sup> DRAFT DATE</b>	<b>30<sup>th</sup> June 2014</b>
<b>2<sup>ND</sup> DRAFT DATE</b>	
<b>ADOPTION BY COUNCIL</b>	
<b>PROMULGATION DATE</b>	

**UBUHLEBEZWE LOCAL MUNICIPALITY**  
**INTEGRATED WASTE MANAGEMENT BY-LAWS**

**REPEAL OF BY-LAWS AND TRANSITIONAL ARRANGEMENTS (ADOPTED BY RESOLUTION  
OF THE MUNICIPAL COUNCIL OF UBUHLEBEZWELOCAL MUNICIPALITY)**

The Ubuhlebezwe Local Municipality ("the Municipality") hereby publishes the Waste Management (Recycling) By-Laws set out below, promulgated by the municipality in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996 and section 9(3) (a-d) of the National Environmental Management: Waste Act, 2008.

**Preamble**

**WHEREAS** the "Municipality" has the Constitutional obligation to provide services including refuse removal, collection and disposal;

**AND WHEREAS** poor waste management practices can have adverse impact on the environment in and beyond Municipal boundaries;

**AND WHEREAS** the "Municipality" is committed to ensure that all residents, organisations, institutions, businesses, visitors or tourist and public bodies are able to access services from a legitimate waste service provider;

**AND WHEREAS** the "Municipality" wishes to regulate waste collection, separation, storage, processing, treatment, recycling, reuse and disposal of waste including littering and illegal dumping and the regulation of facilities used for the management of waste, with the ultimate aim of avoiding or minimising the generation and impact of waste;

**AND WHEREAS** the "Municipality" promotes the waste hierarchy approach as outlined in the National Waste Management Strategy

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## **CHAPTER 1: DEFINITIONS, OBJECTIVES AND PRINCIPLES**

### **1. Definitions**

In this By-laws, any word or expression to which a meaning has been assigned in the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008) and the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and associated regulations shall have the meaning so assigned and, unless the context indicates otherwise.

**“Basic Refuse Removal”** means the baseline service level as set out in the National Policy on Free Basic Refuse Removal.

**“building waste”** includes all waste produced during the construction, alteration, repair or demolition of any structure, and includes building rubble, earth, vegetation and rock displaced during such construction, alteration, repair or demolition;

**“bulky waste”** means business waste or domestic waste which by virtue of its mass, shape, size or quantity is inconvenient to remove in the routine door-to-door municipal service provided by the Municipality or service provider;

**“by law”** means legislation passed by the municipality’s Council which is binding on persons who resides within, visiting the area of authority of the municipality or using municipal services;

**“container”** means a disposable or re-usable vessel in which waste is placed for the purposes of storing, accumulating, handling, transporting, treating or disposing of that waste, and includes bins, bin-liners and skips;

**“disposal”** means the burial, deposit, discharge, abandoning, dumping, placing or release of any waste into, or onto, any land;

**“garden waste”** means organic waste which emanates from gardening or landscaping activities at residential, business or industrial premises including but not limited to grass cuttings, leaves, branches, and includes any biodegradable material and excludes waste products of animal origin and bulky waste.

**“general waste”** means waste that does not pose an immediate hazard or threat to health or to the environment, and includes:

- (a) domestic waste;
- (b) building and demolition waste;
- (c) business waste: and
- (d) inert waste.

**“hazardous waste”** means any waste that contains organic or inorganic elements or compounds that may, owing to the inherent physical, chemical or toxicological characteristics of that waste, have a detrimental impact on health and the environment;

**“health care risk waste”** means waste capable of producing any disease and includes but is not limited to the following:

- (a) laboratory waste;
- (b) pathological waste;
- (c) isolation waste;
- (d) genotoxic waste;
- (e) infectious liquids and infectious waste;
- (f) sharps waste;
- (g) chemical waste; and
- (h) pharmaceutical waste;

**“Indigent”** means a person that is unable to pay the full economic costs of municipal services due to a number of legitimate factors.

**“industrial waste”** means waste generated as a result of manufacturing, maintenance, fabricating, processing or dismantling activities, but does not include building waste, business waste, special industrial waste, hazardous waste, health care risk waste or domestic waste;

**“inert waste”** means waste that:

- (a) does not undergo any significant physical, chemical or biological transformation after disposal;
- (b) does not burn, react physically or chemically biodegrade or otherwise adversely affect any other matter or environment with which it may come into contact; and
- (c) does not impact negatively on the environment, because of its pollutant content and because the toxicity of its leachate is insignificant;

**“illegal dumping”** means refuse that has been left at a place with the intention of abandoning it, such refuse as sand, paper, plastic bottles, builder’s rubble and any other material that may create a nuisance or that is unsightly and detrimental to the environment;

**“litter”** means waste, excluding hazardous waste, arising from activities in public areas that has not been deposited of in a public litter container

**“local community”/“community”**, in relation to a municipality means that body of persons comprising:

- (a) the residents and ratepayers of the municipality;
- (b) any civic organisations and non-governmental, private sector or labour organisations or bodies which are involved in local affair within the municipality;
- (c) visitors and other people residing outside the municipality who, because of their presence in the municipality make use of services or facilities provided by the municipality, and includes, more specifically, the poor and other disadvantaged sections of such body of persons;

**“Municipality”** means a municipality established in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

**“Municipal Systems Act”** means the Local Government: Municipal Systems Act, 2000 (No.32 of

2000)

**“nuisance”** means any injury, harm, damage, inconvenience or annoyance to any person which is caused in any way whatsoever by the improper handling or management of waste, including but not limited to, the storage, placement, collection, transport or disposal of waste or by littering;

**“occupier(s)”** in relation to any premises, means any person who is in actual occupation of such premises and if no person is in actual occupation thereof, any person who whether as owner, lessee, licensee or otherwise has, for the time being, control of such premises and shall include a street trader who occupies a site for the purposes of such street trader's business

**“owner”** means the registered owner, lessee or occupier of premises, or the person in charge or control of any premises or part thereof who is over 18 years of age, and any person who obtains a benefit from the premises or is entitled thereto;

**“pharmaceutical waste”** includes expired, unused, spilt and contaminated pharmaceutical products, drugs, vaccines and sera that are no longer required and that need to be disposed of appropriately;

**“receptacle”** means an approved container having a capacity for temporary storage of waste in terms of these By-laws;

**“service provider/contractor”** means the person, firm or company whose tender/quotation has been accepted by or on behalf of the Municipality and includes the contractor's heirs, executors, administrators, trustees, judicial managers or liquidators, as the case may be, but not, except with the written consent of the Municipality, any assignee of the contractor.

**“tariff”** means the prescribed charge determined by the Municipality in terms of any applicable legislation for any service rendered by the Municipality in terms of these by-laws;

**“waste disposal facility”** means any site or premise used for the accumulation of waste with the purpose of disposing of that waste at that site or on that premise;

**“waste transfer facility”** means a facility that is used to accumulate and temporarily store waste before it is transported to a recycling, treatment or waste disposal facility;

**“waste treatment facility”** means any site that is used to accumulate waste for the purpose of storage, recovery, treatment, reprocessing, recycling or sorting of that waste.

## 2. Objectives of the By Laws

(1) The objectives of this By-Laws are to:

- (a) give effect to the right contained in section 24 of the Constitution by regulating waste management within the area of the municipality's jurisdiction;
- (b) provide, in conjunction with any other applicable law, an effective legal and administrative framework, within which the Municipality can manage and regulate waste management activities
- (c) ensure that waste is avoided, or where it cannot be altogether avoided, minimised, re-used, recycled, recovered, and disposed of in an environmental sound manner.
- (d) promote and ensure an effective delivery of waste services.

## 3. Scope of application

(1) This by-law must be read with any applicable provisions of the National Environmental Management: Waste Act, 2008 (Act No. 59 of 2008).

(2) In the event of any conflict with any other by-law which directly or indirectly, within the jurisdiction

of the municipality, regulates waste management, the provisions of this by-law shall prevail to the extent of the inconsistency.

- (3) The by-laws do not override any other national and provincial waste related legislation.

#### **4. Principles**

- (1) Any person exercising a power in accordance with these by laws must; at all times; seek to promote the waste management hierarchy approach as outlined in the National Environmental Management Waste Act, 2008 (Act No. 59 of 2008) and the National Waste Management Strategy, which is promoting waste avoidance and minimization, waste reuse, recycling and recovery, waste treatment and disposal.
- (2) The By Law seeks to promote sustainable development and environmental justice through fair and reasonable measures for the management of waste within the municipality's jurisdiction.
- (3) The By Laws promotes participation of all municipal residents in the promotion of responsible citizenship by ensuring sound waste management practices within residential and industrial environments.

#### **5. General duty of care**

- (1) Every person has a duty to manage any waste generated by his activities or the activities of those persons working under his direction in such a manner that the waste does not cause harm to human health or damage to the environment. In particular, the person must ensure that:
- (a) waste generation is avoided and where such waste cannot be avoid, minimise the toxicity and amounts of waste;
  - (b) separate waste with the aim of minimising waste and its impacts on the environment and to store the recyclable waste separately from non-recyclable waste provided that industrial waste must be separated into liquids, components and materials that can be treated for recycling or reuse;
  - (c) reduce, reuse, recycle and recover waste;
  - (d) where waste must be disposed of, ensure that the waste is treated and disposed in an environmentally sound manner;
  - (e) manage the waste in such a manner that it does not endanger health or the environment or cause a nuisance through noise, odour or visual impacts.
- (2) Any person subject to the duty imposed in subsection (1) may be required by the Municipality or an authorised official to take measures to ensure compliance with the duty.
- (3) The measures referred to in subsection (2) that a person may be required to undertake include:
- (a) investigation, assessment and evaluation of the impact that their activities, the process or a situation have on the environment;
  - (b) informing and educating employees about the environmental risks of their work and the manner in which their tasks must be performed in order to avoid causing damage to the environment;
  - (c) ceasing, modifying or controlling any act, process, situation or activity which causes damage to the environment;
  - (d) containing or preventing the movement of pollutants or other causes of damage to the

- environment;
- (e) eliminating or mitigating any source of damage to the environment; or
- (f) rehabilitating the effects of the damage to the environment.

## **CHAPTER 2: PLANNING AND INSTITUTIONAL MATTERS**

### **6. Integrated Waste Management Plan (IWMP)**

- (1) The "Municipality" is preparing an Integrated Waste Management Plan (IWMP) which would be adopted by the Council, in which the plan will be incorporated in the Integrated Development Plan in accordance with the provisions of the National Environmental Management Waste Act, 2008 (Act No. 59 of 2008).
- (2) The Plan contemplated in subsection (1) will include but not limited to the following:
  - (a) Establishing a means of ensuring that waste is collected, reused, recycled or disposed of without causing harm to human health or damage to the environment and, in particular, without risk to water, air, soil, plants or animals; causing nuisance through noise or odours; or adversely affecting rural or urban areas or areas of special interest;
- (3) The Plan contemplated in subsection (1) must be establishing an integrated network of waste handling and waste disposal facilities to ensure that:
  - (a) comprehensive and adequate waste services are rendered within the Municipality;
  - (b) the disposal of waste occurs at accessible waste disposal facilities of which currently the municipality is using Umzimkhulu municipality dumping facility; and
  - (c) the most appropriate methods and technologies are used in order to ensure a high level of protection for and prevention of damage to the environment and harm to human health;
  - (d) encouraging the minimisation or reduction of waste;
  - (e) promoting the recovery of waste by means of recycling or re-use through proven alternative technology; and
  - (f) any other object which would enhance sustainable development.

### **7. Service Providers/ Contractors**

- (1) The Municipality may discharge any of its obligations by entering into a service delivery agreement with a service provider or service providers in terms of the Municipal Systems Act, 2000.
- (2) Subject to the provisions of the Municipal Systems Act or any other legislation, the Municipality may assign to a service provider any power enjoyed by the Municipality under these By-laws: provided that the assignment is required for the service provider to discharge an obligation under its service delivery agreement
- (3) Any reference in these By-laws to "Municipality or service provider" should be read as the "Municipality" if the Municipality has not entered into a service delivery agreement, and should be read as "service provider" if the Municipality has entered into a service delivery agreement.

- (4) Service providers must provide services in accordance with a customer charter which must be drawn up in consultation with the Municipality and which must:
- (a) accord with the provisions of these By-laws;
  - (b) be accessible to the public;
  - (c) establish the conditions of the service including collection times; and
  - (d) provide for the circumstances in which Municipal services may be limited.

### **CHAPTER 3: PROVISION OF WASTE SERVICES**

#### **8. The Municipality's Service**

- (1) The Municipality shall provide a service for the collection and removal of business and domestic refuse from **premises at the tariff, charges, fees or any other moneys payable as determined by council in terms of the local Government Systems Act, Act 32 of 2000**
- (2) The occupier/s and or owner/s of premises on which business or domestic refuse is generated shall; subject to the proviso to section 17 (1) (a), use the Municipality's service for the collection and removal of all such refuse except in cases where special exemption is granted.
- (3) **The owner/s and or occupier/s of the premises on which the business or domestic refuse is generated shall be liable individually or jointly to the Municipality for the tariff charge, where applicable, in respect of the collection, removal and disposal of business and domestic refuse from such premises and all moneys payable to the Municipality must be paid with the understanding that where the Municipality renders a service whether the service is used or not the owner/s and or occupier/s shall still be responsible for payment of the applicable tariffs, jointly or individually.**
- (4) The owner/s and or occupier/s in respect of individual premises held on the Sectional Title Register opened in terms of the section 5 of the Sectional Titles Act, 1986, on which business or domestic refuse is generated shall be liable individually to the Municipality for the tariff charge in respect of the collection, removal and disposal of business or domestic refuse from such premises and all moneys payable to the Municipality must be paid with the understanding that where the Municipality renders service whether the service is used or not the owner/s and or occupier/s still be responsible for payment of the applicable tariffs jointly or individually.
- (5) The Municipality reserves the right to review such tariffs contemplated in sub-section (1) on an annual basis.
- (6) **The Municipality may exempt any person or category of persons deemed to be falling in the indigent category from paying prescribed tariffs for waste management services as outlined in the Municipal Indigent Policy.**

#### **10, Notice to the Municipality**

- (1) **The occupier and or owner or in the case of more than one, the occupiers and or owners of a premises, on which business, refuse or domestic refuse is generated shall within**



**seven days after the commencement of the generation of such refuse notify the Municipality in writing:**

**(a) That the premises are being occupied; and**

**(b) Whether business refuse or domestic refuse or both the aforementioned is being generated on the premises.**

**(2) Where the category or purpose of waste change it is the responsibility of the occupier (s) and/or owner (s) to inform the municipality in writing on or before the day of change, that the service delivery should change or be ceased subject to the circumstances and that the tariff change be amended accordingly.**

#### **11. Private Refuse Removal Services**

**(1) Shall only be applicable in instances where the municipality is not in a position to deliver the refuse removal service or where special written exemption is granted according to the specified criteria.**

**(2) All contractors removing garden refuse, Health Care Risk Waste and hazardous waste from premises within the Municipal area, shall register with the Municipality in terms of Chapter 6 below. No service may be conducted without prior registration.**

#### **12. Delivery of bins or containers**

**(1) After notification in terms of section 10, the Municipality shall, after investigation, determine the number of refuse bin/container required on such premises.**

**(a) The owner/s and or occupier/s of such residential premises shall be responsible for the supply of the predetermined number and type of refuse bins as required by the Council from time to time;**

**(b) Refuse bins will be supplied by the Municipality when possible on request at ruling prices;**

**(c) The owner/s and or occupant/s of such premises will be supplied with the predetermined number and type of refuse bin/s or containers as required by the Municipality from time to time.**

**(2) The owner or occupier/s shall be liable to Municipality for the tariff charge in respect thereof:**

**(a) From the date of delivery of the refuse bin/container of such premises and/or as prescribed in the tariff policy;**

**(b) Until the day of canceling the service after notifying the Municipality in writing of such steps and after the Municipality is of the opinion that the services can be terminated or lesser number of refuse bin/container is required;**

**(c) Municipality's records serving proof of such delivering or removal;**

**(d) The provisions of this section shall apply mutatis mutandis on owners utilizing private owned refuse bin/container.**

**(3) The Municipality may at any time after the delivery of refuse bins/containers in terms of subsection**

- (1) remove some of the refuse bins/containers or deliver additional refuse bins/containers if, in its opinion, a greater or lesser number of refuse bin/containers is required on the premises.
- (4) The Municipality may deliver mass waste containers to premises if, having regard to the quantity of refuse generated on the premises concerned, the sustainability of such refuse for storage in containers, and the accessibility and adequacy of the space provided by the owner/s and or occupier/s of the premises in terms of section 14, to the refuse collection vehicles, It considers mass waste containers more appropriate than standard waste containers for the storage of the refuse.
- (5) The provisions of these by-laws dealing with refuse containers deliver to premises for the storage of refuse in terms of subsections (1) and (3) shall apply mutatis mutandis in respect of mass waste containers delivered to premises in terms of subsection (4).
- (6) The owner/s and or occupier/s of any premises shall keep the contents of the refuse bin/container or other approved waste container covered at all times (save when refuse is being deposited therein or discharged there from).
- (7) The Municipality shall remain the owner of the refuse containers, or other approved containers delivered by it in terms of subsections (1) and (4).

### **13. Collection and transportation**

**(1) The Municipality may:**

- (a) only collect waste stored in approved receptacles;**
- (b) set collection day(s) of the week;**
- (c) collect waste outside the set schedule on request by any person and at a fixed tariff agreed to by both parties prior to collection.**

**(2) Any person transporting waste within the jurisdiction of the Municipality must:**

- (a) ensure that the receptacle or vehicle or conveyance is adequate in size and design for the type of waste transported;
- (b) remove or transport the waste in a manner that would prevent any nuisance or escape of material;
- (c) maintain the receptacle or vehicle or conveyance in a clean, sanitary condition at all times;
- (d) not permit waste transported to become detached, leak or fall from the receptacle or vehicle or conveyance transporting it;
- (e) ensure that waste is transported or deposited at a waste transfer station, recycling facility and/or disposal facility licensed to accept such waste;
- (f) ensure that the vehicle is not used for other purposes whilst transporting waste;
- (g) apply to the Municipality to register as a transporter of waste in accordance with the requirements set out by the Municipality and adhere to all the conditions attached to the registration.

- (3) In the absence of evidence to the contrary which raises a reasonable doubt, a person who is in control of a vehicle, or in a position to control the use of a vehicle, that is used to transport waste for the purpose of offloading that waste, is considered to knowingly cause that waste to be offloaded at the location where the waste is deposited.
- (4) A person who is in control of a vehicle, or in a position to control the use of a vehicle, that is used to transport waste for the purpose of offloading that waste, is guilty of an offence if that person:
  - (a) fails to take all reasonable steps to prevent spillage of waste or littering from the vehicle;
  - (b) intentionally or negligently cause spillage or littering from the vehicle;
  - (c) dispose of waste at a facility which is not authorised to accept such waste;
  - (d) fails to ensure that waste is disposed of at a facility that is authorised to accept such waste.

#### **14. Storage and receptacle for general waste**

- (1) Any person or owner of premises where general waste is generated must ensure that such waste is stored in a receptacle provided or approved by the Municipality.
- (2) **The owner/s and or occupier/s of the premises shall provide an approved space of adequate size and any other facilities considered necessary by the Waste Management Officer on the premises for the storage of the bins/containers delivered by the Municipality in terms of section 12 or for the equipment and containers mentioned in section 18. Minimum floor areas include, but not limited to:**
  - (a) for 1.75m<sup>3</sup> refuse containers, a minimum floor area of 4.5m<sup>2</sup>;**
  - (b) for 240litre and 85litre bins, a minimum floor area of 1m<sup>2</sup> is required**
- (3) The space provided in terms of subsection (2) and the storage of waste shall:
  - (a) be in such a position on the premises as to allow the storage of refuse bins/container without then being visible from the street, a public space, or any other premises except if determined otherwise by Municipality;
  - (b) on agreed collection date, the receptacle(s) should be placed outside the premises in an area accessible to the municipal officials or service providers before 07:00 in the morning;
  - (c) where business refuse is generated on the premises be in such a position as will allow the collection and removal by the Municipality's employees without hindrance;
  - (d) business refuse bins/containers be so located as to permit convenient access to and egress from such space for the Municipality's refuse collection vehicles; and
  - (e) business refuse bins/containers be sufficient to house all refuse, including the materials and any containers used in the storage and the refuse contemplated in section 17 (1) (a) and 18 (6);
  - (f) where domestic refuse is generated on a premises the refuse plastic linings with refuse therein must be properly tied and be placed outside the fence or boundary of the premises on the street boundary or on any such other place as determined by the Municipality but will only be collected in a defined area and on a specific day as determined by Municipality;

- (g) where domestic refuse is generated on a premises which contains coal ashes, the standard waste container with the refuse therein must be properly placed just inside the fence or boundary of the premises or on any such place as determined by Municipality but will only be collected in a defined area on a specific day as determined by Municipality;
  - (h) prevent pollution and/or harm to the environment, as well as avoiding nuisance such as odour, visual impacts and breeding of vectors;
  - (i) be such that tampering by animals is prevented;
  - (j) ensure waste cannot be blown away and that the receptacle is covered or closed and suitable measures are in place to prevent accidental spillage or leakage;
  - (k) be in a receptacle that is intact and not corroded or in any other way rendered unfit for the safe storage or transportation of the waste; and in cases where a receptacle(s) is damaged or corroded, the owner or occupier must notify the Municipality and arrange for replacement as soon as it comes to their attention;
  - (l) the owner/s and or occupier/s of the premises shall ensure that a receptacle(s) provided by the Municipality is not used for any other purpose other than that of storage of waste;
  - (m) waste is only collected by the Municipality or authorised service provider.
- (4) The owner/s and or occupier/s of premises shall place or cause the refuse bins/containers delivered in terms of section 12 to be placed in the space provided in terms of subsection (1) and shall at all times keep it there.
- (5) Notwithstanding anything to the contrary in subsection (3) contained:
- (a) In the case of buildings erected, or buildings the building plans whereof have been approved, prior to the coming into operation of these by-laws; and
  - (b) In the event of the Municipality, in its opinion, being unable to collect and remove refuse from the space provided in terms of subsection (1).
- (6) The Municipality may, having regard to the avoidance of nuisance and the convenience in collection of refuse, indicate a position within or outside the premises where the refuse bins/containers shall then be placed in such position at such times and at such period as the Municipality may require.

## **15. Access to premises**

- (1) **Where the Municipality provides a refuse collection service, the owner/s and or occupier/s of the premises shall grant the Municipality access to the premises for the purpose of collecting and removing refuse and shall ensure that nothing obstructs frustrates or hinders the Municipality in the carrying out of its service.**
- (2) Where in the opinion of the Municipality the collection or removal of refuse from any premises is likely to result in damages to the premises or the Municipality's property, or injury to the refuse collectors or any person, if any, as a condition of rendering refuse collection service in respect of the premises, require the owner/s and or occupier/s to indemnify it in writing in respect of any such damage or injury or any claims arising out of either.
- (3) The owner must, on request, allow a duly authorised employee of the Municipality access to their property for the purpose of inspecting the property and investigating any contravention of this By-law and to ensure compliance therewith. When accessing the property the authorised employee

must, on request, identify him or herself by producing written proof of such authority.

#### **16. Refuse container liners**

- (1) In order to facilitate the collection of refuse, the Municipality may require refuse container liners be used for the storage of such refuse in containers and the owner/s or occupier/s shall not place any refuse in such containers without using a refuse container liner, with the exception where other approved containers are utilized.
- (2) The owner/s and or occupier/s of premises where refuse containers are not provided, with the exception where mass waste containers are being used, shall place or cause the full refuse container liner properly tied up, to be placed just outside the fence or boundary of the premises on the street boundary or in any such other place as determined by the Municipality before 07:00 on the day on which refuse is collected in the particular area.
- (3) The full refuse container liner placed in accordance with subsection (2) shall be undamaged.
- (4) Only refuse container liners approved by the Municipality may be used.

#### **17. Use and care of refuse containers**

- (1) **The owners and or occupiers of premises to which refuse bins/ containers have been delivered by the Municipality in terms of section 12, or where containers are supplied by the owner/s and or occupier/s shall ensure that:**
  - (a) **All the domestic or business refuse generated on the premises shall be placed and kept in such refuse bins containers for removal by the Municipality; Provided that the provisions of this subsection shall not prevent any owner/s and or occupier/s who has obtained the Municipality's prior written consent from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material for recycling in a manufacturing process or, or in the case of swill, for consumption;**
  - (b) Not hot coal ash, unwrapped glass or other business or domestic refuse which may cause damage to refuse bins/containers or refuse bin/container liners or which may cause injury to the Municipality's employees while carrying out their duties in terms of these by-laws, shall be placed in refuse bins/containers before suitable steps have been taken to avoid such damage or injury.
  - (c) No material, including any liquid, garden waste and/or building rubble which; by reason of its mass or other characteristics is likely to render such refuse bins/container or refuse bin/container liners unreasonably difficult for the Municipality's employees to handle or carry, shall be placed in such refuse bins/containers; and
  - (d) Every refuse bin/container on the premises shall be covered with a suitable lid save when refuse is being deposited therein or discharges therefrom, and every refuse container shall be kept in a clean and hygienic condition.
  - (e) Where returnable receptacles are in use, household members must mark his or her receptacle to assist the service provider/municipality in returning the receptacle to the same household from where it is collected.

- (2) No refuse bin/container so delivered in accordance with section 12, may be used for any purpose other than the storage or business refuse and no fire shall be lit in such container.**
- (3) The refuse bin/containers so delivered in accordance with section 12, may be emptied by the Municipality at such intervals as the Municipality may deem necessary.**
- (4) In the event of a mass waste container having been delivered to premises in terms of section 12 (4), the owner/s and or occupier/s of such premises shall, 24 hours before the container is likely to be filled to capacity, inform the Municipality thereof.
- (5) The owner/s and or occupier/s of premises to which refuse bins/containers were delivered in terms of section 12 (1) (d), or to which containers were delivered in terms of section 18, shall be liable to the Municipality for the loss thereof and for all damage caused thereto except for such loss or damage as may be caused by the employees of the Municipality.

### **18. Compaction of Refuse**

- (1) Should the quantity of business refuse generated on premises be such as to require the daily removal of more than the equivalent of a mass waste container and should, in the opinion of the Municipality, the major portion of such refuse be compactable, or should the owner/s and or occupier/s of premises wish to compact any volume of such refuse, such owner/s and or occupier/s, shall compact that portion of such refuse as is compactable and shall put it into an approved container or wrapper, and the provision of section 14 shall not apply to such compactable refuse, but shall apply to all other refuse.
- (2) The capacity of the wrapper mentioned in subsection (1), shall not exceed 85 litres and the mass of the wrapper and contents shall not exceed 35 kilograms.
- (3) After the refuse, treated as contemplated in subsection (1), has been put into the wrapper, it shall be placed in the refuse container or other approved container and shall be stored so as to prevent damage to the wrapper or any nuisance arising until collected.
- (4) The containers or wrappers mentioned in subsection (1) shall be supplied by the owner/s and or occupier/s of the relevant premises.
- (5) (a) Any container used in terms of subsection (1) shall be collected, emptied and returned to the premises by the Municipality at such intervals as it may deem necessary.  
(b) The owner/s and or occupier/s of the premises shall prepare the container for collection and reconnect it to the compaction equipment forthwith after its return by the Municipality to the premises.
- (6) The provisions of this section shall not prevent any owner/s and or occupier/s of premises who has obtained the Municipality's prior written consent, from selling or otherwise disposing, or any swill, corrugated cardboard, paper, glass or other material for recycling in a manufacturing process or, in the case of swill, for consumption.
- (7) "Approved", for the purpose of subsection (1), shall mean approved by the Municipality, with regard being had to the fitness of the container or wrapper for its purpose, and also the

reasonable requirements of the particular case from the point of view of public health, storage, refuse removal or refuse disposal.

#### **19. Waste transfer stations**

**(1) Any holder of waste must:**

- (a) utilise appropriate waste transfer stations as directed by the Municipality or service provider;**
- (b) adhere to the operational procedures of a transfer station as set out by the Municipality.**

#### **20. Waste disposal**

- (1) Waste generated in the municipal area must be disposed of at a waste disposal facility as directed by the Municipality (Umzimkhulu municipality dumping site).**
- (2) In disposing of waste the operator of the site must comply with the provisions of any other legislation regulating the disposal of waste.**

#### **22. The Municipality's special garden services.**

- (1) At the request of the owner/s and or occupier/s and after payment of the tariff charge the Municipality shall provide bulk volume mass waste containers for removal of garden refuse from premises: provided that the Municipality is able to do so with its refuse removal equipment.**
- (2) The bulk volume mass container will be delivered to the premises as requested by the applicant and the bulk volume mass container will be placed on the pavement for a predetermined period of time as determined by the Manager Community Services.**
- (3) At the request of the owner/s and or occupier/s or manager of the premises the Municipality may provide a special service for the removal of refuse at the prescribed tariff as determined by Municipality from time to time.**

### **CHAPTER 4: RECYCLING OF WASTE**

#### **23. Storage, separation and collection of recyclable waste**

- (1) Any person who is undertaking any activity involving reduction, re-use, recycling or recovery of waste including scrap dealers, by-back centres and formalised recycling groups must before undertaking that activity, make sure that the activity is less harmful to the environment than the disposal of such waste and must notify the Municipality of an intention to undertake such an activity in writing.**
- (2) Any person undertaking the activities contemplated in subsection (1) must adhere to the**



requirements set out in national or provincial legislation.

- (3) The Municipality may require any person or owner of premises to separate their waste and use different receptacles provided by the Municipality.
- (4) In cases where the Municipality, or industry has provided separate receptacles for recyclable material, no person may use other receptacles for recyclable material.

## **CHAPTER 5: WASTE INFORMATION**

### **24. Registration and provision of waste information**

- (1) Any person who conducts an activity which has been identified in terms of provincial and/or national waste information system must, upon request, present to the Municipality proof that such an activity is registered and reporting the required information.
- (2) The Municipality may, at its own discretion and as reasonably possible, require any facility, person of activity to register and report to the Municipality any other information for the purpose of facilitating effective waste management within its jurisdiction.

## **CHAPTER 7: LISTED WASTE MANAGEMENT ACTIVITIES**

### **28. Commencement, conducting or undertaking of listed waste management activities**

- (1) Any person conducting a listed waste management activity listed in terms of section 19 of the National Environmental Management Waste Act, 2008 (Act No. 59 of 2008), must upon request by an official of the Municipality, provide proof of compliance with the requirements of a licence issued by the competent authority.
- (2) Any person conducting or intending to conduct any activity contemplated in sub section (1) must, at least sixty (60) days before commencement, conducting or undertaking such activity, inform the Municipal waste management officer in writing of the intention.

## **CHAPTER 8: GENERAL PROVISIONS**

### **29. Duty to provide facilities for litter**

- (1) The Municipality, or owner of premises in the case of privately owned land, must take reasonable steps to ensure that sufficient and appropriate receptacles are provided for the discarding of litter by the public, in any place to which the public has access.
- (2) The Municipality, or owner of privately owned land, must ensure that all receptacles installed on the premises for the collection of litter are:
  - (a) maintained in good condition;



- (b) suitably weighted and anchored so that they cannot be inadvertently overturned;
  - (c) constructed in such a manner as to ensure that they are weatherproof and animal proof;
  - (d) of suitable size to contain all litter likely to be generated on the premises and by the users thereof;
  - (e) placed in locations convenient for the use by users or occupants of the premises to discourage littering or the unhealthy accumulation of waste; and
  - (f) emptied and cleansed periodically or when full. The emptying and cleansing of receptacles must be done frequently to ensure that no receptacle or its contents may become a nuisance or provide reasonable grounds for complaint.
- (3) In any public place where a receptacle has been placed for the depositing of litter, the Municipality may put up notices about littering.

### **30. Prohibition of littering**

**(1) No person may:**

- (a) cause litter;
  - (b) sweep any waste into a gutter, onto a road reserve or onto any other public place;
  - (c) disturb anything in, or remove anything from any receptacle which has been placed for the purposes of collecting litter in such a manner as to cause the contents of the receptacle to spill or fall onto the ground around it; and
  - (d) allow any person under his control to do any of the acts contemplated in paragraphs a, b or c above.
- (2) Notwithstanding the provisions of subsection (1), the Municipality, or owner in the case of privately owned land to which the public has access, must within a reasonable time after any litter has been discarded, dumped or left behind, remove such litter or cause it to be removed.
- (3) If the provisions of subsection (1) are contravened, the Manager Community Services may direct, by way of a written notice to persons that:
- (a) they cease the contravention, in a specified time;
  - (b) they prevent a further contravention or the continuation of the contravention;
  - (c) take whatever measures the Manager Community Services considers necessary to clean up or remove the waste, and to rehabilitate the affected facets of the environment, to ensure that the waste and any contaminated material which cannot be cleaned or rehabilitated is disposed of lawfully.
- (4) The Manager Community Services may in respect of the notice contemplated in subsection (3)(c) state that the person must, within a maximum of 5 working days remove the waste or litter, provided the Manager Community Services may grant a further 2 days, on request of the person, to remove the litter or waste.

- (5) A person who owns land or premises, or who is in control of or has a right to use land or premises, may not use or permit the use of the land or premises for unlawful dumping of waste and must take reasonable steps to prevent the use of the land or premises for that purpose.
- (6) If the Municipality elects to remove the waste or litter the person concerned shall be liable for the cost of such removal operation.
- (7) In the case of hazardous waste, the Municipality shall immediately remove same and thereafter issue notices that the person concerned is liable for the cost of the removal and rehabilitation of the area.

### **31. Prohibition of nuisance**

- (1) Any person handling waste within the Municipality, either through storage, collection, transportation, recycling or disposal must:
  - (a) take reasonable measures to prevent nuisance, injury, harm, damage, annoyance or inconvenience to any person and the environment;
  - (b) take measures to remedy any spillages, harm, damage or nuisance referred to in section (a);
  - (c) the Municipality may, by written notice, instruct any holder of waste at their own cost; to clean any waste causing nuisance to any person or the environment;
  - (d) failure to comply to the notice contemplated in subsection (1) (c); the Municipality may clean or remedy waste causing nuisance to any person or the environment, at the Municipality's cost and claim such cost from the offender.

### **32. Burning of waste**

- (1) No person may:
  - (a) dispose of waste by burning it, either in a public or private place;
  - (b) incinerate waste either in a public or private place except in an incinerator licensed by the relevant national or provincial authorities to do so, or at a place designated by the Municipality for such purpose.

### **33. Unauthorised disposal/dumping**

- (1) No person may:
  - (a) except with the permission of the occupier, owner or of the person or authority having control  
  
thereof dump, accumulate, place, deposit, leave or cause or allow to be dumped, accumulated, placed, deposited or left any waste whatsoever, whether for gain or otherwise, on or in a public place; any drain, watercourse, flood prone areas, tidal or other water in or in the vicinity of an road, highway, street, lane, public footway or pavement, roadside or other open space to which the public have access; or private or municipal land.

- (2) Once it has been alleged that a person has left an item or allowed an item to be left at a place which he is not the owner/s and or occupier/s, he shall be deemed to have contravened the provisions of subsection (1) until the contrary is proved.

#### **34. Abandoned articles**

- (1) Any article, other than a motor vehicle deemed to have been abandoned in terms of the Road Traffic Act, which, 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 of such article, is reasonably regarded by the Municipality as having been abandoned, may be removed and disposed of by the Municipality as it may deem fit.
- (2) The Municipality may remove and dispose of any article which is chained or fastened to any pole, parking meter or any other property belonging to the Municipality, without authorisation as it may deem fit.
- (3) Where anything has been removed and disposed of by the Municipality in terms of subsection (1) and (2) the person responsible shall be liable to pay the Municipality the tariff charged in respect of such disposal.
- (4) For the purposes of subsection (3) the person responsible shall be:
- (a) The last owner of the thing, before it was collected by the Municipality, and shall include any person who is entitled to be in possession of the thing by virtue of a purchase agreement or an agreement of lease at the time when it was abandoned or put in the place from which it was so removed unless he can prove that he was not concerned in and did not know of it being abandoned or put in such a place: or
  - (b) Any person by whom it was put in the place aforesaid: or
  - (c) Any person who knowingly permitted the putting of the thing in the place aforesaid.

#### **35. Liability to pay applicable tariffs**

- (1) **The owner or occupier (s) of premises where the Municipality is rendering waste services contemplated in this By- Law is liable for the payment of prescribed tariffs for such services, and is not exempted from or reduction of such tariffs due to non-usage, partial or limited use of such services.**
- (2) **The Municipality reserves the right to review such tariffs contemplated in subsection (1) on an annual basis.**
- (3) The Municipality may exempt any person or category of persons deemed to be falling in the indigent category from paying prescribed tariffs for waste management services as outlined in the Municipal Indigent Policy.
- (4) **Tariff charges** prescribed shall become due and payable on the same date as the general assessment rate levied, provided that if such tariff charges are increased, any unpaid balances owing to the council on the total amended charges will be due and payable to the council on demand.

- (5) **Any person who fails to pay the tariff charge in respect of services rendered by the council in terms of this by – laws will be subject to the councils credit control and debt collection by – law and be guilty of an offence.**

### **37. Storage, collection, composting and disposal of garden waste**

- (1) The removal and disposal of garden refuse is mainly done by the owner and /or occupier of the property or private persons.
- (2) The owner or occupier of the premises on which garden waste is generated may compost garden waste on the property, provided that such composting does not cause a nuisance or health risk.
- (3) The owner or occupier of the premises on which garden waste is generated and not composted must ensure that such waste is collected and disposed within a reasonable time after the generation thereof.
- (4) The Municipality may as far it is reasonably possible, direct any transporter of garden waste or any person providing garden maintenance services, to transport their garden waste to a designated transfer station or facility provided by the Municipality.
- (5) At the written request of the owner or occupier of premises the Municipality or service provider may, in its sole discretion, deliver an appropriate receptacle for the purpose of storing garden waste in addition to any approved receptacle delivered to the premises for the storage of domestic waste; at a prescribed additional tariff.

### **38. Collection and disposal bulky waste**

- (1) Any person generating bulky waste must ensure that such waste is collected and recycled or disposed of at a designated facility and may not put such waste as part of the municipal routine collection.
- (2) At a request of the owner or occupier of any premises, the Municipality may remove bulky waste from premises at a prescribed tariff provided that the Municipality is able to do so with its refuse removal equipment.

### **39. Generation, storage, collection, reuse and disposal of building waste**

- (1) The owner or occupier of premises on which building waste is generated and person conducting an activity which causes such waste to be generated must ensure that:
  - (a) all building waste generated is disposed of at an authorized facility, and the costs thereof will be for the account of the owner/ occupier of the premises
  - (b) until disposal, all building waste, together with the containers used for the storage, collection or disposal thereof, is kept on the premises on which the waste was generated;
  - (c) the premises on which the building waste is generated does not become unsightly or cause a nuisance as a result of accumulated building waste;
  - (d) any person who directly or indirectly generates building waste or the owner of the property on which such building waste is generated shall not store such waste in containers provided by

the Municipality for residential waste; and

- (2) Any person may operate a building waste removal service subject to adherence to relevant legislation.
- (3) Should the Municipality provide such a service, it shall be done at a prescribed tariff.
- (4) The owner or occupier of premises may apply to the Municipality for written consent to place an appropriate receptacle for the storage and collection of building waste in the road reserve or alternative allocated area outside the premises for the period of such consent.
- (5) Any consent given in terms of subsection (4) shall be subject to such conditions as the Municipality may consider necessary. The Municipality may determine a charge for any such consent.
- (6) Every receptacle, authorised in terms of subsection (3) and used for the removal of building waste, must:
  - (a) have a clearly marked name, address and telephone number of the person in control of such approved receptacle;
  - (b) be fitted with reflecting chevrons or reflectors which must completely outline the front and the back thereof; and
  - (c) be covered at all times other than when actually receiving or being emptied of such waste so that no displacement of its contents can occur.
- (7) The owner or occupier of premises on which building waste is generated must ensure that the waste is disposed of at a facility designated for that purpose by the Municipality.
- (8) For the purpose of reclamation of land, reuse or recycling, building waste may with written consent of the Municipality, be deposited at a place other than the Municipality's waste disposal sites.
- (9) A consent given in terms of subsection (7) shall be subject to the conditions as the Municipality may deem necessary.
- (10) Contaminated building or other waste where the contamination agent is hazardous or dangerous must be deposited at a licensed waste disposal facility for the treatment and disposal of hazardous waste.

## **CHAPTER 9: SPECIAL INDUSTRIAL, HAZARDOUS OR HEALTH CARE RISK WASTE**

### **40. Notification of generation of special industrial, hazardous, medical and infectious refuse**

- (1) A person engaged in an activity which causes special industrial hazardous, medical or infectious refuse to be generated, shall notify the Municipality with seven days of such generation of the composition thereof, the quantity generated method of storage, the proposed duration of storage, and the manner in which it will be removed.
- (2) If so required by the Municipality, the notification referred to in subsection (1) shall be

substantiated by an analysis certified by an appropriately qualified industrial chemist.

- (3) Subject to the provisions of section 72 of the Local government Ordinance, 1939, the Municipality or any person duly authorised by the Municipality may enter premises at any reasonable time to ascertain whether special, Industrial, hazardous medical or infectious refuse is generated on such premises and may take samples and test any refuse found on the premises to ascertain its composition.
- (4) Having notified the Municipality in terms of subsection (1), the person referred to in subsection (1) shall notify the Municipality of any changes in the composition and quantity of the special industrial, hazardous, medical or infectious refuse occurring thereafter.

#### **41. Storing of special industrial, hazardous, medical and infectious refuse.**

- (1) The person referred to in section 40 (1) shall ensure that the special industrial, hazardous, medical or infectious refuse generated on the premises is kept and stored thereon in terms of section 40 (1) until it is removed from the premises in terms of section 42.
- (2) Special industrial, hazardous, medical or infectious refuse stored on premises shall be stored in such manner that it cannot become a nuisance, safety hazard or pollute the environment.
- (3) If special industrial, hazardous, medical or infectious refuse is not stored in terms of subsection (2) on the premises on which it is generated the Municipality may order the owner/s and or occupier/s of the premises and or the person referred to in section 40 (1) to remove such refuse within a reasonable time and, if thereafter such refuse is not removed within such time, the Municipality may itself or through any person remove it at the owner/s and or occupier/s expense or the expense of the person referred to in section 40 (1), or both, as the case may be.
- (4) Hazardous, medical or infectious refuse shall be stored in a container approved by the Waste Management Officer and such container shall be kept in an approved storage area for a period not exceeding the maximum period to be stipulated by the WMO before removal in terms of section 42.
- (5) The containers for medical and infectious waste must comply with the following minimum requirements:
  - (a) All infectious waste must be placed at the point of generation into a container approved by the Municipality;
  - (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 be fitted with a safe and hygienic lid which must be sealed after use;
  - (c) The container used for the removal of other contagious materials has to be after manufactured of a material which will prevent the contents from leaking out. The container has to be equipped with a safe and hygienic lid, and has to be sealed after utilisation; and
  - (d) All containers must be clearly marked with the universal bio-hazardous waste symbol.

#### **42. Removal/transportation of special industrial hazardous, medical and infectious refuse.**

- (1)(a) No person may, without or not in accordance with the Municipality's written approval of

conditions, remove special, hazardous, medical and infectious refuse from a premises at which it has been generated.

- (b) Hazardous, medical or infectious refuse may only be transported in accordance with the requirements of the Waste Management Officer with the focus on the type of vehicle, its markings, the way it is manufactured, safety procedures and hygiene and documentation regarding the origin, transport and disposal of such refuse.
- (2) The person referred to in section 40 (1) shall inform the Municipality at such intervals as the Municipality may stipulate, having regard to the information to be given to the Municipality in terms of that section, of the removal of special industrial, hazardous, medical or infectious refuse, the identity of the remover, the date of such removal, the quantity and the composition of the special industrial, hazardous, medical or infectious refuse removed.
- (3) No person shall dispose of any infectious refuse by incinerating it unless the Accounting Officer's prior written permission has been given to incinerate such refuse.
- (4) Should any person be convicted of contravening the provisions of this section, such person shall in addition to any penalty imposed on him, dispose of the refuse as directed by the Municipality, or the Municipality or any approved contractor may dispose of such refuse and recover the costs from such person.
- (5) The Municipality shall provide a service for the collection and removal of medical refuse from the premises at the Tariff Charge as prescribed in the Tariff of Charges for Collection and Removal of Refuse and Sanitary Services. A person engaged in an activity which causes medical refuse to be generated shall use the Municipality's service for the collection and removal of all such refuse except in cases where special exemption is granted. The service will be available under the following conditions:
  - (a) The medical waste container remains the property of the Municipality.
  - (b) Once the medical waste container is delivered by the Municipality to the user, the onus is placed on the user to ensure the safety of the medical waste container.
  - (c) No lettering, sign, insignia, advertisement or other device may be placed on the medical waste container by the user.
  - (d) The user must ensure that the medical waste container is stored in a cool, dry and well ventilated room, with hygienic, clean and neat conditions.
  - (e) The user must ensure that the full medical waste container is properly sealed and closed prior to the collection thereof by the Municipality.
  - (f) The user may not overload or overfill the medical waste container.
  - (g) The user must ensure that the new container is received and returned in an undamaged condition after usage.
  - (h) The medical waste container must be used strictly in accordance with the following prescriptions:
    - i. The medical waste container to be used for sharps and/or broken glass may be used solely for this purpose.
    - ii. The swabs medical waste container may be used solely for bandaged etc (needles, glass, sharps etc can penetrate the cardboard, thus it is not permissible to place such objects in the cardboard containers).



- (i) The user is responsible for ensuring that the containers are used in accordance to paragraph (h). Should it come to light that the user did not place the medical waste in the correct container and an incident occurs, the user will be held liable.
  - (j) The user must ensure that any waste products that consist of blood and/or body fluids are placed in a sealed plastic container with a plastic lining specially supplied for this purpose to prevent any leakages. These containers are available from the Municipality on special request.
- (6) Any person transporting industrial, hazardous or health care risk waste must ensure that the facility or place to which such waste is transported is authorised to accept such waste prior to offloading the waste from the vehicle.

## CHAPTER 10: ADMINISTRATIVE MATTERS COMPLIANCE AND ENFORCEMENT

### 43. Compliance notices

- (1) The Accounting Officer may issue notices to any person contravening the provisions of this By-Law:
  - (a) setting out the provisions or conditions contravened;
  - (b) directing such person to comply with such provisions or conditions; and
  - (c) setting out the measures which must be taken to rectify the contravention, and the period in which he or she must do so.
- (2) If a person fails to comply with directions given in a notice issued by the Accounting Officer, the Accounting Officer may:
  - (a) take whatever steps it considers necessary to clean up or remove waste, to rehabilitate the premises, place or the affected environment at which the waste has been illegally dumped or stored and to ensure that the waste, and any contaminated material which cannot be removed, cleaned or rehabilitated, is disposed of lawfully;
  - (b) recover the costs of cleaning, removing, rehabilitating or disposing waste, premises or environment, or contaminated material, respectively, from the persons obliged to take such steps in terms of this By-Law, who shall be jointly and severally liable therefore.
- (3) The Municipality may, in the case of hazardous or priority waste, require the persons generating such waste to close until such time as steps are taken to dispose of the waste in terms of subsection (2) if there is a real threat of damage or injury to any person or property.
- (4) The following persons may be served with such notice:
  - (a) any person who committed, or who directly or indirectly permitted, the contravention;
  - (b) the generator of the waste;
  - (c) the owner of the land or premises where the contravention took place;



- (d) the person in control of, or any person who has or had, at that stage of the contravention, a right to use the land or premises where contravention took place.

#### **44. Service of documents and process**

- (1) Whenever any notice, order, demand or other document is authorised or required to be served on a person in terms of this By-law, it shall be deemed to have been effectively and sufficiently served on such a person:
- (a) when it has been delivered to him or her personally;
  - (b) when it has been left at his or her place of residence or business with a person apparently over the age of 16 years;
  - (c) when it has been posted by registered or certified mail to his or her last known residential or business address and an acknowledgement of posting thereof is produced;
  - (d) if his or her address is unknown, when it has been served on his or her agent or representative in a manner provided for in paragraph (a), (b) or (c); or
  - (e) if his or her address and agent are unknown, when it has been posted in a conspicuous place on the immovable property, if any, to which it relates.

#### **45. Failure to comply with the By-law and enforcement**

- (1) If the Accounting Officer has issued a compliance notice in terms of section 43 to anyone for contravening any provision of this By-law and such person fails to comply with such notice he or she shall be guilty of an offence.
- (2) The Accounting Officer may in writing require any person to submit a report to him or her in respect of the impact of waste in a specified form as stipulated in the Municipality's guidelines as published from time to time.
- (3) If the person fails to submit such a report within the period specified, the waste management officer may appoint an independent person to compile the report and recover the costs of compiling the report from the person required to submit it.
- (4) If the Accounting Officer suspects that the person has on one or more occasion contravened or failed to comply with the By-law or a license issued in terms of provincial or national legislation and this has had a detrimental effect on the environment, including health, social conditions, economic conditions, ecological conditions or cultural heritage or has contributed to the degradation of the environment, the waste management officer may direct that such a report be compiled by an independent person.
- (5) The Accounting Officer may then direct the person who failed to comply with the By-Law to take the action recommended in such report, failing which the Municipality may do so, and the person who contravened the By-Law shall be liable for the cost thereof.

#### **46. Exemptions**

- (1) Any person may by means of a written application, in which the reasons are given in full, apply to the Municipality for exemption from any provision of this by-law.
- (2) The Municipality may:

- (a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted be stipulated therein;
  - (b) alter or cancel any exemption or condition in an exemption; or
  - (c) refuse to grant an exemption.
- (3) In order to consider an application in terms of subsection (1), the municipality may obtain the input or comments of the owners or occupants of surrounding premises.
- (4) An exemption does not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the municipality under subsection (2), however, if an activity is commenced before such undertaking has been submitted to the Municipality, the exemption lapses.
- (5) If any condition of an exemption is not complied with, the exemption lapses immediately.

#### 47. Appeals

- (1) A person whose rights are affected by a decision taken by the Municipality in terms of these By Laws, may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) to the municipal manager or delegated official within 21 days of the date of the notification of the decision.

#### 48. Offences and penalties

##### (1) Any person who:

- (a) obstructs or hinders the Municipality in exercising the powers or performance of functions or duties as outlined in this By Laws;
- (b) induce, influence, persuade or force an employee of the Municipality or other person to commit an offence in terms of this By-law;
- (c) induce an employee of the Municipality to collect and dispose of waste without the correct payment to the Municipality, or the correct methods being employed;
- (d) contravenes or fails to comply with any provision of these by-laws; or
- (e) fails to comply with the terms of a notice served upon him or her in terms of these by-laws;

shall be guilty of an offence and liable upon conviction to a fine not exceeding R5 000 or to a period of imprisonment not exceeding 6 months or both or in the event of a continued offence a further fine of R500 for every day during the continuance of such offence.

- (2) Any waste generator who fails to submit or comply with an integrated waste management plan in terms of this By-law shall be guilty of an offence.
- (3) The court may in addition to any penalty imposed in terms of subsection (1), order a person to repair the damage, make good the loss, rehabilitate the environment, remove waste, or determine what measures must be taken by such person and the payment of the expenses incurred in respect thereof or any other costs or damages.
- (4) The Court may, when considering any sentence for an offence in terms of this By-Law, take into

account the following:

- (a) that a person delayed in complying with or failed to comply with the terms of notices or directions given to that person under this By-law;
- (b) that person obtained a financial advantage or was to obtain a financial advantage as a result of the commission of the offence;
- (c) the severity of the offence in terms of its impact or potential impact on health, wellbeing, public safety and the environment.

#### **49. Short title and commencement**

- (1) These By Laws are called the Waste Management (Bylaw)By-Laws, 20..... of the Ubuhlebezwe Local Municipality, and takes effect on the date determined by the Municipality in the provincial gazette.
- (2) Different dates may be so determined for different provisions of this By Laws.

#### **50. Repeal of By-laws**

- (1) Any By Law relating to waste management or recycling or refuse removal or disposal within the Ubuhlebezwe Local Municipality or any of its predecessors or areas formerly existing under separate Municipalities or other organs of State is repealed from the date of promulgation of this By Laws.

## PROVINCIAL NOTICE 34 OF 2016

## UBUHLEBEZWE MUNICIPALITY



## **BYLAWS RELATING TO CHILDCARE SERVICES**

<b>1<sup>ST</sup> DRAFT DATE</b>	<b>30<sup>th</sup> June 2014</b>
<b>2<sup>ND</sup> DRAFT DATE</b>	
<b>ADOPTION BY COUNCIL</b>	
<b>PROMULGATION DATE</b>	

**The Municipal Council for Ubuhlebezwe has adopted the following bylaws at its meeting held on \_\_\_\_\_ in terms of section 156 (2) of the Constitution of the Republic of South Africa (Act No 108 of 1996) read with section 31 (2) of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998) and hereby publishes the subjoined bylaws in terms of section 13 (a) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) to come into effect on the date of publication hereof in the Provincial Gazette.**

**Municipal Manager**

## **UBUHLEBEZWE MUNICIPALITY**

### **BY-LAWS RELATING TO CHILDCARE SERVICES**

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#### **1. Definitions**

Unless the context otherwise indicates:-

- “Authorised Officer”** means an officer of the Council to whom it 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;
- “Child minder 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, 1997 (Act No 63 of 1997)
- “Council”** means the Ubuhlebezwe Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Executive Committee has delegated any powers and duties with regard to these by-laws;
- “Facility”** means a place where either a childcare service or a child minder service is conducted, whichever is applicable, and **“Service”** has a corresponding meaning;
- “Health Act”** means the Health Act, 1977 (Act No 63 of 1977)
- “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 subdivided and let to lodgers or various tenants, includes the person receiving the rent payable by 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

**“Premises”**

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;  
means the stand, including any buildings or part thereof and outdoor play areas in or upon which a childcare service or a child minder service is conducted.

**2. Application of by-laws**

- (1) These by-laws shall apply to all childcare services and child minder services within the jurisdiction of the Ubuhlebezwe Municipality
- (2) Subject to the provisions of these by-laws, no person shall conduct a childcare service or a child minder service unless it has been registered as contemplated in Section 3 of these by-laws and is in possession of a 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 child minder service shall, within three months 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/her application is refused, he/she shall, if he/she continues to conduct such service after such period or after refusal of his/her 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 Child minder Facilities**

- (1) Any person wishing to undertake the operation of a childcare or child minder 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 should 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/her 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 complies with:-
  - (a) the National Building Regulations;
  - (b) the Health Act;
  - (c) the Council Town Planning Scheme in the course or preparation; and
  - (d) requirements relating to the premises on which the childcare or child minder 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 the 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 subsection (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 child minder 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 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 subsection (7)(d), re-submit an application for registration in terms of this clause.

#### **4. Cancellation of Registration**

- (1) The authorised officer 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 offence;
  - (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 officer 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.
- (2) Upon cancellation of registration in terms of subsection (1), the registration certificate shall cease to be valid and the facility has to be closed immediately, provided that before cancellation of the registration, the authorised officer may in his/her sole discretion, suspend cancellation to give the certificate holder an opportunity to remedy a defect in the premises or rectify an omission. If the certificate holder complies to his/her satisfaction, the authorised officer 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 officer may, in the enforcement of these by-laws, at any reasonable time and without prior notice, enter any premises upon which a childcare or child minder service is being conducted, or upon which such officer has reasonable grounds for suspecting the existence of such service and conduct examination, enquiry and inspection thereon as he/she may deem necessary.

## **7. Requirements for Childcare Facility**

- (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 lock up their personal possessions.
  - (b) The office, staff room and sickbay referred to in paragraph (a) can be combined.
- (2) Indoor Play Area:-
  - (a) Provision has to be made for an indoor play area covering a minimum floor space of 1,8sqm 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 minimum 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;
- (viii) adequate storage space;
- (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 cleaning of equipment and eating utensils;
- (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 has to wear personal protective clothing which must be maintained in a clean and tidy condition at all times.

(4) Sanitary facilities:-

- (a) Subject to subsection (b), provision has to 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:-

**CONTINUES ON PAGE 130 - PART 2**



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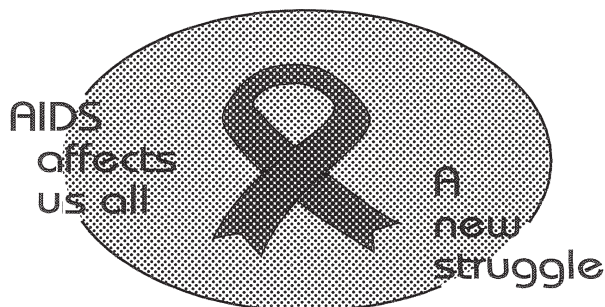
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- (a) An outdoor play area of at least 2 sqm per child must be provided.
- (b) The outdoor play area must:
  - (i) comprise lawns, shady areas or other safe surfaces;
  - (ii) be fenced/walled to a height of 1.8m;
  - (iii) Have approved lockable or 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 the premises comply with the National Building Regulations and that the following minimum accommodation and facilities are provided in respect of the child minder service:-

- (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 officer;
  - (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 officer 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 provide equipment for the children complying with the following requirements:-

- (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 available;
- (e) sufficient, safe and adequate indoor as well as outdoor play apparatus and toys;

- (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 by the certificate holder or the parent. 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

- (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 glass 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 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 the living quarters separate from the facility
- (13) Insects and vermin must be efficiently combated
- (14) Where a child stays with the childcare or child minder facility for longer than 4 (four) hours at a time, the person in charge of such facility must provide at least 2 (two) meals a 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 proficient 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 subsection (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, physical condition and any medical condition from which the child may suffer.(ie diabetes)
  - (e) Details of operations which each child has undergone, and any illness or communicable diseases from which the child has suffered and the relevant dates.
  - (f) Details of immunizations 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 and / or who suffer from any medical condition requiring specific treatment should be posted prominently in the facility.



- (3) A proper record of any medicine that is given to a child must 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 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 subsection (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 communicable disease or detection of signs of possible child-abuse, notify the authorised officer 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 as 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 is 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 padding 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 or 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 area 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 to the authorised officer, 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 Code of Practice SABS 0400 and submit an Emergency Procedure to the Protection Services Officer 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 officer 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, 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 officer of health under the Regulation shall be placed upon or vested in the authorised officer for the purpose 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/her 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 smokes or uses 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 is responsible for the child for the period that he/she is so transported until he/she is handed back to his/her parent or guardian or an authorised 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, Penalties and Appeals

- (1) The provisions of the council's Bylaws Relating to Offences, Penalties and Appeals shall apply mutatis mutandis to these bylaws.

**SCHEDULE****FORM 1****APPLICATION FOR THE OPERATION OF A CHILDCARE FACILITY**

To be completed by an applicant as contemplated in section 3 of this by-law. Any form not fully completed, or not containing the required attachments as stipulated, will not be considered by the council.

1. **DETAILS OF APPLICANT:-**  
**FIRST NAMES & SURNAME:-** \_\_\_\_\_  
**GENDER (tick applicable)**      ☐ **MALE**                      ☐ **FEMALE**  
**NATIONALITY:-** \_\_\_\_\_  
**IDENTITY NUMBER:-** \_\_\_\_\_  
**RESIDENTIAL ADDRESS:-** \_\_\_\_\_  
**POSTAL ADDRESS:-** \_\_\_\_\_  
**TELEPHONE NUMBER:-** \_\_\_\_\_
2. **DETAILS OF PREMISES INTENDED FOR CHILDCARE FACILITY:-**  
**ADDRESS: -** \_\_\_\_\_  
**ERF NO** \_\_\_\_\_  
**NO. OF CHILDREN TO BE CATERED FOR:-** \_\_\_\_\_  
**AGE RANGE OF CHILDREN TO BE CATERED FOR:-** \_\_\_\_\_
3. **QUALIFICATIONS:-**  
**HIGHEST STANDARD PASSED:-** \_\_\_\_\_  
**LIST ALL OTHER RELEVANT QUALIFICATIONS:-** \_\_\_\_\_  
**FIRST AID CAPABILITY OR MEDICAL TRAINING:-** \_\_\_\_\_
4. **HAVE YOU EVER BEEN CONVICTED OF A CRIMINAL OFFENCE:** ☐ **YES**                      ☐ **NO**  
**(tick applicable)**  
**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** \_\_\_\_\_
5. **MEDICAL HISTORY:-**

**DO YOU SUFFER FROM ANY CHRONIC ILLNESS FOR WHICH**

**YOU ARE CURRENTLY RECEIVING MEDICAL TREATMENT ?**

☐ YES

☐ NO

**IF YES, STATE THE NATURE OF THE MEDICAL CONDITIONS** \_\_\_\_\_

**AND TREATMENT BEING ADMINISTERED** \_\_\_\_\_

**ATTACHMENTS:-**

- (a) Certified copy of ID Document;
- (b) Site plan of property; with
- (c) Floor plan of dwelling & outbuildings showing the use of each room;
- (d) Certified copy of title deed, if owner; or
- (e) Owners written consent;
- (f) Doctors Medical Report in the event of the answer to question 5 being yes

**I hereby acknowledge that I have read the Councils Bylaws Relating to Childcare Services, that I fully understand these and will comply with all requirements set out therein.**

**DATE : .....**

**SIGNATURE: .....**

## PROVINCIAL NOTICE 35 OF 2016

## UBUHLEBEZWE MUNICIPALITY

**BYLAWS FOR CONTROL AND  
DISCHARGE OF FIREWORKS**

1 <sup>ST</sup> DRAFT DATE	30 <sup>th</sup> June 2014
2 <sup>ND</sup> DRAFT DATE	
ADOPTION BY COUNCIL	
PROMULGATION DATE	

The Municipal Council of Ubuhlebezwe has adopted the following bylaws at its meeting held on \_\_\_\_\_ in terms of Section 156(2) of the Constitution of the Republic of South Africa (Act No 108 of 1996) read with section 31(2) of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998) and hereby publishes the subjoined bylaws in terms of section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) to come into effect on the date of publication hereof in the Provincial Gazette.

Municipal Manager

## UBUHLEBEZWE MUNICIPALITY

### BYLAWS FOR THE CONTROL AND DISCHARGE OF FIREWORKS

#### Definitions

In these bylaws, unless the context otherwise indicates:-

**“Area of Jurisdiction”** means the area of jurisdiction of the Ubuhlebezwe Municipality;

**“Municipal Manager”** means the person duly appointed by the Council or the person temporarily acting as such or his duly authorized representative;

**“Council”** means the Ubuhlebezwe Municipality or its successors in title, and includes the council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Executive Committee has delegated any powers and duties with regard to these bylaws;

**“Designated Fire Officer” or “Fireworks Inspector”** means the official/s appointed by the Council, whether on a full-time, part-time or contractual basis, or his duly authorized representative, to deal with the requirements of these bylaws;

**“Authorized Officer”** means:

- (a) a traffic officer or warden appointed in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996);
- (b) a member of the Service as defined in section 1 of the South African Police Service Act, 1995 (Act No. 58 of 1995);
- (c) a peace officer contemplated in section 34 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);
- (d) any other official duly authorized by the council, as defined herein.

## 1. LICENCE TO DEAL IN FIREWORKS

A person wishing to deal in fireworks, will make application to the South African Police Services for a licence to deal in fireworks. The designated fire officer may submit the application on behalf of the dealers. On receipt of the licence the designated fire officer will inspect the premises of the dealer and should the building requirement be met will issue a permit to trade in fireworks. Only when the permit has been issued may the dealer accept delivery of fireworks.

### 1.1 Requirements for the Handling and Storage of Fireworks

- 1.1.1 Premises in which fireworks are handled preferably should have at least two exits. Where any premises have only one exit the fireworks shall be kept at the rear (relative to the exit) of the premises.
- 1.1.2 The doors to the exit shall be kept **unlocked** and **unbolted** during trading hours and a **clear passage** shall exist between the counters holding the fireworks and all the exits, and no obstacles shall be placed in these passages.
- 1.1.3 A dealer must have at all times on his premises a 9kg chemical fire extinguisher which must be serviced and kept in a readily accessible position or as determined by a designated fire officer.
- 1.1.4 A dealer may keep on his premises not more than 500 kilograms gross mass of fireworks, provided the fireworks, contained in their inner or outer packings, are kept on shelves. When packs are opened these must be kept in glass cabinets or metal containers under lock and key and separated from goods of an inflammable or combustible nature.
- 1.1.5 Fireworks in excess of 500 kilograms gross mass must be stored in a fireworks magazine built according to the specifications as per the regulations.
- 1.1.6 A dealer shall not interfere with the inner packing of the fireworks, or allow or permit it to be interfered with.
- 1.1.7 Fireworks shall not be displayed in any window or any other place where such fireworks can be interfered with by the public.
- 1.1.8 Notices with 100mm red lettering on a white background must be provided as follows:-
  - (a) to the outside of the premises in a prominent position adjacent to every entrance, notices reading "Dealer in Fireworks";



(b) in prominent positions inside the premises “No Smoking” signs in appropriate official languages.

1.1.9 Every dealer and every person employed in or about the premises shall take all due precautions for the prevention of accidents by fire and for preventing unauthorized persons having access to the fireworks and shall abstain from any act whatsoever which tends to cause fire. Goods of a dangerous nature such as inflammable liquids, acids, alkalis and the like shall not be kept on the same premises together with fireworks and safety matches, and Bengal matches shall be kept at least 5 meters away from the fireworks.

1.1.10 No person shall smoke in, or take a naked light or fire into, premises where fireworks are kept, stored or being handled, nor shall any person be allowed to do so.

1.1.11 Every person on such premises shall abstain from any act whatsoever which tends to cause fire.

## 1.2 Trade

1.2.1 A dealer in fireworks when purchasing or obtaining fireworks shall demand from the seller or supplier a properly executed, signed and dated invoice which he shall retain for a period of at least two (2) years for production on demand by an inspector.

1.2.2 A manufacturer or wholesale dealer shall furnish a properly executed, signed and dated invoice with each sale or supply of fireworks.

1.2.3 A dealer shall supply fireworks to the public only in the **sealed inner packing** as received from the manufacturer or wholesale dealer, provided that the packages are still in good condition.

1.2.4 Fireworks shall only be sold to members of the public by an authorized Dealer in Fireworks and no dealer shall sell or allow or permit to be sold any fireworks to a child under the age of 16 years,

1.2.5 A dealer shall furnish each employee engaged in selling fireworks with a copy of the regulations and Bylaws and of the conditions attaching to his licence to deal.

1.2.6 A dealer shall keep a register in which full particulars of each transaction and the aforementioned licence number shall be recorded. This register shall be kept up to date and available for

inspection at any time and shall not be destroyed until after the lapse of two (2) years from the date of the last entry.

- 1.2.7 A dealer's premises may be inspected at any time by a fireworks inspector or fire officer.
- 1.2.8 Any person on such premises who fails to comply with a request made by the licensee or his employees in the interest of safety, shall be guilty of an offence.

## **2. FIREWORKS FOR SALE TO THE PUBLIC**

- 2.1 The following fireworks are illegal and may not be sold to the public:
- (a) Firecrackers larger than 30mm long and 8mm diameter
  - (b) Match crackers or match strike crackers
  - (c) Firecrackers commonly known as "Bombs", e.g. Indian King, King India, Classic Foils etc.
- 2.2 The sale of fireworks must be recorded and all invoices must bear a certificate to the effect that the crackers contain genuine gunpowder (black powder) only.
- "The term "gunpowder" shall include blasting powder and shall mean exclusively gunpowder ordinarily so called, consisting of an intimate mixture of saltpetre (potassium nitrate), sulphur and charcoal, such saltpetre not containing as an impurity perchlorate of potash in greater quantity than one per cent."
- 2.3 All fireworks manufactured in the Republic or imported into it, or which are offered for sale within the Republic shall be marked, labelled and packed in accordance with the Explosives Regulations and any person found in possession of fireworks not so marked and labelled shall be deemed to be in possession of "unauthorized explosives" and guilty of an offence.
- 2.4 Fireworks shall be packed by the manufacturer or importer in suitable cartons which shall be sealed ready for sale to the public and shall be supplied only to a dealer who is in possession of a valid licence issued in terms of these bylaws, and the number of such licence shall be quoted on the invoice.

- 2.5 No fireworks shall be sold to any member of the public by any street trader, vender, hawker or pedlar or by any person acting on their behalf.

### 3. USE OR EXPLODING OF FIREWORKS

The discharge of fireworks within the municipal area is unlawful with the exception of the following days:

5 November

1 January; and

the seven (7) days of the Deepavali Festival;

and any other day for the public display of fireworks if Council's permission is first obtained prior to the event.

- 3.1 It shall be unlawful for any person to use or explode any fireworks:-
- (a) within 500 meters of any explosives magazine, explosives factory, petroleum depot or gasometer; or
  - (b) in any building or on any public thoroughfare or public place without the prior consent of the Council;
- 3.2 No person, other than a technician, shall operate a public display of fireworks on any premises without the written consent of the Municipal Manager acting on the recommendation of the local designated fire officer;
- 3.3 Such permission shall stipulate the conditions to be complied with and non-compliance with any of these conditions shall constitute an offence under this bylaw.
- 3.4 Application for permission to operate a public display of fireworks shall be made in writing and set forth:-
- (a) the name of the person or organization sponsoring the display together with the names of the persons actually in charge of the firing of the display who shall be at least 18 years of age and competent for the work;
  - (b) the date and time of day at which the display is to be held;

- (c) the exact location planned for the display;
- (d) a description setting forth the age and qualifications of the persons who are to do the actual discharging of the fireworks;
- (e) the numbers and kinds of fireworks to be discharged; and
- (f) the manner and place of storage of such fireworks prior to the display; and
- (g) a diagram of the grounds on which the display is to be held showing:-
  - i. The point at which the fireworks are to be discharged, which shall be at least 100 meters from the nearest building, road or railway, and at least 20 meters from the nearest telephone, telegraph or power line, tree or other overhead obstruction;
  - ii. The direction in which aerial fireworks, if any, are to be fired;
  - iii. The area to be kept clear of persons which shall extend at least 50 meters from the front and to the sides of the point at which the fireworks are to be discharged;
  - iv. The area to be kept clear on which falling residue from aerial fireworks is expected to drop, which shall extend for at least 100 meters to the rear of the firing point; and
  - v. The location of all buildings and roads within 200 meters of the firing site and of all the trees, telegraph or telephone lines or other overhead obstructions at or adjacent to the firing site.
- (h) Completion of an indemnity form absolving the Council from any civil claims.
- (i) Acknowledgement that authority is at Council's discretion and that the requirements of legislation will be complied with.

3.5 At a public display of fireworks it shall be an offence:-

- (a) for any person willfully to enter or remain in that area reserved for receiving falling residue from aerial fireworks;
- (b) for any unauthorized person willfully to proceed beyond that area demarcated by the organizers of the display for spectators; and
- (c) to disobey the instruction of a uniformed law enforcement officer.

#### **4. PYROTECHNIC DISPLAYS**

In the event of a pyrotechnic display emergency flares must accompany the displayers.

#### **5. TRANSPORT OF FIREWORKS**

The transport of fireworks shall comply with the conditions as laid down in the National Building Regulations as promulgated in Government Gazette No. 3648 dated 8 September 1972.

#### **6. USE OF OTHER EXPLOSIVES**

Any explosives for the use of which provision is not made in the preceding sections of these Bylaws, shall be used only in such manner and under such conditions as may be prescribed in writing by an inspector.

#### **7. DISTRIBUTION POINT**

The number of distribution points for the sale of fireworks shall be restricted to Six.

#### **8. OFFENCES, PENALTIES AND APPEALS**

The provisions of the council's Offences, Penalties and Appeals Bylaws shall apply mutatis mutandis to these bylaws.

## PROVINCIAL NOTICE 36 OF 2016

## UBUHLEBEZWE MUNICIPALITY

**INFORMAL TRADING BYLAWS**

<b>1<sup>ST</sup> DRAFT DATE</b>	<b>30<sup>th</sup> June 2014</b>
<b>2<sup>ND</sup> DRAFT DATE</b>	
<b>ADOPTION BY COUNCIL</b>	
<b>PROMULGATION DATE</b>	

**To provide for the right to engage in informal trading; to establish informal trading areas and informal trading sites on municipal property; to provide for the granting of trading permits to trade on municipal property; to restrict and prohibit informal trading in certain areas; to regulate the conduct of informal traders; to regulate informal trading at special events; to provide for measures to ensure health and safety; to create offences and penalties; to provide for the repeal of laws and savings; and to provide for matters incidental thereto.**

## **PREAMBLE**

**WHEREAS** the council recognizes the key role that informal trading plays in poverty alleviation, income generation and entrepreneurial development and, in particular, the positive impact that informal trading has on historically disadvantaged individuals and communities;

**WHEREAS** the council recognizes the need to adopt a developmental approach to informal trading within a well-managed municipal area. This requires that, in managing informal trading, consideration must also be given to –

- (a) the promotion of social and economic development;
- (b) the promotion of a safe and healthy environment;
- (c) municipal planning;
- (d) the licensing and control of undertakings that sell food to the public; and
- (e) the management of public places and public roads;

**WHEREAS** the uBuhlebezwe municipal council has competence, in terms of the section 156 (2) of the Constitution of the Republic of South Africa, to make and administer by-laws for the effective administration of the matters which it has the right to administer

**NOW THEREFORE** the uBuhlebezwe municipal council, acting in terms of section 156 read with Part B of Schedule 5 of the Constitution of the Republic of South Africa, and read with section 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby makes the following By-law:

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## CHAPTER 1

### INTERPRETATION

#### Definitions

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

**"authorised official"** means a person authorised to implement the provisions of this By-law, including but not limited to:-

(a) peace officers as contemplated in section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977);

(b) municipal or metropolitan police officers as contemplated in the South African Police Service Act, 1995 (Act No. 68 of 1995); and

(c) such employees, agents, delegated nominees, representatives and service providers of the Municipality as are specifically authorised by the Municipality in this regard: Provided that for the purposes of search and seizure, where such person is not a peace officer, such person must be accompanied by a peace officer;

**"black person"** means a black person as defined in the Broad-based Black Economic Empowerment Act, 2003 (Act No. 53 of 2003);

**"event"** means an event as defined in the Safety at Sports and Recreational Events Act, 2010 (Act No. 2 of 2010), namely sporting, entertainment, recreational, religious, cultural, exhibitional, organisational or similar activities hosted at a stadium, venue or along a route or within their respective precincts;

**"foodstuff"** means foodstuff intended for human consumption as defined in section 1 of the Foodstuff, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972);

**"goods"** means any movable property displayed or kept by a person in a public place or public road used or intended to be used in connection with carrying on the business of an informal trader and includes any article, container, vehicle, movable structure or living thing;

**"illegal goods"** means –

- (a) goods which may not lawfully be sold or bought including, but not limited to, counterfeit goods as defined in the Counterfeit Goods Act, 1997 (Act No. 37 of 1997);
- (b) goods that are bought or sold in an unlawful manner; or
- (c) goods that have been acquired in an unlawful manner.

**"impoundment fee"** means the applicable tariff charge, as determined by the council from time to time, for the impounding and storing of goods impounded in terms of this By-law, as well as the disposal or releasing of the impounded goods;

**"informal trader"** means a person who carries on the business of informal trading;

**"informal trading"** means the trading in goods and services in the informal sector by an informal trader in a public road or public place, and which typically includes, without limitation, the following types of trading:

- (a) street trading;
- (b) trading in pedestrian malls;
- (c) trading at markets or flea markets;
- (d) trading at transport interchanges;
- (e) trading in public places;
- (f) mobile trading, such as caravans and light delivery vehicles;
- (g) trading from kiosks, stalls or containers;
- (h) car wash;

- (i) hair dressing;
- (j) photography;
- (k) roving traders, including without limitation, trading from trolleys; and
- (l) trading at special events;

**"intersection"** means an intersection as defined in the regulations promulgated in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

**"kerb line"** means the boundary between the shoulder and the verge or, in the absence of a shoulder, the part between the edge of the roadway and the verge, as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

**"litter"** includes any container, wrapping or other waste which has been discarded or left behind by an informal trader or by his or her customers;

**"market"** means an area within an informal trading area which is designated as a market on an informal trading plan and which is managed in a co-ordinated manner;

**"motor vehicle"** means any self-propelled vehicle as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

**"municipal council"** or **"council"** means the uBuhlebezwe municipal council, a municipal council referred to in section 157(1) of the Constitution;

**"Municipality"** means the uBuhlebezwe Municipality, a category A Municipality as envisaged in terms of section 155(1) of the Constitution of South Africa and established in terms of Provincial Notice No. 43 of 2000 (KZN);

**"municipal manager"** means a person appointed in terms of section 54A of the Municipal Systems Act as the head of administration of the municipal council;

**"municipal property"** means property owned by, leased by or under the control of the Municipality;

~~national monument means any one of the public monuments and memorials as defined in~~  
terms of section 2 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999);

**"non-municipal property"** means property that is situated within the area of jurisdiction of the Municipality but which is not owned by, leased by or under the control of the Municipality;

**"nuisance"** means any conduct or behaviour by any person or the use, keeping, producing, by-producing, harbouring or conveying, as the case may be, of any item, substance, matter, material, equipment, tool, plant or animal or causing or creating any situation or condition in or on private property or in a public place or anywhere in the Municipality which causes damage, annoyance, inconvenience or discomfort to the public or to any person, in the exercise of rights common to all or of any person;

**"obstruct"** means to do anything which blocks or is likely to block vehicular or pedestrian traffic flow on a public road;

**"one-off event"** means an event that occurs only once annually;

**"park"** means a garden or park to which the public has a right of access, and "garden" has the same meaning;

**"permit-holder"** means an informal trader who has been granted a permit by the Municipality, to conduct informal trading from a designated site situated in an informal trading area on municipal property;

**"prescribed"** means as determined by resolution of the council from time to time;

**"public building"** means a building belonging to or occupied solely by any sphere of the government, including the Municipality;

**"public parking space"** means any space in a public place designated by the Municipality for the parking of a motor vehicle;

**"public place" means -**

(a) a public road;

(b) a public parking space; and

(c) any square, park, recreation ground, sports ground, shopping centre, municipal cemetery, open space, or vacant municipal land which is vested in the Municipality, or in respect of which the public has the right of use;

**"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;

**"roadway"** means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic, which is between the edges of the roadway, as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

**"sell"** includes -

(a) bartering, exchanging or hiring out;

(b) displaying, exposing, offering or preparing for sale;

(c) storing on a public road or in a public place with a view to selling; and

(d) providing a service for reward, and "sale" or "selling" has a corresponding meaning;

**"services"**, in relation to an informal trader, includes any advantage or gain given or supplied by the trader in return for consideration or reward;

**"shoulder"** means that portion of the road, street or thoroughfare between the edge of the roadway and the kerb line, as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996);

**"sidewalk"** means that portion of a verge intended for the exclusive use of pedestrians, as

defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

**"street trading"** means the selling of goods or the supply of services for reward in a public road; and

**"verge"** means that portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway on the shoulder, as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996).

### **Interpretation of By-law**

2. If there is a conflict of interpretation between the English version of this By-law and a translated version, the English version prevails.

### **Objects of By-law**

3. The object of this By-law is to regulate informal trading in a manner which –

- (a) ensures that informal trading is conducted in an orderly manner;
- (b) enables access to job and entrepreneurial opportunities within the informal trading sector;
- (c) harmonises the relationship between the informal trading sector and the formal trading sector; and
- (d) ensures the health and safety of the public.

### **Application of By-law**

4. This By-law applies to all areas which fall under the jurisdiction of the uBuhlebezwe Municipality and is binding on all persons to the extent applicable.



**CHAPTER 2****FREEDOM TO TRADE INFORMALLY****Freedom to engage in informal trading**

5. Subject to compliance with the provisions of –

(a) this By-law;

(b) any other applicable law; and

(c) any applicable informal trading permit,

any person is permitted to engage in informal trading within the area of jurisdiction of the Municipality.

## CHAPTER 3

### INFORMAL TRADING ON MUNICIPAL PROPERTY

#### Trading areas and trading sites

9.(1) The council may, by resolution—

(a) set apart informal trading areas on municipal property within any area designated as an informal trading area in terms of an informal trading policy; and

(b) demarcate informal trading sites within informal trading areas.

(2) The council may, by resolution –

(a) extend, reduce or disestablish any informal trading area or informal trading site; or

(b) lease any verge or any portion of a verge to the owner or occupier of any contiguous land on condition that the owner or occupier must allow a specified number of informal traders to trade from sites on such verge on such terms and conditions as the council may determine.

#### Trading hours and other conditions

7. The Municipality may when setting apart informal trading areas, or at any time thereafter on reasonable notice, impose -

(a) trading days and hours; and

(b) any other conditions.

#### Prohibition: informal trading on municipal property without permit

8. No person may conduct informal trading on municipal property without a valid informal trading permit from the Municipality.

#### Informal trading permits

9.(1) A person may apply for an informal trading permit, to conduct informal trading on municipal area, if that person—

- (a) is an informal trader or a person who wants to become an informal trader;
  - (b) does not already hold a permit in respect of any other informal trading site within the area of jurisdiction of the Municipality;
  - (c) is a South African citizen or, failing which, has a valid work permit which includes, but is not limited to, a refugee permit;
  - (d) does not have an interest in more than 1 entity or partnership which conducts informal trading; or
  - (e) is currently unemployed, and on becoming gainfully employed surrender such permit.
- (2) An application for an informal trading permit must be on the form prescribed by the Municipality from time to time.
- (3) The Municipality must consider any application for an informal trading permit and may—
- (a) approve it subject to any conditions;
  - (b) request that additional information be furnished within a specified time frame; or
  - (c) reject the application and provide reasons thereof.
- (4) The Municipality may take into account the following factors when considering an application for an informal trading permit:
- (a) the need to give preference to applicants who—
    - (i) are black persons;
    - (ii) are unemployed;
    - (iii) are entering the informal sector for the first time;
    - (iv) do not share a household with an existing permit-holder, unless the applicant is not a dependant on or financially reliant upon that permit-holder; and

(v) are physically challenged;

(b) whether the goods which the applicant intends selling, or the services which the applicant intends providing, fit with those sold or supplied by other informal traders in the informal trading area or other traders in the immediate vicinity of the informal trading area;

(c) whether the applicant has, in the two year period prior to his or her application, been convicted of an offence relating to informal trading or has had his or her informal trading permit revoked or suspended;

(d) the applicant's ability to meet the trading hours for the relevant informal trading area as the council may determine; and

(e) whether the applicant is registered as a tax payer with the South African Revenue Service and is in good standing with the South African Revenue Service.

(5) The Municipality may, when issuing an informal trading permit, impose any reasonable conditions, including but not limited to—

(a) minimum or maximum trading hours;

(b) restrictions regarding the type of goods or services in which the permit-holder is permitted to trade;

(c) an expiry date for the permit; and

(d) conditions regarding the type of structure or structures, if any, which may be erected on an informal trading site or in an informal trading area.

(6) An informal trading permit –

(a) must refer to a specified trading bay, as identified by its allocated number, to which the permit relates; and

(7) Schools, religious bodies and non-profit organisations are exempted from the requirement of obtaining an informal trading permit for a one-off event.

### **Informal trading fees**

**10. The Municipality is entitled to charge -**

- (a) any person who applies for an informal trading permit, an application fee on submission of each application for an informal trading permit; and
- (b) any informal trading permit-holder, an annual rental in respect of the informal trading site to which the permit relates.

**Transfer of informal trading permits**

**11.(1)** A permit is non-transferable and may not be leased, sold or otherwise disposed of except with the prior consent of the Municipality in terms of this section.

(2) A permit may, with the prior written approval of the Municipality, be temporarily or permanently transferred to a person nominated by a permit-holder in writing, and subject to the provision of any information which the Municipality may reasonably require from time to time.

(3) If the Municipality consents to the temporary or permanent transfer of an informal trading permit, the—

- (a) Municipality may impose such requirements as it deems fit; and
- (b) person replacing the permit-holder will be entitled to trade, if the transfer is temporary, for the period of time indicated by the Municipality.

**Removal and suspension of informal trading permits**

**12.** The Municipality may, on reasonable notice to an informal trader and after having given the informal trader an opportunity to make written representations, revoke or suspend an informal trading permit if the informal trader has—

- (a) breached any conditions of his or her informal trading permit;
- (b) breached the provisions of this By-law or of any other law;
- (c) been convicted of trading in illegal goods or of providing a service unlawfully; or

(d) been found to have wilfully supplied incorrect information to the Municipality when required to provide that information.

### **Temporary relocation and suspension**

**13.**(1) The Municipality may, on reasonable notice to an informal trader, temporarily—

(a) relocate a permit-holder;

(b) suspend the validity of a permit; or

(c) suspend informal trading from an informal trading area or a particular trading site or sites, if the continuation of trading from an informal trading area or trading site is impractical or inconvenient to the activities of the Municipality, any sphere of government or any public entity, including their respective service providers.

(2) No compensation is payable by the Municipality to an informal trader in the event that—

(a) the trader is relocated;

(b) the permit is suspended; or

(c) trading is suspended from a particular informal trading area or trading site.

(3) No informal trading fee shall be payable during any period where —

(a) the validity of an informal trading permit is suspended; or

(b) informal trading in an informal trading area or from a particular informal trading site is suspended or prohibited, without an alternate site being provided to the permit-holder concerned.

### **Removal and suspension of informal trading permits**

**14.** A permit-holder must immediately return his or her permit to the Municipality when the permit expires or if the—

(a) Municipality revokes the permit;

(b) permit-holder is refused permission to transfer the permit;

- (c) permit-holder ceases trading for a period of 25 or more days;
- (d) permit-holder no longer wishes to trade as an informal trader from the relevant informal trading site; or
- (e) permit-holder becomes employed in the formal sector.

## CHAPTER 5

### RESTRICTIONS AND PROHIBITIONS ON INFORMAL TRADING

#### Restricted or prohibited areas

**15.**(1) The council may, by resolution, declare any place in its area of jurisdiction to be an area in which informal trading is restricted or prohibited.

(2) The council may, in restricting or prohibiting informal trade, indicate places where—

(a) informal trading is prohibited as stated in the Informal Trading Policy; or

(b) informal trade in specified goods or services is prohibited.

(3) The Municipality must erect signs, markings or other devices to indicate the boundaries of—

(a) areas where informal trading is restricted or prohibited (and the nature of any restriction); and

(b) informal trading areas and informal trading sites.

(4) Any sign erected in terms of this By-law or any other law, shall serve as sufficient notice to an informal trader that informal trading is prohibited or restricted in that area.

#### Restricted conduct: erection of structures

**16.** An informal trader must not erect any structure, whether movable or immovable, other than a device approved by the Municipality.

#### Restricted conduct: use of the site overnight

**17.** (1) An informal trader must not sleep overnight at the place where he or she carries on informal trading.

(2) An informal trader must not, on concluding business for the day, leave his or her goods at an informal trading site which is part of a public road or public place, except any structure permitted by the Municipality.

**Restricted conduct: location of trading 18.**(1) An informal trader must not—

- (a) place his or her goods on a public road or public place, with the exception of his or her motor vehicle or trailer from which informal trading is conducted: provided that such motor vehicle or trailer does not obstruct pedestrian or vehicular traffic movement and complies with the provisions of the National Road Traffic Act, 1996 (Act No. 93 of 1996);
- (b) allow his or her goods or area of activity to cover an area of a public road or a public place which—
  - (i) is greater than 6 square meters in area; or
  - (ii) is greater than 3 meters in length, unless otherwise approved by the Municipality;
- (c) trade on a sidewalk or verge where the—
  - (i) width of the sidewalk or verge is less than 3 meters;
  - (ii) sidewalk or verge is next to a public building, a place of worship such as a church, synagogue or mosque, or a national monument; or
  - (iii) sidewalk is contiguous to a building in which business is being carried on by any person who sells goods of the same or of a similar nature to the goods being sold on such sidewalk by the trader, if that person objects to informal trading taking place at that location;
- (d) trade on the half of a public road which is next to a building that is being used for residential purposes, if the owner or occupier of that building objects to informal trading taking place at that location;
- (e) obscure any road traffic sign displayed in terms of the National Road Traffic Act, 1996 (Act No. 93 of 1996), or any marking, notice or sign displayed or made in terms of a by-law;
- (f) obstruct vehicular traffic;



- (g) obstruct access to a pedestrian crossing, pedestrian arcade or mall;
  - (h) obstruct access to a vehicle;
  - (i) obstruct access to refuse disposal bins or other facilities intended for the use of the public;
  - (j) obstruct access to an automatic teller machine;
  - (k) limit access to parking or loading bays or other facilities for vehicular traffic;
  - (m) trade within 5 metres of an intersection or fire hydrant or any other firefighting equipment;
  - (n) trade in a park, unless such area has been declared by the council as an informal trading area.
- (2) An informal trader must, in respect of any sidewalk, leave an unobstructed space for pedestrian traffic of not less than—
- (a) 2 meters wide when measured from any contiguous building to his or her goods or area of activity; and
  - (b) 0.5 meters wide when measured from the kerb line to his or her goods or area of activity.

### **Restricted conduct: display and storage of goods**

**19.** An informal trader must not—

- (a) place or stack his or her goods in such a manner that it constitutes a danger to any person or property, or is likely to injure any person or cause damage to any property;
- (b) display his or her goods on or in a building, without the consent of the Municipal Council;
- (c) interfere with the ability of a person using a sidewalk to view the goods displayed behind a shop display window or obscure such goods from view;
- (d) place on a public road or public place any goods; and
- (e) store or dispose of his or her goods or litter in a manhole, storm water drain, public toilet, bus shelter or in a tree.

**Restricted conduct: fires**

20. An informal trader must not make a fire at any place unless authorised to prepare foodstuffs by utilising open-flame fire or gas-fired equipment and, where the informal trader is authorised to make a fire, he or she must not make a fire in circumstances where it could harm any person or damage any building, structure, vehicle or other property.

**Restricted conduct: litter**

21.(1) An informal trader must dispose of litter generated by his or her informal trading in a refuse receptacle approved or supplied by the Municipality.

(2) An informal trader must not, other than in a refuse receptacle approved or supplied by the Municipality, accumulate, dump, store, deposit, or cause or permit to be accumulated, dumped, stored or deposited, any litter on any land or premises or any public road or public place or on any public property.

**Restricted conduct: attachments**

22. An informal trader must not attach any of his or her goods by any means to any building, structure, pavement, tree, lamp, pole, electricity pole, telephone booth, post box, traffic sign, or on a public road or public place.

**Restricted conduct: alcohol, sound-emitting devices and electricity**

23. An informal trader must not—

- (a) sell or promote alcoholic products;
- (b) use bells, hooters, amplified equipment or similar devices which emit sound, in order to attract customers; and
- (c) use any electrical supply or a power generator, unless expressly approved by the Municipality.

**Restricted conduct: general**

24. An informal trader must not carry on informal trading—

(a) in a place or area in contravention of any prohibition or restriction imposed by the Municipality; or

(b) in such a manner as to—

(i) create a nuisance;

(ii) damage or deface the surface of any public road or public place, or any public or private property;

(iii) create a traffic or health hazard or a health risk;

(iv) contravene any of the terms and conditions of his or her informal trading permit; or

(v) act in a way which disturbs the reasonable peace, comfort or convenience and well-being of any other person.

### **Environmental health**

#### **25. An informal trader must –**

(a) keep the informal trading site or area or occupied by him or her for the purposes of conducting informal trading in a clean and sanitary condition;

(b) keep his or her goods in a clean and sanitary condition;

(c) ensure that, on completion of business each day – the informal trading site or area occupied by him or her for the purposes of conducting informal trading is free of litter and other waste; and

all his or her goods are collected and removed from any public road or public place and stored in a suitable facility;

(d) take necessary precautions in the course of conducting his or her business as may be necessary to prevent the spilling of fat, oil or grease onto a public road, or public place, or into a storm water drain;

(e) ensure that no smoke, fumes or other substance, odours, or noise, emanating from his or her activities associated with informal trading, causes pollution of any kind;

(f) carry on business in a manner which does not cause a threat to public health or public safety; and

(g) at the request of an authorised official of the Municipality, move or remove any object so that the area or informal trading site from which informal trading is conducted may be cleaned.

**Temporary relocation**

26. An informal trader must, on request by an authorised official or a service provider appointed by the Municipality, move his or her goods so as to permit the carrying out of any work in relation to a public road, public place or any work.

**Special event**

27.(1) The Municipality may, on reasonable notice, prohibit or restrict informal trading for the duration of a special event and within a prescribed area, notwithstanding the provisions of any informal trading policy or any informal trading permit.

(2) No compensation is payable by the Municipality to any informal trader as a result of the prohibition or restriction of informal trading as contemplated in subsection (1).

(3) No informal trading fee shall be payable by an informal trader during any period during which informal trading is prohibited or restricted.

**Obligation of owners on non-municipal property**

28. An owner of non-municipal property must –

- (a) ensure that any informal trading taking place on his or her property complies with this By-law;
- (b) permit any authorised official access to his or her property for the purpose of ensuring compliance with this By-law; and
- (c) ensure, at the owner's cost, that sufficient services are provided to maintain acceptable hygienic conditions in respect of the informal trading.

## CHAPTER 6

### ENFORCEMENT

#### Lawful instructions

29. Failure to comply with a lawful request of an authorised official is a contravention of this By-law.

#### Recovery of costs

30.(1) If an informal trader contravenes any provision of this By-law, an applicable informal trading policy or his or her permit and fails or refuses to cease the contravention, or to take steps to rectify any contravention, then the Municipality may take those steps itself and recover the costs from the informal trader.

(2) The costs mentioned in subsection (1) is in addition to any fine which may be imposed on the informal trader.

#### Removal and impoundment

31.(1) An authorised official may remove and impound any goods of an informal trader which he or she reasonably suspects is being used, has been used or is intended to be used for or in connection with informal trading which is in contravention of this By-law or any other applicable law.

(2) The removal and impoundment of goods in terms of subsection (1) may be carried out irrespective of whether or not such goods are in the possession or under the control of any third party at the time.

(3) Any authorised official who removes and impounds goods in terms of subsection (1) must, except where goods have been left or abandoned, issue the informal trader a receipt which—

(a) itemises the goods to be removed and impounded;

(b) provides the address where the impounded goods will be kept;

- (c) states the period of impoundment;
  - (d) states the terms and conditions which must be met to secure the release of the impounded goods;
  - (e) states the impoundment fee to be paid to secure release of the impounded goods;
  - (f) states the terms and conditions on which unclaimed goods will be sold or otherwise disposed of; and
  - (g) provides the name and address of a municipal official to whom any representations regarding the impoundment may be made and the date and time by which representations must be made.
- (4) If any goods to be impounded are attached to immovable property or a structure, an authorised official may order any person who appears to be in control of the immovable property or structure to remove the goods to be impounded and, if that person refuses or fails to comply, then—
- (a) that person shall be guilty of an offence; and
  - (b) the authorised official may remove the goods himself or herself.
- (5) Goods which have been impounded may be released after —
- (a) proof of ownership in the form of the presentation of the receipt contemplated in subsection (3); and
  - (b) payment of the impoundment fee, is received.
- (6) The Municipality may at any time after the impoundment sell, destroy or otherwise dispose of—
- (a) impounded perishable goods if the goods represent or might represent a health risk or a nuisance; and
  - (b) foodstuffs which are unfit for human consumption.
- (7) Impounded goods other than perishable goods, may be sold by the Municipality if the owner does not, or is unable to, pay the impoundment fee within 1 month from the date of impoundment of those goods.

(8) If impounded goods are sold by the Municipality in terms of subsections (6) or (7), and upon the presentation of the receipt contemplated in subsection (3) as proof of ownership, the Municipality must pay to the person presenting the inventory the proceeds of the sale less the impoundment fee.

(9) If in the reasonable opinion of an authorised official, an informal trader is suspected of trading in illegal goods, then those goods may be immediately confiscated and, in the event of such a confiscation, the authorised official must—

(a) comply with the requirements of this section; and

(b) immediately surrender the suspected illegal goods to the possession of the South African Police Service.

### **Offences**

**32.(1) A person is guilty of an offence if he or she—**

(a) trades without an informal trading permit;

(b) contravenes any provision of this By-law;

(c) contravenes any condition on which a permit has been issued to him or her;

(d) contravenes any provision of an applicable informal trading policies;

(e) fails to comply with any lawful instruction given in terms of this By-law;

(f) threatens, resists, interferes with or obstructs any authorised official in the performance of official duties or functions in terms of or under this By-law; or

(g) deliberately furnishes false or misleading information to an authorised official.

(2) A person is guilty of a continuing offence if he or she continues with an offence after notice has been served on him or her in terms of this By-law requiring him or her to cease committing such offence, or after he or she has been convicted of such offence.

### **Penalties**

**33. Any person who is convicted of contravening paragraph 32(1)(a)** shall be liable to a fine of an amount not **exceeding R5 000** or to imprisonment for a period not exceeding 1 year, or to both such fine and imprisonment.

#### **Exemption from liability**

**34.** The Municipality shall not be liable for damages or compensation arising from anything lawfully done in good faith by it or any authorised official or employee thereof in terms of this By-law.

## **CHAPTER 7**

### **MISCELLANEOUS PROVISIONS**



## Delegations

**35.**(1) Subject to the Constitution and applicable national and provincial laws, any –

- (a) power, excluding a power referred to in section 160(2) of the Constitution;
- (b) function; or
- (c) duty,

conferred, in terms of this By-law, upon the council, or on any of the Municipality's other political structures, political office bearers, councillors or staff members, may be delegated or sub-delegated by such political structure, political office bearer, councillor, or staff member, to an entity within, or a staff member employed by, the Municipality.

(2) The delegation in terms of subsection (1) must be effected in accordance with the system of delegation adopted by the council in accordance with section 59(1) of the Local Government: Municipal Systems Act, 2000 (Act No.32 of 2000), subject to the criteria set out in section 59(2) of said Act.

(3) Any delegation contemplated in this section must be recorded in the Register of Delegations, which must contain information on the –

- (a) entity or person issuing the delegation or sub-delegation;
- (b) recipient of the delegation or sub-delegation; and
- (c) conditions attached to the delegation or sub-delegation.

## Appeals

**36.** (1) A person whose rights are affected by a decision taken by the Municipality in terms of this By-law may appeal against that decision in terms of the Appeals provision contained in the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) by giving written notice of the appeal and reasons to the municipal manager **within 21 days** of the date of the notification of the decision.

(2) The municipal manager must promptly submit the appeal to the appropriate appeal

authority.

(3) The appeal authority must commence with an appeal **within six weeks** and decide the appeal within a reasonable period.

(4) The appeal authority must confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights which may have accrued as a result of the decision.

(5) The appeal authority must furnish written reasons for its decision on all appeal matters.

(6) All appeals lodged are done in terms of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and not in terms of this By-law.

(7) Where a conviction has been affirmed by a court of law and the accused wishes to appeal such conviction, the appeal must take place in terms of the court's appeal process and not in terms of subsection (1) to (5).

## **Repeal**

## **Short title and commencement**

**37.** This By-law is called the uBuhlebezwe Municipality: Informal Trading By-law, and takes effect on the date on which it is published in the *Provincial Gazette* of KwaZulu-Natal.

## PROVINCIAL NOTICE 37 OF 2016

## UBUHLEBEZWE MUNICIPALITY

**CONTROL OF UNDERTAKINGS THAT SELL LIQUOR  
TO THE PUBLIC**

1 <sup>ST</sup> DRAFT DATE	30 <sup>th</sup> June 2014
2 <sup>ND</sup> DRAFT DATE	
ADOPTION BY COUNCIL	
PROMULGATION DATE	
LIST OF ANNEXURES/ APPEDIX	
LIST OF FINES APPLICABLE	

**UBUHLEBEZWE MUNICIPALITY****CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC**

To provide for the control of undertakings selling liquor to the public including the control of trading times in order to ensure a safe and healthy environment in the Ubuhlebezwe Municipal area; and to provide for matters related thereto.

**Preamble**

**WHEREAS** a municipality may, in terms of section 156 of the Constitution, make and administer by-laws for the effective administration of matters which it has the right to administer;

**WHEREAS** it is the intention of the Municipality to set trading times and enforcement mechanisms for the control of licensed premises, businesses or outlets that sell liquor to the public and which are situated within the jurisdiction of the Ubuhlebezwe Municipality;

**AND NOW THEREFORE, BE IT ENACTED** by the Council of the Ubuhlebezwe Municipality follows:-

**INTERPRETATION****Definitions**

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

**“agricultural area”** means an area predominantly zoned for agriculture or any other equivalent zoning, with the purpose to promote and protect agricultural activity on a farm as an important economic, environmental and cultural resource, where limited provision is made for non-agricultural uses to provide owners with an opportunity to increase the economic potential of their properties, without causing a significant negative impact on the primary agricultural resource;

**“authorised official”** means an employee of the Ubuhlebezwe Municipality who has been delegated powers and functions or an inspector who is appointed in terms KZN Liquor Licensing Act, 2010 (Act No. 6 of 2010);

**“business premises”** means a property from which business is conducted and may include a restaurant, pub, bar or tavern or other building for similar uses, but excludes a place of entertainment, guest accommodation establishment, hotel, sports and community club;

**“casino”** means a casino as defined in the National Gambling Act, 2004 (Act No. 7 of 2004) and includes a hotel, business premises, venue for hosting of events, place of entertainment or other recreation facility or tourist attraction as part of the complex;

**“Council”** means the Municipal Council of the Ubuhlebezwe Municipality;

**“general business area”** means an area predominantly zoned general business or any other equivalent zoning, with the purpose to promote economic activity in a business district and

development corridor, and includes a wide range of land uses such as business, residential and community uses;

**“guest accommodation establishment”** means premises used as temporary residential accommodation, and includes the provision of meals for transient guests for compensation and includes a backpacker’s lodge, a bed-and-breakfast establishment, guest house and guest farm or lodge, as well as facilities for business meetings, conferences, events or training sessions of resident guests, but excludes a hotel;

**“hotel”** means premises used as temporary residential accommodation for transient guests where lodging or meals are provided for compensation, and includes –

- (a) a restaurant or restaurants forming part of the hotel;
  - (b) conference and entertainment facilities that are subservient and ancillary to the dominant use of the premises as a hotel; and
  - (c) premises which are licensed to sell liquor for consumption on the property,
- but excludes an off-consumption facility, guest accommodation establishment, dwelling house or dwelling unit;

**“industrial area”** means an area predominantly zoned general industry or any other equivalent zoning, with the purpose to accommodate all forms of industry including manufacturing and related processing, but excludes noxious or hazardous risk activity;

**“licensee”** means any person who is licensed to sell liquor in terms of the Act and includes any licenced premises, business, outlet or land use activity from which liquor is sold;

**“liquor”** means any liquor product, liquid or substance as defined in the Act;

**“local business or neighbourhood business area”** means an area predominantly zoned local business or mixed use or any other equivalent zoning with the purpose to accommodate low intensity commercial and mixed use development serving local needs of a convenience goods, personal service or small scale business nature;

**“person”** means an individual natural person and a juristic person which may include –

- (a) a licensee or any person in charge of managing the licensed premises for the purposes of the sale of liquor;
- (b) anybody of persons corporate or unincorporated, or
- (c) any company incorporated or registered as such under any law or any village management board, or like authority.

**“place of entertainment”** means a place used predominantly for commercial entertainment which may attract relatively large numbers of people, operate outside standard business hours or generate noise from amplified or live music or revelry on a regular basis, and includes a cinema, theatre, amusement park, dance hall, gymnasium, totalisator or facility for betting, gambling hall, karaoke bar and nightclub, but excludes a casino;

**“residential area”** means an area predominantly zoned informal, single or general residential or any other equivalent zoning, with the purpose to accommodate predominantly single-family dwelling houses in low to medium density neighbourhoods, as well as higher density living accommodation and which includes controlled opportunities for home employment, additional dwellings and low intensity mixed use development;

**“room service facility”** means a mini bar, self-help facility or call-up service for the consumption of liquor in guest rooms by resident guests;

**“sell”** means, for current and future sale of liquor, to –

- (a) offer, advertise or expose;
- (b) supply, transmit, transport, send, convey or deliver; or
- (c) exchange for money or to dispose of liquor in any way for any type of consideration,

and **“sale”** and **“sold”** have corresponding meanings;

**“small holding or rural area”** means an area predominantly zoned rural or any other equivalent zoning, with the purpose to accommodate smaller rural properties that may be used for agricultural purposes, but may also be used primarily as places of residence in a more country or rural setting;

**“sports and community club”** means premises or a facility used for the gathering of community or civic organisations or associations, sports clubs or other social or recreation clubs run mostly not for profit and may include community service clubs and community centres or similar amenity facilities, but excludes a night club;

**“standard trading”** means trading days and trading hours as contemplated in sections 4 and 5 of this By-law, and excludes extended trading days and hours that may be approved by the Ubuhlebezwe Municipality in terms of section 7 of this By-law;

**“sparkling wine”** means an effervescent wine resulting from the fermentation of grapes, whether by natural or artificial process, and includes Champagne;

**“the Act”** means the KZN Liquor Licensing Act, 2010 (Act No. 6 of 2010);

**“undertaking”** means a business licensed to sell liquor to the public; and

**“winery”** includes premises or facilities which are used in the production of wine and such premises or facilities include facilities for crushing grapes and fermentation and aging of wine, tasting rooms, barrel and storage rooms, bottling rooms, tank rooms, laboratories or offices and other accessory or ancillary facilities incidental to the production of wine, which may include–

- (a) a restaurant and other food services; or
- (b) a subsidiary retail facilities to tours or visitors.

**“zoned”** means zoned as the case may be in terms of the Geographic Information Systems mapping.

**“zoning scheme”** means the Ubuhlebezwe Municipality Zoning Scheme.

## **1. APPLICATION**

This By-law is applicable to persons that sell liquor to the public within the jurisdiction of the Ubuhlebezwe Municipality.

## **2. GENERAL PROHIBITION**

No person may sell liquor to the public for on consumption or off consumption –

- (a) outside of the days and hours that have been determined by the Ubuhlebezwe Municipality; and
- (b) without a valid liquor licence that has been issued as contemplated in the Act.

## **3. STANDARD TRADING TIMES**

### **3.1 Trading days and hours for sale and consumption of liquor on licenced premises:**

- (1) A licensee may sell liquor for consumption on the licenced premise on the following days and hours:
  - (a) on any day of the week; and
  - (b) during the hours of trade as set out in the Schedule.
- (2) A licensee who sells liquor for consumption on licenced premises must not allow any consumption of liquor on the licenced premises at a time when the sale of liquor is not permitted.
- (3) A hotel or guest accommodation establishment licensed to sell liquor for on consumption, may provide access to a bar facility inside each private suite or room for the enjoyment of a guest occupying such private suite or room.

### **3.3 Suspension, Amendment and Revocation of Standard Liquor Trading Times**

- (1) An authorised official may immediately suspend standard liquor trading for a period of not more than 7 working days, upon delivery of a written notice to the licensee or person in charge of the licensed premises.
- (2) The written notice as contemplated in subsection (1), must specify the reasons and the timeframes in which such suspension of standard liquor trading days and hours will be in effect.
- (3) An authorised official must immediately, in writing, report such suspension of standard liquor trading days and hours to the Council.
- (4) Council must, upon consideration of the suspension report of the authorised official -
  - (a) confirm, amend or terminate the decision of the authorised official to suspend the standard liquor trading days and hours; and

- (b) report any decision to confirm, amend or revoke the standard trading days and hours to the KZN Liquor Authority.
- (5) The Ubuhlebezwe Municipality may not be held responsible for any loss of income suffered by a licensee during any period of suspension of trading days and hours.
- (6) No person may continue selling liquor to the public during the period in which the standard days and hours of trading in liquor have been suspended, amended or revoked.

#### 4. EXTENDED LIQUOR TRADING DAYS AND HOURS

##### 4.1 Application for extended liquor trading days and hours:

- (1) Subject to subsection (3), any licensee may upon payment of the required fee, submit a written application to the Ubuhlebezwe Municipality to extend the liquor trading days and hours of licenced premises.
- (2) The Ubuhlebezwe Municipality may approve or refuse an application for an extension of liquor trading days and hours.
- (3) The Ubuhlebezwe Municipality may, in writing forthwith refuse -
  - (a) to accept an application for the extension of liquor trading days and hours if such premises falls within location category 1 or 2, as contained in the schedule for on consumption trading;
  - (b) an application for an extension of liquor trading hours beyond –
    - (i) 04h00, the next day for on-consumption; and
    - (ii) 20h00 for off-consumption.
- (4) No rights accrue to any licensee who has submitted an application for extension of trading days and hours before the proof of written approval is received from the Ubuhlebezwe Municipality by such licensee.
- (5) The Ubuhlebezwe Municipality may, upon written notice to the applicant, impose conditions for liquor trade during extended days and hours.
- (6) The Ubuhlebezwe Municipality must, before approving an application for the extension of trading days and hours, consider further factors which must include, *inter alia* –
  - (a) outcome of community consultation;
  - (b) the potential impact on the surrounding environment;
  - (c) the proximity of the licensed premises to surrounding residential zoned area, cultural, religious and educational facilities;
  - (d) previous suspension, amendment or revocation of extended trading days and hours;



- (e) whether it is in the public interest to approve and grant an extension of trading days or hours;
- (f) a motivation from the applicant dealing with the impact of –
  - (i) the risks to and nuisances on the surrounding community;
  - (ii) mitigation measures to assist the control of risks and nuisances; and
  - (iii) possible benefits of extended liquor trading hours and days on the surrounding community;
- (g) the validity of the Liquor License; and
- (h) where applicable, the validity of a business license issued in terms of the Businesses Act of 1991 (Act No. 71 of 1991).

## **5. SUSPENSION, AMENDMENT AND REVOCATION OF EXTENDED LIQUOR TRADING DAYS AND HOURS**

- (1) An authorised official may, upon delivery of a written notice to the licensee or person in charge, immediately suspend extended trading hours, including Sunday liquor trading for a maximum of 7 working days.
- (2) The written notice as contemplated in subsection (1), must specify the reasons and the timeframes in which such suspension of extended liquor trading days and trading hours will be in effect.
- (3) The authorised official must immediately, in writing, report such suspension to Council.
- (4) Council, upon consideration of the suspension report of the authorised official –
  - (a) must confirm, amend or terminate the decision of the authorised official to suspend the extended hours of trade of the licensed premises;
  - (b) may immediately amend or revoke the extended days and hours of trade, and
  - (c) must report any decision to confirm, amend or revoke the extended hours of trade to the KZN Liquor Authority.
- (5) No person may continue selling liquor to the public during the period in which the extended days and hours of liquor trading have been suspended, amended or revoked.
- (6) The Ubuhlebezwe Municipality may not be held responsible for any loss of income suffered by a licensee during any period of suspension of trading days and hours.

## **6. PREVENTION OF SALE OF LIQUOR AND SEIZURE OF LIQUOR**

### **6.1 Prevention of Sale of liquor and Seizure of Liquor**

- (1) The Ubuhlebezwe Municipality may –

- (a) cause the temporary closure of the premises; and
  - (b) seize any liquor on the premises in accordance with the Seizure provisions as contemplated in the Criminal Procedure Act, 1977 (Act No. 51 of 1977).
- (2) Where the sale of liquor is prevented and liquor is seized as contemplated in subsection (1), the Ubuhlebezwe Municipality may recover any costs incurred by the Ubuhlebezwe Municipality from the licensee.

#### **7. DISPLAY OF SIGNAGE, POPULATION CERTIFICATE AND OTHER OBLIGATIONS OF LICENSEE**

- (1) The licensee or person in charge must ensure that the relevant approval relating to hours of trade and zoning together with the population certificate are always present and displayed on the premises.
- (2) Licensees must ensure that the licenced premises meets and complies with all environmental, planning, safety laws and with conditions imposed by the Ubuhlebezwe Municipality.

#### **8. SAFETY AND SECURITY**

The licensee or person in charge must ensure that reasonable safety and security measures are in place for the protection of patrons of the licenced premises by ensuring that –

- (a) the storage of goods and equipment and the condition of the premises and any structure thereon do not cause a danger to the safety of patrons inside the premises;
- (b) the premises adheres to the requirements of the National Building Regulations and Building Standards Act, 1977, (Act 103 of 1977), the Ubuhlebezwe Municipality Building Regulations and Nuisance By-law, 20..... and any other permission granted by the Ubuhlebezwe Municipality; and
- (c) there is adequate lighting on the outside of the premises where patrons and staff access and exit the licenced premises.

#### **9. NUISANCES**

Any person selling liquor to the public must take reasonable steps to ensure that the residents of the surrounding community are not unreasonably affected and inconvenienced by noise or other nuisances emanating from the premises.

#### **10. OFFENCES AND PENALTIES**

Any person who contravenes or fails to comply with any –

- (a) provision of this By-law; or
- (b) conditions of a written instruction or written notice served in connection with this by-law,

is guilty of an offence and is liable to a fine, or upon conviction, to imprisonment for a period not exceeding three years, or to both such fine and such imprisonment.

**11. RIGHT OF APPEAL**

- (1) Any licensee or objector to an application for extended trading hours whose rights have been affected by a final decision taken by Council or an authorised official of the Ubuhlebezwe Municipality may appeal against that final decision in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).
- (2) An appellant may not continue selling liquor to the public when their appeal against the final decision is pending in relation to standard and extended trading times that have been suspended, amended or revoked, as the case may be.

**12. SHORT TITLE**

This by-law is called the Ubuhlebezwe Municipality: Control of undertakings that sell liquor to the public Bylaw.

**SCHEDULE**  
**Trading hours for selling liquor on licensed premises**

106

Extraordinary Provincial Gazette of KwaZulu-Natal

3 February 2011

**SCHEDULE 3**  
**Trading days and trading hours**  
*(Section 78)*

<b>CATEGORY A: ON-CONSUMPTION</b>	<b>TRADING HOURS</b>	<b>TRADING DAYS</b>
1. Accommodation	10h00 – 02h00	Every day
2. Restaurant	10h00 – 02h00	Every day
3. Club	10h00 – 02h00	Every day
4. Nightclub	10h00 – 04h00	Every day
5. Gaming premises	24h00	Every day
6. Sports ground	10h00 – 23h00	Any day
7. Pub	10h00 – 02h00	Every day
8. Tavern	10h00 – 24h00	Every day
9. Theatre	10h00 – 24h00	Every day
<b>CATEGORY B: OFF-CONSUMPTION</b>	<b>TRADING HOURS</b>	<b>TRADING DAYS</b>
1. Liquor store	08h00 – 20h00 08h00 – 17h00 10h00 – 15h30	Monday – Friday Saturday Sunday
2. Grocer's wine	08h00 – 20h00 08h00 – 17h00 10h00 – 15h30	Monday – Friday Saturday Sunday
<b>CATEGORY C: SPECIAL EVENTS PERMIT</b>	<b>TRADING HOURS</b>	<b>TRADING DAYS</b>
Special events permit	Starting of event – Closing of event	Any day
<b>CATEGORY D: MICRO-MANUFACTURER</b>	<b>TRADING HOURS</b>	<b>TRADING DAYS</b>
Micro-manufacturer	07h00 – 22h00	Every day

## PROVINCIAL NOTICE 38 OF 2016

## UBUHLEBEZWE MUNICIPALITY

**GENERAL & NUISANCE BYLAWS**

1 <sup>ST</sup> DRAFT DATE	30 <sup>th</sup> June 2014
2 <sup>ND</sup> DRAFT DATE	
ADOPTION BY COUNCIL	
PROMULGATION DATE	

**UBUHLEBEZWE MUNICIPALITY****GENERAL & NUISANCE BYLAWS**

Note: [Words applying to any individual shall include persons, companies and corporations, and the masculine shall include females as well as males and the singular shall include the plural and vice versa],

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## **CHAPTER 1**

### **1. DEFINITIONS**

In these Bylaws, unless the context otherwise indicates:-

***“Ambient sound level” means the reading of an integrated impulse sound level meter measured at the end of a total period of at least 10 minutes after such integrating sound level meter has been put into operation, during which period a noise alleged to be a disturbing noise is absent;***

**“Area”** means the area of jurisdiction of the Ubuhlebezwe Municipal Council;

**“Authorized Officer”** means:

- (a) a traffic officer or warden appointed in terms of the National Road Traffic Act, 1996 (Act No 93 of 1996)
- (b) a member of the services as defined in section 1 of the South African Police Services Act, 1995 (Act No 58 of 1995)
- (c) a peace officer contemplated in section 34 of the Criminal Procedure Act, 1977 (Act No 51 of 1977)
- (d) any other official duly authorized by the council

**“Municipal Manager”** means the person duly appointed by the Council or the person temporarily acting as such or his duly appointed representative;

**“Council”** means the Ubuhlebezwe Municipality or its successors in title, and includes the council of that municipality or its executive committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the executive committee has delegated any powers and duties with regard to these bylaws;

***“Disturbing noise” means the noise level which exceeds the ambient sound level by 7dB(A) or more, and disturbing in relation to a noise shall have a corresponding meaning;***

***“Noise level” means the reading on an integrating sound level meter taken at the measuring point at the end of a reasonable period after the integrating sound meter has been put into operation during which period the noise level alleged to be disturbing noise is present, to which reading 5dB(A) is added if the disturbing noise contains a pure tone component or is of an impulsive nature;***

**“Nuisance”** without limiting the generality thereof, means any condition, thing, act or omission which is offensive or injurious or which tends to prejudice the safety, good order, peace or health of the area or part thereof or the rights or reasonable comfort, convenience, peace or quiet of any neighbourhood within the area and includes any act, exhibition, or publication, contrary to public decency or morals, and in relation to noise includes any sound which disturbs or impair the convenience or peace of any person;



**“Occupier”** means and includes any person in actual occupation of any land or premises or having the charge or management thereof, without regard to the title under which he occupies it, and in the case of premises subdivided and let to various lodgers or tenants, the person receiving the rent payable by lodgers or tenants, whether on his own account or as agent for any person entitled thereto or interested therein;

**“Owner”** in relation to any premises means –

- a) the person in whose name the title to those premises is registered in terms of the Deeds Registries Act 1937 (Act No. 47 of 1937) as amended, and includes the holder of the stand licence;
- b) the person in whose name the certificate of sectional title to those premises is registered in terms of the Sectional Titles Act 1986 (Act No. 95 of 1986) and in addition includes the owner (as defined in the said Act), the body corporate and the developer in relation to such premises;
- c) if such person or holder is dead, insolvent, mentally disordered or defective, a minor or under any legal disability, the person in whom the administration of that person’s or holder’s estate is vested, whether as executor, trustee, liquidator, guardian or in any other capacity whatsoever; or
- d) if the premises are under lease, the registration whereof is in law necessary of such lease, the lessee;

When an owner as herein defined is absent from the Republic or his whereabouts are unknown, the expression “owner” includes an agent of such owner or any “unit” (as defined in the Sectional Titles Act 1986(Act No. 95 of 1986)) of such premises;

**“Premises”** shall include any public place and any land privately owned, all buildings, rooms, tenements, sheds, huts or other structures or erections and also yards or lands in connection therewith and shall also include any “unit” (as defined in the sectional Titles Act, 1986 (Act No. 95 of 1986)) thereof;

**“Public Place”** means any public street or place, public places of entertainment, place of public gathering or place in the public eye but shall exclude any Public Amenities as defined in the Council’s Bylaws relating to Public Amenities;

**“Public Vehicle”** shall include any motor car, cab, taxi, bus or other vehicle hired or let for the conveyance of passengers;

**“Refuse”** without somewhat limiting the ordinary meaning of the word, means any unused vehicle or machinery or part thereof or scrap metal, builder’s rubble, garden refuse, debris, garbage, tyres or any other discarded or abandoned article or object;

**“Vehicle”** means any conveyance that is capable of transporting one or more persons, except a wheelchair or similar device used for the conveyance of a handicapped person.

## **CHAPTER 2**

### **2. STREETS AND PUBLIC PLACES**

#### **2.1 Breaches of the Peace**

- 2.1.1 A person commits an offence if in a street or public place he-
- (a) accosts, insults, interfere with, jostles, threatens or harasses another person;
  - (b) associates or acts in concert with other persons in a manner which causes or is likely to cause a breach of the peace;
  - (c) fights or incites or invites another person to fight;

#### **Indecent behavior**

- 2.1.2 A person commits an offence if in or in view of a street or public place he-
- (a) is not decently clothed so that at least such person's private parts are covered from view;
  - (b) performs any indecent act;
- or incites any other person to commit any such offence.
- 2.1.3 A person commits an offence if in a street or public place he-
- (a) defecates or urinates except in a facility provided by or on behalf of the Council for the purpose;
  - (b) enters a toilet reserved or set aside for the members of the opposite sex;
  - (c) spits;
  - (d) is under the influence of intoxication liquor or imbibes or ingests such liquor in circumstances which, in the opinion of an Authorized Officer or, render it likely that such a person will become under the influence of such liquor whilst in any place to which these bylaws apply;
  - (e) is under the influence of or administers a dependence producing substance as defined in the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992) to himself or another person; or
  - (f) commits any indecent or immoral gesture or acts willfully and obscenely exposes himself.

**Obscene or offensive language**

2.1.4 A person commits an offence if in a street or public place within the hearing of a person in a street or public place he uses any indecent or offensive language or sings an indecent or offensive song.

**Indecent or offensive literature and representations**

2.1.5 A person commits an offence if in a street or public place or in view of a street or a public place he-

- (a) displays, distributes, exposes to view or sells or offers for sale in a manner likely to cause offence any indecent or offensive pictures or other representation or written or printed matter;
- (b) draws, prints, writes or otherwise produces any immoral, indecent or offensive figure, letter, picture, word or other representation or matter so that the same is in the public view or may be seen by any other person.

**Loitering**

2.1.6 A person commits an offence if in a street or a public place he loiters for the purpose of prostitution, or solicits or importunes any other person for such purpose.

**Dangerous acts**

2.1.7 A person commits an offence if in a street or a public place he-

- (a) activates, handles or uses any material, object or thing which is likely to cause injury to a person or intimidate him or to damage property or does so in a manner likely to result in such injury, intimidation or damage;
- (b) introduces or handles any material, object or thing or any liquid or solid substance which by its nature or by reason of the manner of its introduction or handling creates a new source of danger to persons or property or is likely to do so;
- (c) lights, uses or benefits from a fire other than in or on a facility provided by the Council for that purpose;
- (d) attaches any object to or suspends any object from a canopy, bridge, verandah or other projection or pillar, pole or post;
- (e) discharges a fire arm, air gun, air pistol, fireworks except in accordance with the councils Fireworks Bylaws, or uses a sling-shot or catapult;
- (f) performs any other act which may cause injury to a person or damage to property;

unless he is authorized or permitted by law to do so or does so with the written permission of an Authorized Officer and in accordance with any conditions imposed by him.

## OFFENCES RELATING TO LITTER

- 2.2.1 (1) A person commits an offence if in a street or public place he-
- (a) abandons, disregards, discharges or spills or causes or allows to be discharged or spilt any rubbish or other waste material or thing, whether liquid or solid, except in a receptacle provided for that purpose;
  - (b) removes from a receptacle provided for the disposal of refuse or any refuse disposal bag any of its contents and causes the same to be discharged from such a receptacle.
- (2) A person who causes or incites another person to perform any of the acts described in subsection (1) shall also be guilty of an offence.
- (3) Any material thing that a person drops or allows to fall without being immediately retrieved by him shall for the purpose of subsection (1)(a) be deemed to have been discarded by him.
- (4) Any material or thing found in a street or public place in circumstances giving rise to suspicion that an offence has been committed under subsection (1)(a) and which bears the name of a person or which there is a reasonable suspicion that it is or was the property or under the control of that person shall for the purposes of subsection (1)(a) be deemed to have been abandoned or disregarded by that person until the contrary is proved.
- (5) A person who sweeps or in any other way introduces any rubbish or waste material or thing into the street or public place shall be deemed to have disregarded it there for the purposes of subsection (1)(a)
- (6) A person who has been observed by an Authorized Officer to contravene the provision of paragraph (a), or (b) of subsection (1) may be directed by him to remove the rubbish, material or thing or to place it in a receptacle provided by or on behalf of the Council and failure to comply with such direction shall constitute an offence.

## Clearing of Sidewalks and Verges

- 2.2.2 (1) An occupier of premises which is a factory as defined in subsection (3) or in or on which there is carried on any business, occupation or trade shall at all times while any activity is being carried on in the factory or while the premises are open for business or the occupation or trade is being carried on or during business hours, whichever is applicable, keep sidewalks or verges abutting on or adjoining the premises, including the gutter and curb, free of litter and keep the same in a clean and satisfactory state and to this end remove all litter there from.
- (2) The occupier referred to in subsection (1) shall cause all litter removed in terms of that subsection to be placed in refuse receptacles provided by or on behalf of the Council or, with the written consent of the Authorized Officer, to be disposed of in a manner approved of by him.
- (3) For the purpose of subsection (1) the expression “**factory**” shall bear the meaning given to it by the Occupational Health and safety Act, 1993 and the regulations there under.

## OBSTRUCTIONS

### Obstructions: Offences

- 2.3.1 A person commits an offence if in the Street or public place he-
- (a) leaves anything unattended, having introduced or placed it there, so as to cause or be likely to cause an obstruction to persons or vehicles as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996);
  - (b) carries, deposits, handles or introduces anything so as to be likely to obstruct or interfere with the free movement of persons or vehicles or with the use of the street or public place by persons or vehicles or to cause injury to any person or damage to any property;
  - (c) deposit on its surface anything for the purpose of or in the course of loading or unloading a vehicle or of delivering the same to premises having access to such street or public place for a longer period than is reasonably necessary for that purpose;
  - (d) obscure a road traffic sign as defined in the National Road Traffic Act, 1996 (Act No. 93 of 1996)
  - (e) hangs or suspends anything above the surface thereof or causes to allow anything to protrude above such surface or to encroach upon it;
  - (f) gather with or causes a gathering of other persons in a place or manner as to be likely to obstruct or restrict or interfere with the

- movement of persons or vehicles or the use or enjoyment of the street or public place by persons or vehicles;
- (g) performs any other act which has or is likely to have a result described in paragraph (b) above;

### **Disposal of property found in street or public place**

- 2.3.2 (1) When anything has been left in a street or a public place in contravention of section 2.3.1 (a) an Authorized Officer may remove it to a store established by the Council for that purpose; provided that if such thing is in the opinion of an Authorized Officer of no commercial value he may dispose of the same in such manner as he deems fit and the person who has committed the offence shall be liable to the Council for the cost of such disposal as determined by such officer
- (2) Things which have been removed to a store in terms of subsection (1) shall be released to any person who, within seven days after such removal or within such longer period as may be allowed by the Authorized Officer in charge of such store, satisfies him that he is its owner or is entitled to its possession, after payment of the cost of removal and storage as determined by such an officer in accordance with the prescribed tariff of charges; provided that such officer may cause things which are of a perishable nature and have not been claimed before they have become offensive or a danger to health, to be destroyed or otherwise disposed of in such a manner as he deems fit or to be removed to a municipal landfill site;
- (3) Things which have not been released or disposed of in terms of subsection (2) shall be sold in such manner and after such notice as the Authorized Officer in charge of the store deems fit, having regard for their nature;
- (4) The proceeds of any sale in terms of subsection (3) shall first be applied in payment of-
- (a) the cost of removal and storage as determined in terms of subsection (2);
  - (b) any costs which may have been incurred attempting to trace the owner;
  - (c) the cost of the sale;
- and the balance shall be forfeited to the Council if not claimed within one year from the date of sale by the person who established his legal right thereof to the satisfaction of the Authorized Officer in charge of the store.
- (5) if the proceeds of the sale are not sufficient to meet the costs referred to in subsection (4) the owner of the things sold and the

person who committed the offence in terms of these bylaws in relation thereto shall be jointly and severally liable to the Council for payment of the unsatisfied balance.

- (6) If the things cannot be sold in terms of subsection (3) the Authorized Officer in charge of the store may dispose thereof in such manner as he deems fit and the provisions of subsection (5) shall mutatis mutandis apply in respect of any cost incurred in effecting such disposal.
- (7) The exercise of any powers conferred by this section shall not render the Council or any Authorized Officer liable for any loss or theft of or any damage to anything in terms of subsection (1).

### **Obstruction caused by plants**

2.3.3 (1) If a tree, stump or other plant growing on any premises which abut onto a street or public place or any portion of such plant-

- (a) obstructs the view of the driver of any vehicle in such street or public place;
- (b) obstructs or causes a nuisance to persons using such street or public place; or
- (c) obscures a Road Traffic Sign,

or if any part of such plant causes or is likely to cause a nuisance or source of danger to such a person, an Authorized Officer may serve notice on the owner of the premises or, if the premises are occupied by the person other than owner, on the occupier thereof, requiring him to cut down, remove or trim the plant from which the nuisance or source of danger originates to an extent and within the period stated in the notice and any person who fails to comply with such notice within the period stated shall be guilty of an offence.

- (2) If a person on whom a notice has been served in terms of subsection (1) fails to comply with the terms thereof within the period stated therein, an Authorized Officer may cause the work specified in the notice to be carried out and such person shall be liable to the Council for the cost of the work as assessed by such officer.

## **BEGGING, GAMBLING AND VAGRANCY**

### **Begging and gambling**

2.4.1 A Person commits an offence if in a street or public place-

- (a) he-



- (i) begs for money or goods or asks for or solicits anything, whether by gesture, word or otherwise;
- (ii) gambles or plays any game for gain, whether monetary or otherwise;
- (b) he causes or induces another to commit an offence under paragraph (a)(i) on his behalf.

### **Vagrancy**

2.4.2 No person who leads a vagrant life and who has no ascertainable and lawful means of livelihood or leads an idle, dissolute, or disorderly life shall remain in a street or public place.

### **Camping and Sleeping**

2.4.3 A person commits an offence, if in a street or a public place or premises or property owned by or under the control of the Council not intended for such purpose he-

- (a) Camps, sleeps or uses any portion thereof for the purpose of habitation, except with the express permission of the Council;
- (b) lies and sleeps on any seat provided for the use of the public.

## **DISPLAYS, GATHERINGS, MEETINGS AND PROCESSIONS**

### **Gatherings, Meetings and processions**

- 2.5.1
- (1) No person shall in a street or public place convene, hold, organize or take part in any gathering, meeting or procession without the prior written permission of the Municipal Manager, which shall not unreasonably be withheld.
  - (2) Application for permission in terms of subsection (1) shall be made in writing to the Municipal Manager not less than fourteen days prior to the date of commencement of the event to which the application relates, and shall be accompanied by the fee as prescribed in the councils tariff of charges. The Municipal Manager may at his sole discretion accept a late application on good grounds shown.
  - (3) Any application shall, in addition to such other information as the Municipal Manager may require-



- (a) specify the nature and purpose of the event and its date, time and duration as well as the place at or the route over which it is to be held;
  - (b) contain the full names, addresses, designations and telephone numbers of the conveners, holders, organizers and sponsors of the event;
  - (c) supply details of the participants and any speakers;
  - (d) furnish details of equipment, machinery or vehicles to be used, as well as of any musical instruments, loudhailers, loudspeakers, radio or other devices which produce, reproduce or amplify sound.
- (4) The Municipal Manager may refuse an application made in terms of subsection (1) if he has reasonable grounds for believing that the event is likely to result in a breach of any law or in public disturbance or riot, damage to property, nuisance, obstruction to pedestrian or vehicular traffic, interference with the amenities of the area or to be offensive to public morals or decency or to give rise to a danger to public health or safety.
- (5) In granting permission in terms of subsection (1) the Municipal Manager may impose such conditions and restrictions as he deems necessary to avoid the result described in subsection (4), including the imposition of a prohibition on the use of any of the equipment, machinery or vehicles or any of the devices referred to in subsection (3)(d), and in order to ensure compliance with the provisions of these Bylaws and all other laws, including a requirement that there be furnished-
  - (a) a deposit or guarantee to cover damage to property of the Council and private property owners, and the cost of the removal of litter caused by or deposited during the event;
  - (b) a public liability policy in terms of which the council and owners of private properties can lodge claims for any damage to property caused during or as a result of the event, and for the removal of litter caused by or deposited during the event;
- (6) An applicant who is aggrieved by a decision of the Municipal Manager in terms of subsection (5) may appeal to the Mayor on giving notice in writing setting forth the grounds of appeal within two working days of receipt of notice of that decision. The Mayor, in consultation with the full- time councillors shall consider the appeal and inform the Municipal Manager and the applicant of the decision taken, which decision shall be final.
- (7) Any permission given in terms of this section shall be subject to the provision of section 46 and 53 of the Internal Security Act, 1982 (Act No. 74 of 1982) in terms of which the consent of the South African Police Service is also required.

- (8) Any person, who convenes, holds or organizes an event in respect of which permission has been granted in terms of this section who contravenes or fails to comply with a condition or restriction imposed in terms of subsection (5) shall be guilty of an offence.
- (9) Any person who while present at or during an event in respect of which permission has been granted in terms of this section who in any manner causes a disturbance or commits an offence and who fails or refuses to leave after having been required to do so by an Authorized Officer or a member of the Police Service shall be guilty of an offence.
- (10) Any person who is present at or during an event in respect of which permission is required in terms of this section who is warned by an Authorized Officer or member of the Police Service that such permission has not been obtained or that conditions or restrictions imposed in terms of subsection (5) have been contravened and who thereafter fails to leave the scene of the event or to cease participation therein when required to do so, shall be guilty of an offence.

## **STREET COLLECTIONS**

### **Street Collections**

- 2.7.1
- (1) No person, other than a person appointed for the purpose by a welfare organization as defined by Section 1 of the National Welfare Act, 1978 (Act No. 100 of 1978) or charitable organizations which are exempt from registration in terms of the said Act, or a fund raising organization as defined in the Fund Raising Act, 1978 (Act No. 107 of 1978) which has been authorized by the Council to cause a collection of money to be taken on its behalf in any public place, shall collect or attempt to collect money in any public place.
  - (2) every welfare organization or charitable organization which are exempt from registration as a welfare organization or fund raising organization desiring to obtain the authority of the Council for any such collection on its behalf shall make a written application to the Municipal Manager therefore, and shall, with such application forward the following documents:
    - (a) its certificate of registration under the National Welfare Act, 1978 (Act No. 100 of 1978) or the Fund Raising Act, 1978 (Act No. 107 of 1978) or exemption certificate issued in

- terms of either of these Act's, or any amendment thereof where applicable;
- (b) A copy of its balance sheet for the preceding financial year;
  - (c) A certificate, signed by the chairman and secretary, giving the name of its treasurer.
- (3) The Municipal Manager, upon receipt of any such application, may either grant the application or refuse it. If granted, the authority shall be subject to the following conditions:
- (a) That the collection shall only be made on the date or dates and within the times specified in the authority;
  - (b) that the collection shall only be made in sealed collection boxes belonging to and supplied by the Council;
  - (c) that the proceeds of the collection shall forthwith be handed to the treasurer of the institution and utilized by him solely for the purpose of defraying the cost of the maintenance, conduct and management of the institution;
  - (d) That no person under the age of sixteen years shall be appointed to make such collection.

## **USE OF AMPLIFICATION DEVICES / EQUIPMENT**

### **Amplification devices / equipment**

- 2.8.1
- (1) No person shall, without the prior consent, in writing, of the Council use or permit to be used any megaphone, loudspeaker or other devices for the reproduction or amplification of sound in or upon any public place for the purpose of making announcements, advertising or doing any thing of that nature.
  - (2) the Council may refuse to grant such consent if it has reasonable grounds for believing that the use of any such megaphone, loudspeaker or other device will or is likely to-
    - (a) cause a nuisance;
    - (b) obstruct or interfere with vehicular or pedestrian traffic in any public place or endanger or cause annoyance or discomfort to any person or persons;
    - (c) be offensive to public morals or decency;
    - (d) results in public disturbances or riots or damage to property, or
    - (e) interferes with the amenities and conveniences of the public in general.
  - (3) the Council may withdraw its consent if it appears that any of the conditions mentioned in (2) exists.

## **CHAPTER 3**

## **PRIVATE PREMISES**

### **KEEPING OR MANAGEMENT OF A BROTHEL**

- 3.1.1. (1) No person shall keep manage or act or assist in the keeping or management of a brothel in any premises in the area.
- (2) No person, being the owner, lessee or occupier of any premises in the area shall knowingly permit such premises, or any portion thereof, or any room therein, to be used as a brothel or for the purpose of prostitution, or to be a party to continued use thereof for such purposes.
- (3) No person, being the owner of any premises in the area or the agent of such owner shall let such premises, or any portion thereof, or any room therein, with the knowledge that such premises, or any portion thereof, or any room therein, are or is to be used as a brothel or for the purposes of prostitution.

### **PRIVATE PREMISES: GENERAL WORKS**

#### **Private premises**

- 3.2.1 (1) A person commits an offence if on any premises he-
- (a) excavates or removes soil or other material in a position in relation to a boundary of the premises with other premises or a street or a public place so as to or to be likely to remove lateral support from the premises or that street or public place or to create a source of danger to life or damage to property;
  - (b) being the owner or occupier of the premises allows any well, pond, reservoir, swimming pool, pit, hole, excavation or earthworks or any tree or other vegetation on such premises to be in such a condition or to be so unprotected as to constitute a danger to the safety of persons and property;
  - (c) causes or allows anything to project from the premises over or into a street or public place, except in an area zoned for industrial purposes under a town planning scheme, and to an extent necessarily consistent with the use to which the premises are put;
  - (d) being the owner or occupier of such a premises, deposits, stores or causes, allows or permits to be deposited or stored or to accumulate so as to be visible from a street of public place abandoned, derelict or disused furniture, machinery, vehicles or other objects or plants thereof or scrap metal or other derelict or waste materials;
  - (e) without the consent of the owner or occupier thereof attaches or places anything to or on any premises or in any

way defaces such premises, whether by the use of chalk, ink, or paint or by any means whatsoever, unless he is authorized by any law to do so.

- (2) An Authorized Officer may order a person who has contravened or is contravening paragraph (c) or (e) of subsection (1) to remove the thing to which the contravention relates from the premises concerned within a specified time and if he fails to do so the provisions of Section 2.3.2 shall mutatis mutandis apply.

### Site development works and other earthworks

- 3.2.2 (1) For the purpose of this section the expression “**site development works**” shall mean any earth works upon premises the result of which would permanently change the level of any portion of the surface of the ground upon the premises.
- (2) No person shall carry out, or cause or permit to be carried out, any site development works in the following areas unless he has obtained the prior written approval of the Authorized Officer and, in the case of subsection (2)(i) hereunder, the Department of Water Affairs and Forestry
- (i) any area, subject to inundation by floodwaters resulting from any watercourse with a known and defined channel and with a catchment area exceeding one square kilometer from a storm with a frequency of more than 1 in 50 years.
  - (ii) any part of the area, other than the area referred to in paragraph (i) above, if the proposed permanent change in level at any point is to exceed 1500mm.
- (3) Site development work in the areas referred in subsection (2)(ii) will not require the prior written approval of an Authorized Officer if:
- (i) the permanent change in level of any portion of the surface of the ground does not exceed 1500mm, and
  - (ii) all banks are created as a result of such site development works – whether they be cut or fill – have their surfaces sloped at an angle of not more than 26° to the horizontal.
- (4) No person shall raise or lower, or cause or permit to be raised or lowered, the ground level within an area that is subject to a sewer and drain servitude (or a Municipal Service Servitude) without the prior written approval of the Council.

- (5) Every person requiring approval for the kind of earthworks referred to in subsection (2) and (4) above shall submit a written application therefore, in duplicate, to the Authorized Officer on forms obtained from him.
- (6) in cases where it is proposed to execute site development works, or earthworks as referred to in subsection (4), in conjunction with building works and the proposals have been fully documented and described as part of a building application made in terms of the National Building Regulations made under The National Building Regulations and Standards Act, 1977 (Act No. 103 of 1977) and such building application has been approved, no separate application need be made or fee paid in respect of the site development works, or earth works as referred to in subsection (4), as shown on the approved plan relating to the building application.
- (7) In all cases other than those referred to in subsection (6), application for approval shall be made in terms of subsection (5) and such application shall be accompanied by the prescribed fee and the following documents:
  - (i) four complete sets of drawings showing full details of all purposed site development works or earthworks to a scale of 1:100 or to a larger scale that shall be either 1:50; 1:20 or 1:10;
  - (ii) four copies of a block plan, to a scale of not smaller than 1:500, reflecting the applicable information as set out in Part A of the regulations referred to in subsection (6);
  - (iii) such other drawings or details as the Authorized Officer may require, which in the case of applications under subsection (2)(i) shall include details of the effect, if any, that the proposed works will have on the natural watercourse and the levels and the extent of flooding on any other properties.
- (8) The fee in respect of any application in terms of this section shall be as prescribed by the Council from time to time.
- (9) Upon the approval of an application the Authorized Officer shall, when conveying his decision to the applicant in writing, return two sets of each of the block plan and working drawings.
- (10) Should the application be refused the Authorized Officer shall, in conveying his decision to the applicant, state his reason for such refusal.



- (11) The owner of any site in respect of which written approval has been given for proposed site development works, shall be responsible for ensuring that the works conform in all respects to the approval given and within 14 days of the completion of such works he shall advise the Authorized Officer that the works have been completed.
- (12) Any approval given in terms of this section shall lapse if the work has not started within 6 months of the date of approval of the work is not completed within 12 months of the date of approval.
- (13) Should approval have lapsed in terms of subsection (12) the Authorized Officer may at any time thereafter serve a written notice upon the owner requiring him to restore the site concerned to its former condition within a period to be specified in such notice, which period shall not be less than 30 days from the date of such notice, and such owner shall thereupon comply with such notice.
- (14) Whenever any site development contemplated by subsection (2) or any works contemplated by subsection (4) have been carried out without the necessary prior approval in terms of this section first having been obtained, it shall be presumed, until proved to the contrary, that the owner of the land upon which works have been carried out is the person who carried out such works.
- (15) In the event of a breach of this section the Authorized Officer may, after the person responsible for the breach has failed to comply with the terms of the notice calling on him to remedy the breach, do all things necessary to do so and the Council may recover the costs of doing so from such person.

NOTE: Where the approval of Council is required, the owner of the site shall, if the Council so requires, ensure that all site development earthworks are designed and supervised by a professional engineer or other approved competent person.

## **CHAPTER 4**

### **MUNICIPAL PROPERTY AND PROPERTY UNDER THE CONTROL OF THE COUNCIL**

#### **General offences**

- 4.1 (1) A person commits an offence if in relation to any property in the ownership or possession of or under the control of the Council, whether movable or immovable, and including any street or public place, he-

- (a) permits, or causes to be done any act which may, in the opinion of the Council, cause soil or sand erosion;
- (b) permits, cause to be done, any cutting, removing or interfering with the natural vegetation, which may, in the opinion of the Council, result in damage to, or destruction of the natural vegetation;
- (c) he discards any waste, or refuse, or any unsightly material on such property;
- (d) willfully or negligently damages or destroys such property or any part of it;
- (e) removes any earth, sand, shale, stone, turf or any other material or part thereof;
- (f) breaks, cuts, destroys or removes any bush, shrub, tree or other plant or removes any branch, flower, leaf or other plant thereof;
- (g) attaches to or places on or next to such property any thing, including any advertisement bill, pamphlet, placard or poster or other illustrative, written or printed matter, or hangs or suspends any thing on or from it;
- (h) defaces any such property whether by the use of chalk, ink or paint or any other means whatsoever;
- (i) extinguishes any lamp or light or displaces or removes any barricade, enclosure, fence, lamp, light, notice or sign;
- (j) makes any excavation in or disturbs the surface of such property;
- (k) climbs or sits upon, hangs onto or mounts any such property;
- (l) introduces any object or material or erects any structure on such property;
- (m) enters such property or remains there;
- (n) allows, causes or permits any other person to commit any of the aforesaid acts;

unless he does so in the performance of a lawful right or duty or with the prior consent of an Authorized Officer in accordance with the provisions of any law: Provided that nothing contained herein shall prevent the owner or occupier of the premises from planting and maintaining grass and plants on that portion of the verge of the street which abuts on such premises so long as the lawful passage of the vehicular and pedestrian traffic and the lawful parking of vehicles is not thereby obstructed and the grass and plants are properly maintained and do not give rise to a nuisance.

- (2) Any person who is convicted of an offence under subsection (1) shall pay to the Council the cost of remedying any loss or damage suffered by the Council as a result of the commission of that offence and the cost of the removal and the disposal of any material, object or structure involved in the commission of the



offence and for this purpose the provisions of Section 2.3.2 shall apply.

(3) The Authorized Officer referred to in subsection (1) -

- (a) may require an applicant to furnish information in support of the application and a deposit or security for the cost of removal of the things to which the application relates and the repairs of any damage caused thereby;
  - (b) may impose such conditions or restrictions as he deems necessary or desirable;
  - (c) shall refuse consent if he is of the opinion that the act to which the application relates will or may be unlawful or will or may cause offence to any person or to a section of the community.
- (1) If the thing is not removed in compliance with a condition imposed in terms of subsection (3) or should such removal result in any damage to the property, the cost of such removal or of the repair of the damage shall be recoverable by the Council as a civil debt from the person to whom consent was given to the extent that any deposit or security furnished in terms of subsection (3)(a) proves inadequate.

## **CHAPTER 5**

### **NUISANCES: GENERAL**

#### **Offences**

5.1.1 A person commits an offence if in a street or public place or on any premises he by act or omission causes or creates a nuisance or allows a nuisance to arise or exist in circumstances which are under his control: Provided the foregoing shall not apply to the extent that a person acts lawfully in the exercise of a right or in the performance of a duty.

### **NUISANCES: IN STREETS AND PUBLIC PLACES**

5.2.1 A person commits an offence if in a street or public place he-

- (a) plays any game or indulges in any pastime such as but not limited to the use of roller skates, roller blades or roller balls, in a manner leading to the danger or annoyance of inhabitants or pedestrians;
- (b) exposes, hangs up or lays out to dry any article of clothing or other object.

### **NUISANCES ON PREMISES**

#### **Burglar alarms**

- 5.3.1. (1) The occupier of premises in which the burglar alarm system has been installed shall be guilty of an offence if it continues to sound either continuously or intermittently for more than ten minutes after it has been activated by any causes whatsoever, and such a system shall be deemed to be sounding intermittently for the purposes of this subsection so long as it continues to sound at any interval without the intervention of a new cause; Provided that it shall be a good defense to a charge of contravening this subsection to prove that he was absent from the premises, or that an automatic cut-off mechanism fitted to such a system has failed to operate for reasons beyond the control of the occupier and without negligence on his part.
- (2) When a burglar alarm system has been installed in any premises the occupier of the premises shall, unless a mechanism referred to in the provision of subsection (1) has been fitted, either erect and maintain at the main entrance to the premises a notice specifying the names and telephone numbers of persons who have access to the premises at all times for the purpose of deactivating the system or shall arrange for an automatic response to an alarm to operate at all times.

#### **Air-conditioning appliances**

- 5.3.2 The owner or occupier of a portion of a building who has installed therein or who maintains and operates an air-conditioning appliance shall ensure that such appliance is so installed, maintained and operated as to preclude-
- (a) the generation of noise, smell or vibration which constitutes a nuisance to the public, including any other occupier of that building and any premises in the neighbourhood;
  - (b) the discharge or generation of condensation onto a street or public place so as to be a source of danger or nuisance to the public.

#### **Nuisances arising from the uses of premises**

- 5.3.3 (1) No occupier of premises shall-
- (a) use them for a purpose;
  - (b) cause, allow or permit their use for a purpose;
  - (c) organize or allow or permit an activity, event or function therein save for birthday, engagement, wedding or similar one-off celebrations, which is contrary to the Town Planning Scheme Clauses and, or which by its nature or otherwise or by reason of its consequences creates or is likely to create a **nuisance, disturbing noise or noise level;**

Provided that nothing herein stated shall prevent the owner or legal occupier of any premises, including those used for residential purposes, from engaging in the following activities:-

- (1) any authorized building or contract work undertaken by himself or on his behalf:
- (2) participating in any hobby or activity involving any item owned or used by him which may require the use of electrical appliances such as an angle grinder, sanding machine and the like provided that the use of such appliance does not cause interference to the television reception to any household or other premises in the neighborhood, that every precaution possible is taken to minimize noise there from and the duration of use thereof and that such activity is not for or related to any business conducted from the premises or elsewhere;

Provided further that such building or contract work and the use of electrical appliances for such hobby or activity is confined to the hours of 08:00 to 18:00.

***Provided further that no nuisance, or disturbing noise, shall be permitted to continue in use on any private premises after the following times:***

- ❑ ***Sundays to Thursdays inclusive- 22:00; and***
- ❑ ***Fridays and Saturdays- 00:00(Midnight)***

- (2) Notwithstanding the provision of sub-bylaw (1) paragraph 2 above, whenever an Authorized officer is of the opinion that the person engaged in a hobby or actively is misusing the freedom given him in terms of the paragraph or is of the opinion that a contravention of subsection (1) is being committed he may instruct the occupier of the premises or any person responsible for or participating in the use, activity or function to take such steps as he specifies to abate the nuisance or to avoid the creation of a nuisance or, if this can only be achieved by the cessation of the use, activity, event or function, to bring it to an end forthwith or within a time prescribed by him. Should the owner or person responsible for or participating in the use, activity, event or function fail to abide by any notice or instruction given by an Authorized Officer, such officer may, provided he has witnessed the nuisance and failure to abide first hand, issue a notification in terms of section 341 of the Criminal Procedures Act, 1977 (Act No. 51 of 1977) upon the owner, occupier or person responsible.

**Lighting of fires**

- 5.3.4 (1) No person shall on any premises light a fire for the purpose of or burn or attempt to burn any rubbish or refuse or any grass or any other vegetation without taking adequate precautions to prevent the uncontrolled spread of fire or the creation of a nuisance, whether as a result of the production of ash, flames, fumes, heat, smoke, or otherwise.
- (2) Should any person persist with the burning of any matter without taking any effective precautionary measures as described in sub-bylaw (1) above and where such burning is the subject of complaints being lodged with the Council, the Council, through its Authorized Officer shall be entitled to enter upon the property on which the burning is taking place in order to extinguish the fire and to charge the person concerned with an offence.

**Disposal of carcasses**

- 5.3.5 (1) No person shall bury or place any carcass or part of a carcass in an inadmissible place, or permit any carcass, dead thing or any decomposable or offensive material or thing which is his property or is under his care or control to be placed on his premises or elsewhere or to remain thereon so as to cause a nuisance;
- (2) In the event of any person not being able to dispose of any offensive matter or thing, or bury any carcass, he shall arrange with the Council to do so at the prescribed fee.

**Removal of weeds, undergrowth and bush**

- 5.3.6 (1) No person shall permit any rank grass, undergrowth or bush, declared weeds or invader plants as listed in the Contravention of Agriculture Recourses Act, 1983 (Act No. 43 of 1983), to grow upon any premises or vacant land occupied by him. Any person shall, when served with a notice signed by the Municipal Manager or other Authorized Officer, requiring him to do so, destroy or cut down and remove or cause to be removed any such rank grass, undergrowth or bush, declared weeds or invader plants within a time to be stated in such notice and in a method as stated in the Conservation of Agricultural Recourses Act, 1983 (Act No.43 of 1983)
- (2) If such owner or occupier fails to comply with such written notice he shall be guilty of a breach of this bylaw and, in addition the said Council shall take such steps as it may deem necessary to carry out on behalf of the said owner or occupier, the requirements of the said notice and may recover the cost

thereof from the said owner or occupier in accordance with the Councils tariff of charges.

### **Control of mosquitoes, flies, rats and vectors**

- 5.3.7 (1) It shall be the duty of every occupier or, in the case of premises used in common by a number of occupiers, the owner of the premises, to prevent mosquitoes, flies, rodents or other vermin from developing or being harbored thereon and any such occupier or owner who fails to comply with the provisions hereof shall be deemed to have contravened this bylaw.
- (2) The occupier or owner of premises shall, on being served with a notice signed by the Authorised Officer, carry out such measures as may be specified therein for the removal of conditions favorable to the prevalence or multiplication of mosquitoes, flies, rodents or other vermin, or their harboring within the time to be specified in the notice.
- (3) If the occupier or owner refuses to carry out the measures specified in the notice under this bylaw or fail to do so within the time specified, the Authorised Officer may arrange for such measures to be carried out and the cost incurred in so doing shall be recoverable by the Council from the person upon whom the notice is served at a charge specified in the Council's Tariff of Charges.

## **CHAPTER 6**

### **Offences, Penalties and Presumptions**

#### **Presumptions**

- 6.1 (1) When an employee of a person in the course of his employment performs any act or is guilty of an omission which constitutes an offence under these bylaws, the employer shall also be deemed to have performed the act or to be guilty of the omission and he shall be liable on conviction to the penalties mentioned in section 6.2 unless he proves to the satisfaction of the Court that -
- (a) in performing the act of being guilty of the omission the employee was acting without his knowledge or permission;
- (b) all reasonable steps were taken by him to prevent the act or omission in question;
- (c) it was not within the scope of the authority or the course of the employee to perform an act of this kind in question

#### **Offences and Penalties and Appeals**

- 6.2 (1) The provisions of the council's bylaws relating to Offences, Penalties and Appeals shall apply mutatis mutandis to these bylaws.

### **Nondiscrimination**

- 6.3 (1) Subject to the provision of subsection (2) hereof, no provisions of these bylaws shall be applied so as to discriminate between persons on the grounds of race, religion, or gender nor shall it be so construed as to have the effect of authorizing such discrimination.
- (2) Notwithstanding the provisions of subsection (1) hereof, discrimination on the grounds of gender may expressly be authorized in terms of any provision of these Bylaws which prescribes the wearing of appropriate apparel in a public place or imposes a restriction upon the entry of a person into any public ablution,

### **Repeal of Bylaws / Regulations**

- 6.4 (1) Part RX Nuisances Regulations of the Development and Service Board in so far as they applied to the under mentioned area will no longer apply as from the date of publication of these bylaws:-  
Part RX – Regulated Area: Stuartsville

## PROVINCIAL NOTICE 39 OF 2016

## UBUHLEBEZWE MUNICIPALITY

**BYLAWS RELATING TO THE ESTABLISHMENT  
AND CONTROL OF RECREATIONAL FACILITIES**

1 <sup>ST</sup> DRAFT DATE	30 <sup>th</sup> June 2014
2 <sup>ND</sup> DRAFT DATE	
ADOPTION BY COUNCIL	
PROMULGATION DATE	



**The Municipal Council for Ubuhlebezwe has adopted the following bylaws at its meeting held on                                 in terms of section 156(2) of the Constitution of the Republic of South Africa (Act No. 108 of 1996) read with section 31(2) of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998) and hereby publishes the subjoined bylaws in terms of section 13(a) the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) to come into effect on the date of publication hereof in the Provincial Gazette.**

**Municipal Manager**

**UBUHLEBEZWE MUNICIPALITY**

## BYLAWS RELATING TO THE ESTABLISHMENT AND CONTROL OF RECREATIONAL FACILITIES

## Definitions

- 1.** In these Bylaws unless the context otherwise indicates –

**“area”** means the area under the jurisdiction of the Ubuhlebezwe Municipality;

**“camp” or “camping”** means the erection or use of temporary structures intended for temporary human occupation for dwelling or sleeping purposes and includes the erection or use of tents intended for such purposes, or the use of a vehicle for habitation and sleeping purposes whether such vehicle is designed or adapted for such purposes or not, but excludes the parking or use of caravans and mobile homes;

**“camper’s permit”** shall mean a permit, approved by the Council, enabling a person, or party of persons, to camp upon any property, other than a licensed tent camp, for a period of 21 days or less in any consecutive period of six months;

**“caravan park”** means an area of land provided with adequate ablution and sanitary facilities with or without a communal kitchen, constructed with permanent materials arranged for the accommodation of caravans which are used primarily as holiday units and provided also with permanent water points, approved refuse receptacles and containing within the curtilage a sufficient open space for recreational purposes, and may also include one dwelling unit for the caretaker or manager’s use;

**“caravanner’s permit”** shall mean a permit, approved by the Council, enabling a person or party of persons, to use a caravan on any property, other than a licensed caravan park, for a period of 21 days or less in any consecutive period of six months;

**“caravan”** means any vehicle or similar portable or movable or towable structure having no foundation other than wheels or jacks and so designed or constructed as to permit human occupation for dwelling or sleeping purposes, and includes, without limiting the definition, a trailer;

**“Council”** means the Ubuhlebezwe Municipality or its successors in title, and includes the council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Executive Committee has delegated any powers and duties with regard to these bylaws;



**“licence”** means the authorisation issued in terms of Bylaw 10 but shall not include a licence required or prescribed under any other law; **“licensed”** and **“licensee”** shall bear corresponding meanings;

**“Municipal Manager”** means the person from time to time holding the said appointment or acting in such capacity or any employee of the Council duly authorised to act on his behalf;

**“owner”** shall include any lessee, occupier or other person having control or the right to dispose of the occupation of any piece of land;

**“picnic place”** means an area of land used, or intended for use for picnic purposes;

**“recreational facilities”** for the purposes of these bylaws means a caravan park, tent camp or picnic place;

**“stand”** means the area allotted to any caravanner or camping party or picnicking party;

**“tent camp”** means any area of land designed, laid out, used or intended for the accommodation thereon of two or more tents affixed to the soil or to trailers designed for that purpose for the accommodation of persons for holiday purposes;

### **Permission Required for all Recreational Facilities**

- 2.1** No person or party of persons shall camp anywhere within the area, except by virtue of a permit issued under Bylaw 3 or in a tent camp approved in terms of these Bylaws.
- 2.2**
- a)** No person shall camp in a licensed caravan park; provided, however, that a person may with the permission of the Council and the licensee camp in a licensed caravan park if the camping equipment to be used is of a standard or type approved of by the licensee and the Council; provided further that camping shall only be allowed on stands specifically set aside in accordance with the requirement set out in Bylaw 7 or where no provision has been so made for separate camping stands, on the stands demarcated for use by caravans. In no case shall camping be allowed in the open spaces which are required for the purposes of a licensed caravan park in terms of Bylaw 8.
  - b)** In allowing camping in a licensed caravan park in accordance with this bylaw it shall be the duty of the licensee and the Council to ensure that existing ablution and sanitation facilities are sufficient for the purposes of accommodating such campers.
  - c)** No person shall camp in a picnic place except where separate areas are set aside for this purpose.

### **Application and Fee for Camper's or Caravanner's Permit**

- 3.1** Any person or party of persons desirous of camping or using a caravan anywhere in the area upon ground other than an approved tent camp or caravan park shall submit to the Municipal Manager an application in writing on Form A of these Bylaws, which application shall be accompanied by the fee prescribed in the Council's Tariff of Charges.
- 3.2** The Municipal Manger shall issue such permit if the Council is satisfied that there are available for the use of campers or caravanners either on the ground in question or adjoining premises, sufficient suitable sanitary accommodation and refuse disposal facilities; and that such camping or use of a caravan is not likely to give rise to a nuisance or danger to health or to be a source of annoyance to the neighbourhood.
- 3.3** No permit shall be granted for a period in excess of 21 days in any unbroken period of six months.

#### **Application for Permission to Establish Recreational Facilities**

- 4.1** Subject to the provisions of Bylaw 3, every person desirous of obtaining the approval to the establishment of any recreational facilities referred to in these Bylaws shall make application to the Municipal Manager in accordance with the National Environment Management Act, 1998 (Act No. 107 of 1998) and the Council's Environment Conservation and Management Bylaws, and submit therewith, in addition to the requirements contained therein, the application Form B of these bylaws, the fee prescribed in the Council's Tariff of Charges and plans in triplicate, as required below:-
- a)** A detailed plan, to a scale of not less than 1 : 200, showing -
- (i) the full extent of the property, land, subdivisions, upon which the recreational facility is to be established;
  - (ii) any existing buildings upon the property, their proposed use and details of construction;
  - (iii) 2m contours of the land comprising the recreational facility;
  - (iv) any servitudes and building line restrictions; and
  - (v) the proposed layout and landscaping of the recreational facility with all amenity buildings, access roads and paths, drainage, lighting and water supply points, in compliance with at least the minimum requirements of these Bylaws.
- b)** A site plan to a scale of not less than 1 : 500 showing –
- (i) the property and all existing and proposed buildings and outhouses thereon;
  - (ii) all adjoining properties, with their designations, showing all buildings and outhouses thereon;
  - (iii) all adjoining streets and rights-of-way; and
  - (iv) the North point.

- 4.2** Within three days from the date of lodging the application with the Municipal Manager, the applicant shall, at his own expense, publish once in one or more daily newspapers circulating in the area, a notice as in Form C of these Bylaws. At the same time he shall cause a copy of the notice to be exhibited on the site of the proposed recreational facility and maintain it in a clear and legible condition in a position readily visible from any public road or thoroughfare abutting the property for the period of fourteen days referred to in the notice.
- 4.3**
- a)** Any objections to an application shall be lodged in writing, in duplicate, with the Municipal Manager within 14 days from the date of publication of the application.
  - b)** All such objections shall state clearly the nature and grounds thereof and be signed by the objector or his authorised agent.
  - c)** The Municipal Manager shall immediately send one copy of such objections to the applicant.

### **Consideration of Application by Council**

- 5.1** Within 28 days after the final date for lodgement of objections, the Municipal Manager shall lay before the Council the application, together with any objections which may have been duly lodged.
- 5.2** After carrying out any inspection or hearing any evidence which it may deem necessary, the Council shall -
- a)** if it is satisfied that the recreational facility and the amenity buildings or structures to be provided thereon comply with or will, when completed in accordance with the plans submitted, comply with the requirements of these Bylaws and with the National Building Regulations, Sanitation and other Bylaws of the Council, and
  - b)** if in its opinion the establishment of a recreational facility in the locality proposed will not be a source of annoyance to the inhabitants of or depreciate the value of the surrounding properties,
  - c)** approve the plans and authorise the applicant to proceed with the erection and construction of the proposed buildings and other amenities.

### **Approval of Application**

- 6.** The Council shall consider any such plans and application following full compliance with the provisions of the National Environmental Management Act, 1998 (Act No. 107 of 1998) and the Council's Bylaws Relating to Environmental Conservation and Management. The Council may refuse any application if it is not satisfied that the relevant minimum requirements set out in these Bylaws have been complied with.

### **Tent Camps: Minimum Requirements**

- 7.1** The following shall be the minimum requirements subject to which a tent camp may be established, and shall, if licensed, be conducted and maintained:-

- a) Stands shall be provided in a proportion of not more than 50 stands per usable hectare, inclusive of paths, ablution areas, amenity buildings and structures, car parks, and the like, but exclusive of land set aside in terms of paragraph (c) hereof, and the stands shall be so arranged that no buildings, structures or tents erected or placed in any tent camp shall be within 4m of the boundaries of the tent camp.
- b)
  - (i) No stand allocated to any camper and his party shall be of lesser area than 120m<sup>2</sup> and its minimum width 10m.
  - (ii) No single stand shall be occupied by more than eight persons.
- c) No buildings, structures, tents or caravans erected or placed in any tent camp shall be within 10m of any dwelling house or residential building. Should there be a dwelling-house or residential building on the property, such dwelling-house or residential building shall be built on a stand measuring a minimum of 550m<sup>2</sup> which has been set aside exclusively for such dwelling-house or residential building and on which no person shall camp.
- d) If required by the Council, every tent camp shall be provided with open space for recreational purposes in the maximum proportion of 2 500m<sup>2</sup> for every fifty stands where adequate public open space is not within reasonable distance of the tent camp; provided that no such space shall consist of -
  - (i) marshlands or land (other than a swimming pool) lying under water; or
  - (ii) land which in the opinion of the Council is so steep or rocky as to be dangerous or suitable only for climbing purposes.
- e) One permanent water point providing a sufficient supply of potable water shall be provided in a convenient position for every 8 stands. Stand pipes shall be provided with a standard gulley with a gulley trap grating and pipe connection to a soakpit for the disposal of waste water, to the satisfaction of the Council.
- f) There shall be provided a water supply which, after passing through the reticulation system -
  - (i) has a yield of at least 250 litres per stand per day,; provided that where flush sanitation is provided the yield shall be at least 400 litres per stand per day;
  - (ii) exerts a pressure at any stand pipe sufficient to supply 15 litres in a minute; and
  - (iii) supplies water which in the opinion of the Council is fit for human consumption.
- g) The water supply and reticulation system shall be approved by the Council as complying with the requirements of paragraph (f).
- h)
  - (i) Separate sanitary conveniences shall be provided for the different sexes in the ratio of one closet for every seven (7) stands subject to a minimum of two (2) closets for women and one (1) closet for men.
  - (ii) Such sanitary conveniences shall be provided in accordance with the requirements of the National Building Regulations;

- (iii) In the case of males the number of closets to be provided in subparagraph (i) may be modified by the substitution of urinals for closets to the following extent :-

Less than three closets, no modification; three or more closets, one urinal in every four closets (where a calculation results in a fraction, the number of urinals will be to the nearest whole number with a half fraction counting as the preceding lowest whole number).

- (iv) Every sanitary block or portion thereof provided for the separate sexes in terms of subparagraph (i) shall include at least one wash-hand basin.
- i) Separate showers or bathrooms as well as wash-hand basins, properly screened from the public view shall be provided for the different sexes in the ratio of one (1) shower or bathroom for each sex for every seven (7) stands or part thereof and one (1) wash-hand basin for every seven (7) stands or part thereof.
- j) A working hot water system shall be provided and kept working whenever there are occupants in the tent camp.
- k) For every 25 stands, or part thereof in the event of the tent camp having less than 25 stands, there shall be provided a laundry area for the washing and ironing of clothes, such laundry area being provided with -
- (i) a laundry building having a floor area not less than 10m<sup>2</sup> and provided with a minimum of -
- (a) one permanent water stand pipe;
- (b) two deep laundry sinks fitted with hot and cold water and a drain board and connected to the drainage system in accordance with the Council's bylaws;
- (c) two tables or boards for ironing purposes;
- (d) two power plug points for electric irons;
- (ii) a suitably screened drying yard provided with clothes lines adequate for the number of tents served but providing a minimum space of 2,5m<sup>2</sup> per tent; provided that this requirement shall not apply when electric tumble drying facilities are provided in the ratio of one (1) 3kg drier for every 25 stands.
- l) Fly-proof, portable refuse bins of circular shape and capacity not exceeding 60 litres, with handles and close-fitting covers shall be provided in a convenient position for every two tent camp stands and the licensee shall arrange for the daily clearance of such bins. The refuse bins shall be kept in a good state of repair and shall be emptied, cleaned and disinfected daily.
- m) Drains capable of carrying off and disposing of all stormwater, and French drains or soakpits for the disposal of waste water where there is no connection to a sewerage system of the Council shall be provided to the satisfaction of the Council.

- n) Fire buckets filled with water and with sand or other suitable fire-fighting appliances as may be approved by the Council shall be placed at convenient points throughout the ground, which shall, in the case of buckets, be kept full, and in the case of appliances, be kept maintained in proper working condition at all times.
- o) Roadways and paths and also all latrines and buildings containing public or communal toilets or showers and washing points shall be adequately lighted for traffic and safety purposes between sunset and sunrise.
- p) Where employees of campers or the licensee are permitted to stay in the tent camp, adequate accommodation and sanitation and ablution facilities shall be provided for such employees of each sex in a position approved by the Council. Accommodation shall so be provided in the ratio of 5m<sup>2</sup> per person. Sanitary conveniences shall be provided in the ratio of one (1) closet for every sixteen (16) persons of each sex. Separate showers or bathrooms and wash-hand basins shall be provided in the ratio of one (1) to every twenty (20) persons of each sex.
- q) Any cooking within the caravan park shall be conducted in a clean and sanitary manner so as not to give rise to excessive smoke or other nuisance or danger to health, and all cooking places, utensils, crockery and the like, provided by the licensee shall at all times be maintained in a clean condition. For this purpose adequate sinks of materials and pattern approved by the Council with hot water laid on, shall be provided.
- r) The tent camp shall be properly and attractively laid out and landscaped and it shall be a condition of approval that the design shall be approved by the Council and thereafter adhered to by the licensee.
- s) Roadways of at least 4m in width shall be laid out and hardened to provide adequate all-weather vehicular access to all stands; provided that where a one-way traffic system is practiced such roadways may be laid out at a minimum width of 3m. Such roadways shall give clear and unobstructed access to a public street.
- t) The position and details of access to the tent camp shall be subject to approval by the Council in respect of a local road, or the relevant Provincial Roads Department in respect of any District, Main or Provincial Road and access shall be had only in the positions and manner so approved.
- u) Pedestrian lanes shall be provided, where necessary, for the free access of campers to all amenities provided in the tent camp, and these lanes shall be demarcated and shall not encroach upon any camping stand.
- v) Where no nightwatchman or security guard is provided, a security fence, as approved by Council, shall be provided to enclose the whole area of every tent camp.
- w) A tent camp supervisor appointed by the licensee shall be in attendance whenever there are occupants in the tent camp.
- x) Only tents, which are in a good state of repair and of good external appearance, shall be permitted in any tent camp.
- y) It shall be the duty of the licensee or other person responsible for the conduct of the tent camp to refuse accommodation to any users of an unsightly tent.

**Caravan Parks: Minimum Requirements**

**8.1** The following shall be the minimum requirements subject to which a caravan park may be established and shall, if licensed, be conducted and maintained :-

- a)** Caravan stands shall be provided in a proportion of not more than 45 stands per usable hectare, inclusive of paths, ablution areas, amenity buildings and structures, car parks, and the like, but exclusive of land set aside in terms of paragraph (c) hereof, and the caravan stands shall be so arranged that there is in every case a space of at least 4m between any caravan and the boundaries of the caravan park.
- b)**
  - (i)** No caravan stand shall be of lesser area than 120m<sup>2</sup> and its minimum width 10m; provided that this requirement shall not apply to caravan stands in existence in caravan parks prior to the date of adoption of these bylaws by the Council.
  - (ii)** No single caravan stand shall be occupied by more than eight persons.
- c)** No buildings, structures, tents or caravans erected or placed in any caravan park shall be within 10m of any dwelling-house or residential building; should there be a dwelling-house or residential building on the property, such dwelling-house or residential building shall be built on a stand measuring a minimum of 550m<sup>2</sup> which has been set exclusively for such dwelling-house or residential building and on which no person shall camp.
- d)** If required by the Council, every caravan park shall be provided with open space for recreational purposes in the maximum proportion of 2 500m<sup>2</sup> for every forty-five stands where adequate public open space is not within reasonable distance of the caravan park, provided that no such space shall consist of:
  - (i)** marshlands or land (other than a swimming pool) lying under water; or
  - (ii)** land which in the opinion of the Council is so steep or rocky as to be dangerous or suitable only for climbing purposes.
- e)** One permanent water point providing a sufficient supply of potable water shall be provided in a convenient position for every 4 caravans stands. Stand pipes shall be provided with a standard gulley with a gulley trap grating and pipe connection to a soak-pit for the disposal of waste water, to the satisfaction of the Council.
- f)** There shall be provided a water supply which, after passing through the reticulation system –
  - (i)** has a yield of at least 350 litres per stand per day, provided that where flush sanitation is provided the yield shall be at least 500 litres per stand per day;
  - (ii)** exerts a pressure at any stand pipe sufficient to supply 15 litres in a minute; and
  - (iii)** supplies water which in the opinion of the Council is fit for human consumption.
- g)** The water supply and reticulation system shall be approved by the Council as complying with the requirements of paragraph (f).



- h)** (i) Separate sanitary conveniences shall be provided for the different sexes in the ratio of one closet for each sex for every seven (7) stands subject to a minimum of two (2) closets for women and one (1) closet for men.
- (ii) Such sanitary conveniences shall be provided in accordance with the requirements of the National Building Regulations.
- (iii) In the case of males the number of closets to be provided in sub-paragraph (i) may be modified by the substitution of urinals for closets to the following extent:
- Less than three closets, no modifications; three or more closets, one urinal in every four closets (where a calculation results in a fraction, the number of urinals will be to the nearest whole number with a half fraction counting as the preceding lowest whole number).
- (iv) Every sanitary block or portion thereof provided for the separate sexes in terms of sub-paragraph (i) shall include at least one wash-hand basin.
- (v) A disposal point (for the cleaning of chemical closets) shall be provided, which shall consist of a bed-pan sink with hardwood pad on the front rim, 15 litres high level cistern, rod pull and guide, flush pipe and 15mm diameter chromiumplated jets with lever-handle valves. One such disposal point shall be provided for each caravan park, situated outside but under cover of the roof and accessible to both men and women.
- i)** Separate showers or bathrooms as well as wash-hand basins, properly screened from the public view shall be provided for the different sexes, in the ratio of one (1) shower or bathroom for each sex for every seven (7) caravan stands or part thereof and one (1) wash-hand basin for each sex for every seven (7) caravan stands or part thereof.
- j)** A working hot water system shall be provided and kept working whenever there are occupants in the caravan park.
- k)** For every 25 caravan stands or part thereof in the event of a caravan park having less than 25 stands, there shall be provided a laundry area for the washing and ironing of clothes, such laundry area being provided with -
- (i) a laundry building having a floor area not less than 10m<sup>2</sup> and provided with a minimum of -
- (a) one permanent water stand pipe;
- (b) two deep laundry sinks fitted with hot and cold water and a drain board and connected to the drainage system in accordance with the Council's bylaws;
- (c) two tables or boards for ironing purposes;
- (d) two power plug points for electric irons;



- (iii) a suitably screened drying yard provided with clothes lines adequate for the number of tents served but providing a minimum space of 2,5m<sup>2</sup> per tent; provided that this requirement shall not apply when electric tumble drying facilities are provided in the ratio of one (1) 3kg drier for every 25 stands.
- l)** Fly-proof, portable refuse bins of circular shape and capacity not exceeding 60 litres, with handles and close-fitting covers shall be provided in a convenient position for every two caravan stands and the licensee shall arrange for the daily clearance of such bins. The refuse bins shall be kept in a good state of repair and shall be emptied, cleaned and disinfected daily.
- m)** Drains capable of carrying off and disposing of all stormwater, and French drains or soakpits for the disposal of waste water where there is no connection to a sewerage system of the Council shall be provided to the satisfaction of the Council.
- n)** Fire buckets filled with water and with sand or other suitable fire-fighting appliances as may be approved by the Council shall be placed at convenient points throughout the caravan park, which shall, in the case of buckets, be kept full, and in the case of appliances, be kept maintained in proper working condition at all times.
- o)** Roadways and paths and also all latrines and buildings containing public or communal toilets or showers and washing points shall be adequately lighted for traffic and safety purposes between sunset and sunrise.
- p)** Where employees of campers or the licensee are permitted to stay in the caravan park, adequate accommodation and sanitation and ablution facilities shall be provided for such employees of each sex in a position approved by the Council. Accommodation shall so be provided in the ratio of 5m<sup>2</sup> per person. Sanitary conveniences shall be provided in the ratio of one (1) closet for every sixteen (16) persons of each sex. Separate showers or bathrooms and wash-hand basins shall be provided in the ratio of one (1) to every twenty (20) persons of each sex.
- q)** Any cooking within the tent camp shall be conducted in a clean and sanitary manner so as not to give rise to excessive smoke or other nuisance or danger to health, and all cooking places, utensils, crockery and the like, provided by the licensee shall at all times be maintained in a clean condition. For this purpose adequate sinks of materials and pattern approved by the Council with hot water laid on, shall be provided.
- r)** The caravan park shall be properly and attractively laid out and landscaped and it shall be a condition of approval that the design shall be approved by the Council and thereafter adhered to by the licensee.
- s)** Roadways of at least 5m in width shall be laid out and hardened to provide adequate all-weather vehicular access to all caravan stands; provided that where a one-way traffic system is practiced such roadways may be laid out at a minimum width of 3m. Every caravan stand shall have direct access to such a roadway and roadways shall give clear and unobstructed access to a public street.
- t)** The position and details of access to the caravan park shall be subject to approval by the Council in respect of a local road, and the relevant Provincial Roads Department in respect of a District, Main or Provincial Road and access shall be had only in the positions and manner so approved.

- u) Pedestrian lanes shall be provided, where necessary, for the free access of campers to all amenities provided in the caravan park, and these lanes shall be demarcated and shall not encroach upon any caravan stand.
- v) Where no nightwatchman or security guard is provided, a security fence, as approved by Council, shall be provided to enclose the whole area of every caravan park.
- w) A park supervisor appointed by the licensee shall be in attendance whenever there are occupants in the caravan park.
- x) Apart from buildings or structures and other amenities which form part of the caravan park, the caravans and the vehicles used for moving them, no structures, tent, shelter or other similar thing other than as provided for in Bylaw 2(2) shall be permitted in the caravan park, except only for the fabric side tents or awnings which are affixed to the caravans, or where separate areas are set aside for camping purposes.
- y) Only caravans which are in a good state of repair and of good external appearance shall be permitted into or remain in any caravan park.
- z) It shall be the duty of the licensee or other person responsible for the conduct of the caravan park to refuse admittance to any unsightly or dilapidated caravan.

**8.2** In the case of those caravan parks where an approved ablution unit containing at least a bath or shower, a hand-basin and a closet has been provided on each and every caravan stand for the exclusive use of the occupiers of the caravan stand, the provisions of bylaws 8.1 (h) (i), (ii), (iii), (iv) and (v) and 8.1 (i) shall not be applicable.

#### **Picnic Place: Minimum Requirements**

- 9.** The following shall be the minimum requirements subject to which a picnic place may be established, and shall, if licensed, be conducted and maintained :-
- a) No buildings, structures, tents or caravans erected or placed in any picnic place shall be within 10m of any dwelling-house or residential building. Should there be a dwelling-house or residential building on the property, such dwelling-house or residential building shall be built on a stand measuring a minimum of 550m<sup>2</sup> which has been set aside exclusively for such dwelling-house or residential building and on which no person shall picnic.
  - b) A supply of potable water shall be laid on at such points as are approved by the Council.
  - c) All water points, unless indicated otherwise, shall be provided with a concrete apron of not less than 1m<sup>2</sup> in size, complete with a 75mm high kerbing, dished with fall to gully trap, grating and pipe connection to soak-pit for the disposal of waste water, to the satisfaction of the Council.
  - d) (i) Separate sanitary conveniences shall be provided for picnickers and for the different sexes in such a portion or portions as to be accessible to all the occupants with reasonable convenience, on the scale of not less than one closet for every 25 persons or portion thereof permitted.

- (ii) Such sanitary conveniences shall be provided in accordance with the requirements of the National Building Regulations.
  - (iii) In the case of males the number of closets to be provided in sub-paragraph (i) may be modified by the substitution of urinals for closets to the following extent –

Less than three closets, no modifications; three or more closets, one urinal in every four closets (where a calculation results in a fraction, the number of urinals will be to the nearest whole number with a half fraction counting as the preceding lowest whole number).
  - (iv) Each sanitary block shall be provided with at least one wash-hand basin for the use of each sex.
- e) Fly-proof, portable refuse bins of circular shape and capacity not exceeding 60 litres, with handles and close-fitting covers shall be provided in a convenient position for every two picnic stands and the licensee shall arrange for the daily clearance of such bins. The refuse bins shall be kept in a good state of repair and shall be emptied, cleaned and disinfected daily.
  - f) Drains capable of carrying off and disposing of all stormwater, and French drains or soakpits for the disposal of waste water where there is no connection to the sewerage system of the Council shall be provided to the satisfaction of the Council.
  - g) Suitable roadways shall be laid out to provide adequate vehicular access to sites or parking areas. Such roadways shall give clear and unobstructed access to a public thoroughfare.
  - h) Adequate parking provision shall be made as required by the Council within the picnic place.
  - i) The position and details of access to the picnic place shall be subject to approval by the Council in respect of a local road or the relevant Provincial Department of Roads in respect of a District, Main or Provincial Road and access shall be had only in the positions and in the manner so approved.

## Issue of Licences

- 10.1** Upon the completion to the satisfaction of the Council of the buildings or structures and other amenities in accordance with the conditions subject to which the establishment of the tent camp, caravan park or picnic place on the land has been approved, and the provisions of Bylaws 7, 8 or 9 as the case may be, the Municipal Manager shall issue to the applicant, upon payment of the fee as prescribed in the councils tariff of charges, an authorization in the form of a licence in accordance with Form D to these bylaws approving the tent camp, caravan park or picnic place in accordance with the conditions of such licence and the provisions of these Bylaws.
- 10.2** A tent camp licence shall specify the maximum number of persons who may be accommodated in the tent camp, calculated on the basis prescribed in Bylaw 7.

- 10.3** A caravan park licence shall specify the maximum number of caravans which may be permitted in the caravan park at any one time, calculated on the basis prescribed in Bylaw 8.
- 10.4** A picnic place licence shall specify the maximum number of picnic stands which may be demarcated at any one time on the basis prescribed in Bylaw 9.

**Duties of Licensee of Tent Camp, Caravan Park or Picnic Place**

- 11.1** In a duly licensed tent camp, caravan park or picnic place the following provisions shall apply :-

- a)** All activities therein shall be carried out in a clean and tidy manner so as not to cause any annoyance to the inhabitants of or depreciate the value of neighbouring properties or give rise to any danger to health.
- b)** All buildings, drains, roads, water and sanitary fitments and other necessary amenities provided therein shall at all times be maintained in a clean, efficient and sanitary condition.
- c)** No vagrant or disorderly person shall loiter or harbour therein.
- d)** No more than the maximum number of persons, caravans or picnic parties permitted in terms of the licensee's licence shall be accommodated therein at any one time.
- e)**
  - (i)** No person shall camp or keep or be permitted to camp or keep a caravan in the same tent camp or caravan park, as the case may be, for a continuous period exceeding sixty (60) days. Should any person have camped or had a caravan in a tent camp or caravan park, as the case may be, for a continuous period exceeding seven(7) days, and have left, not less than five (5) days shall have elapsed before he may again camp or be permitted to camp in the same tent camp or keep or be permitted to keep a caravan in the same caravan park.
  - (ii)** Notwithstanding the provisions of sub-paragraph (i) the owner may, subject to the provisions of Bylaw 8 -
    - (a)** permit up to 20% of approved stands in any caravan park being set aside for the permanent siting of caravans for occupation whether on a permanent or a temporary basis, inclusive of any caravans permanently sited and occupied in any caravan park prior to the date of adoption of these bylaws; provided that –
      - (aa)** no other permanent or temporary structure shall be permitted on such stands other than any fabric side tent or awning or any porch or verandah which is affixed to the caravan, all of whose siting, design, appearance and materials of construction are to the satisfaction of the Council;
      - (bb)** such permanently sited caravans and additional structures as may be permitted by the Council in terms of provision (aa) above, together with the stand upon which they are sited are to be maintained in a clean and tidy condition;

- (cc) such stands shall be clearly identified and depicted on a drawing which shall be approved by the council which shall be to such scale as required by the council and indicate such further details as it may require;
    - (dd) within any stand, no part of any caravan or any additional structure referred to in proviso (bb) above shall be closer than 2m from the boundary of such stand and the total area covered by such a caravan and any such additional structures shall not exceed, as a ratio, one-third of the area of such stand; and
  - (b) permit the provision of a holding area in any caravan park for the storage of unoccupied caravans whose owners or occupiers have, in compliance with sub-paragraph (i), been obliged to vacate the park. Such holding area shall be maintained in a clean and tidy condition and caravans stored therein shall be parked in such a manner as to allow free passage between caravans for the purpose of periodic maintenance and for emergency(fire fighting) vehicles
- f) A suitable record shall be kept by every licensee of a caravan park to the satisfaction of the Council to ensure that the number of stands occupied by permanent residents does not exceed 20 percent of the total stands in any caravan park.
- g) No person shall introduce into or keep in or permit to be introduced into or kept in a caravan park any accommodation unit of the type commonly known as “Plettenberg” or any similar such unit which –
  - (i) is not a caravan; and
  - (ii) is designed or adapted to be semi-permanently or permanently sited at any place;
- h) No tent camp stand, caravan park stand or picnic place stand shall encroach upon any roadway provided for access purposes or upon any area subject to any building line restriction, or within 2m of any public or communal convenience, shower or bathroom or septic tank, and no person shall camp or be permitted to camp within the ground except upon a properly allocated camping stand.
- i) No caravan, tent or structure of any kind shall be located closer than 1m from the boundary of the stand upon which it is accommodated.
- j) Every tent camp, caravan park and picnic place shall have direct access to a roadway.
- k) No dogs or other domestic animals shall run at large within the tent camp, caravan park or picnic place, and the licensee may restrict or prohibit such animals.
- l) No poultry shall be kept within the tent camp, caravan park or picnic place.
- m) No washing shall be done or clothing hung out to dry except in places specially provided for this purpose.

- 11.2** It shall be the duty of the licensee in addition to any duties imposed upon him to ensure that the provisions of sub-bylaw (l) are duly observed.
- 11.3** The licensee or some competent person appointed by him, shall at all times be in charge of the tent camp, caravan park or picnic place and shall keep such records as the Council may deem necessary to ensure that camping therein is conducted in a proper and sanitary manner and that the requirements of these Bylaws are being duly observed.
- 11.4** The licensee shall ensure that policemen or watchmen are provided during any holiday season, as defined by the licensee and displayed prominently in the reception office, for the protection of property and to keep out loiterers unless he can show just cause as to why he should not have to comply herewith, in writing, to the satisfaction of the Council; provided that the licensee shall not be held responsible for the loss of any property belonging to a camper, caravanner or picnicker.

### **Recreational Facilities Subject to Inspection**

- 12.** Officials of the Council may enter the tent camp, caravan park or picnic place at all reasonable times for the purpose of ensuring that the conditions of the licence and provisions of these Bylaws are being complied with.

### **Cancellation of Licence**

- 13.** In the event of any of the requirements of these Bylaws or of any other condition of the licence not being complied with, the Municipal Manager shall, without prejudice to the Council's right to prosecute for a breach of these Bylaws give not less than seven days written notice to the owner to remedy the breach complained of. Should the owner fail to comply with such notice, the Council may revoke and cancel the licence issued under Bylaw 10 hereof.

### **Condition Applicable to Every Licence**

- 14.** It shall be a condition of every licence issued in terms of Bylaw 10 that at any time, being not earlier than five years after the granting of a licence in terms of Bylaw 10, should the Council be of opinion that the continued existence of such recreational facility has become unsightly, objectionable, or a source of annoyance to the inhabitants of or is depreciating the value of surrounding properties, it may, after giving one year's notice to the owner of its intention to do so, prohibit the further use of the ground for the purpose of such recreational facility, from a date to be specified in such notice, from which date the licence issued in terms of Bylaw 10 shall lapse and be of no effect; provided that the Council may upon appeal to it, stay the execution of a decision taken under this bylaw for such period as it may consider necessary to enable the owner to make such alterations or changes to the recreational facility as the Council may consider necessary to remove the need for prohibition.

### **Existing Recreational Facilities at Date of Promulgation of these Bylaws**

- 15.** The provisions of these Bylaws shall apply to recreational facilities in existence at the date of promulgation thereof; provided that owners of such recreational facilities shall be permitted a period of two years from the date of notice given by the Municipal Manager,

within which to carry out any constructional or any other work necessary to comply with the requirements of these Bylaws; and provided, further, that for the purpose of Bylaw 14 of these Bylaws the date of authorization of such recreational facility shall be deemed to be the date of promulgation of these Bylaws.

### **Failure to Comply with Bylaws an Offence**

16. Any person who contravenes or fails to comply with any provision of these Bylaws whether or not such contravention or failure is elsewhere in these Bylaws declared to be an offence, shall be guilty of an offence.

### **Erection of Permanent Buildings**

17. All permanent buildings or structures associated with the recreational facility, including any dwelling house or residential building, any office or administrative building, any latrine and ablution blocks or other similar buildings shall be constructed of sound approved materials and in accordance with the National Building Regulations. No material, which is damaged, decayed, unsanitary or infested with vermin, affected by dry rot or is likely to deteriorate rapidly shall be used in the construction of any such permanent building or structure. Designs, materials and methods of construction, which have received a favourable report from the Agreement Board of South Africa under and in terms of an Agrément Certificate issued by it or from the South African Bureau of Standards or the Council for Scientific and Industrial Research may be used in the construction of any such permanent building or structure.

### **Offences, Penalties and Appeals**

18. The provisions of the council's Bylaws Relating to Offences, Penalties and Appeals shall apply mutatis mutandis to these bylaws.



**FORM A****UBUHLEBEZWE MUNICIPALITY  
APPLICATION TO PARK A CARAVAN ON A PROPERTY WHICH IS NOT A  
CARAVAN PARK OR TENT CAMP****No. of permanent residents on the property .....**

.....

.....

**No. and type of sanitary accommodation existing .....**

.....

**No. of bathrooms/ showers on property .....**

.....

**Type of water supply on property .....****State number of campers to use property .....**

.....

**State period required by campers: From .....****To ..... Number of days .....****Further relevant remarks .....**

.....

.....

**Signature of Applicant**



**FOR OFFICIAL USE ONLY****Environmental Health Inspector's report** (if insufficient space, submit as an annexure).

.....

.....

.....

**Signature.****Date** .....**Approved / Rejected by Council on** (date) .....**Conditions of approval / reasons for rejection** (Attach as annexure, if insufficient space).

.....

.....

**Permit No.** ..... **Date** .....**FORM B**

**UBUHLEBEZWE MUNICIPALITY**  
**APPLICATION FOR AUTHORITY TO ESTABLISH A RECREATIONAL FACILITY**

**For Official Use****Application No.** .....**Date fee paid** .....**Receipt No.** .....**File reference** .....

**The Municipal Manager**  
**Ubuhlebezwe Municipality**

**Date:** .....**I** .....(full names) of

.....(Postal Address)

hereby apply for the Council's authority to establish a proposed tent camp/ caravan park/  
 picnic place on erf .....

.....(full title deed description)

and submit herewith the following :-

1.     **Size of property:** .....(ha/m<sup>2</sup>)
2.     **Zoning of property (if any):** .....
3.     **External road frontages:** .....(name these)

4. Approval from the controlling road authority to the access point/s to the recreation facility;
5. Number of proposed stands: .....
6. Minimum size of stands: .....
7. Number of toilets: .....
8. Number of urinals: .....
9. Number of laundry facilities: .....
10. Water supply: Borehole / Municipal / Service Provider
11. If borehole, quality test of water and type of treatment to be used .....  
.....
12. Yield of water supply in terms of bylaw 7 (f) .....
13. Number of standpipes for sites .....
14. Electricity supply : Municipal / Service Provider
15. Plug points to stands: Yes / No                      Amperage: 5 / 15
16. Width of internal roads .....(m)
17. Permit/ approval / exemption in terms of the National Environmental Management Act, 1998 (Act No. 107 of 1998) or Council's bylaws;
18. Plans in triplicate showing :-
  - (a) the property;
  - (b) the proposed layout, of the recreational facility including all buildings to be erected and their uses;
  - (c) the reticulation of water and electricity and the locality of all standpipes and the electricity points;
  - (d) the positions and width of all roads and the type of surface;
  - (e) access point/s to any road frontage to the property;
  - (f) details of all buildings to be erected in compliance with the National Building Regulations;

**I hereby confirm that the proposed recreational facility complies with the provisions of the council's Bylaws Relating to the Establishment and Control of Recreational Facilities.**

**In the event of the property not being zoned in terms of the Council's Town Planning Scheme in the course of preparation, I undertake to advertise my intention to establish this recreational facility in a newspaper having a circulation in the area in which the property is situated. To this end, the notice will appear in the ..... (name of newspaper) on the .....(date of publication) in English and Zulu and I undertake to furnish the Council with proof of publication.**

.....

**Signature of Applicant**

**FOR OFFICIAL USE ONLY**

**Application submitted to Council on:** .....

**Approved/ Rejected:** .....

**Conditions of Approval / Reasons for Rejection:** .....

.....

.....

.....

**Applicant advised in writing on:** .....

**Objectors advised in writing on:** .....

**FORM C**

**NOTICE OF APPLICATION TO ESTABLISH A RECREATIONAL FACILITY  
WITHIN THE AREA OF JURISDICTION OF THE UBUHLEBEZWE  
MUNICIPALITY**

Notice is hereby given that the undersigned has applied to the Ubuhlebezwe Municipality for the establishment by me of a tent camp/ caravan park/ picnic place on the property described as: (full title deed description)

.....  
.....

The tent camp/ caravan park/ picnic place will have frontage/access onto \_\_\_\_\_  
\_\_\_\_\_ Street/ Road, and  
is in the area known as \_\_\_\_\_

Plans and particulars have been lodged with the Municipal Manager and can be inspected in the office of the Building Inspector during normal office hours (08h00 to 16h30 Mondays to Fridays)

Any objections or representations to this application are to be submitted to the Municipal Manager, Ubuhlebezwe Municipality, P O Box 132, Ixopo, 3276 or delivered to the municipal offices at 29 Margaret Street, Ixopo, 3276 by no later than 16h30 on (date)\_\_\_\_\_

\_\_\_\_\_  
Date

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
( name & address of applicant)

#### FORM D

#### UBUHLEBEZWE MUNICIPALITY AUTHORITY TO ESTABLISH A RECREATIONAL FACILITY

I, \_\_\_\_\_, in my capacity as Municipal Manager of the Ubuhlebezwe Municipality, hereby certify that the provisions of the National Environmental Management Act, 1998 (Act No 107 of 1998) and regulations framed there-under, the Councils Bylaws Relating to the Establishment of Recreational Facilities, the National Building Regulations and the conditions of approval stipulated by the Council, have been complied with to the satisfaction of the Council in so far as the under-mentioned recreational facility is concerned:

Name of Applicant: \_\_\_\_\_

Name of Recreational Facility: \_\_\_\_\_

Type of Recreational Facility: \_\_\_\_\_

Full property description on which it is situated: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

This Recreational Facility is hereby licenced as such and the said applicant, Mr. \_\_\_\_\_, as licensee is hereby authorized to conduct and maintain the said recreational facility in accordance with the aforesaid provisions and conditions, the latter hereby being incorporated as conditions of this licence.

The maximum number of stands in the tent camp/ caravan park is \_\_\_\_\_ and the maximum number of persons to be accommodated at any one time is \_\_\_\_\_.

This licence is subject to cancellation for non-compliance with the conditions of the bylaws Relating to the Establishment of Recreational Facilities under the circumstances stated in bylaws 12 and is also subject to cancellation in terms of bylaw 15 of the said bylaws.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Municipal Manager

## PROVINCIAL NOTICE 40 OF 2016

**FIRE PREVENTION BYLAWS**

1 <sup>ST</sup> DRAFT DATE	30 <sup>TH</sup> June 2014
2 <sup>ND</sup> DRAFT DATE	
ADOPTION BY COUNCIL	
PROMULGATION DATE	

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## CHAPTER 1

### DEFINITIONS

#### Definitions

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

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

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

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

- (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;

(a) any wall, swimming pool, reservoir or bridge or any other structure connected therewith;

(b) any fuel pump or any tank used in connection therewith;

(c) any facilities or system, or part or portion thereof, within or outside or incidental to a building, for the provision of a water supply, drainage, sewerage, stormwater disposal, electricity supply or other similar service in respect of the building;

"bund wall" means a containment wall surrounding an above ground storage tank, constructed of an impervious material and designed to contain 100% of the contents of the tank;

"combustible material" means combustible refuse, combustible waste



or any other material capable of igniting;

"combustible refuse" means any combustible rubbish, litter or other material that has been discarded;

"combustible waste" means any combustible waste material which is salvageable, retained or collected for scrap or reprocessing;

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

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

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

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

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

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

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

"escape route plan" means a diagram indicating the floor layout, the occupant's current position and the route of travel to the nearest primary and secondary escape routes in the building, as well as the

action to be taken in the event of a fire or other threatening danger:

"Fire Brigade Services Act" means the Fire Brigade Services Act, 1987 (Act 99 of 1987);

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

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

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

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

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

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

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

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

"flammable gas" as contemplated in SABS 0228, means a gas that at 20 degrees centigrade and at a standard pressure of 101,3 kilopascals:

- (a) is ignitable when in a mixture of 13% or less (by volume) with air,  
or
- (b) has a flammable range with air of at least 12 percentage points,

regardless of the lower flammable limit;

"flammable liquid" means a liquid, or mixtures of liquids, or a liquid containing solids in solution or in suspension that give off a flammable vapour at or below 60,5 degrees centigrade;

"flammable solid" means a solid that is easily ignited by external sources, such as sparks and flames, solids that are readily combustible, solids that are liable to cause, or contribute to, a fire through friction or solids that are 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-law;

"Hazardous Substances Act" means the Hazardous Substances Act, 1973 (Act 15 of 1973);

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

- (a) "National Building Regulations (A2)" means the provisions regulating the submission of building plans and particulars to the Council;
- (b) "National Building Regulations (A20)" means the provisions regulating the classification and designation of occupancies;
- (c) "National Building Regulations (A21)" means the provisions regulating the population of a building;
- (d) "National Building Regulations (T1)" means the provisions regulating general requirements for fire protection of a building, and
- (e) "National Building Regulations (T2)" means the provisions regulating the offences for non-compliance with the National Building

Regulations (T1);

"National Road Traffic Act" means the National Road Traffic Act, 1996 (Act 93 of 1996);

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

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

"Occupational Health and Safety Act" means the Occupational Health and Safety Act, 1993 (Act 85 of 1993);

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

"owner" means:

- (a) in relation to premises, other than a building, either a natural or juristic person whose identity is determined by operation of law;
- (b) in relation to a building, either a natural or juristic person in whose name the land on which such building was or is erected or such land, as the case may be, is registered in the deeds office in question;
- (c) in relation to an installation, either a natural or juristic person in whose name a contract is entered into regarding approval, erection and maintenance of the installation; provided that such a person is not the owner mentioned in (b), and
- (d) in the event of the Council being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is entitled to the benefit of the use of such premises, building or installation or who enjoys such benefit;

"person in charge" means:

- (a) in relation to premises, either a natural or juristic person who is permanently or temporarily responsible for the management, or

utilisation of the premises;

(b) in relation to a building, either a natural or juristic person who is permanently or temporarily responsible for the management, maintenance or utilisation of the building;

(c) in relation to an installation, either a natural or juristic person who is permanently or temporarily responsible for the management or utilisation of the installation; provided that such a person is not the person mentioned in (a), and

(d) in the event of the Council being unable to determine the identity of a person mentioned in (a), (b) and (c), any person who is in the opinion of the Council deemed to be in charge of such premises, building or installation;

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

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

"Standards Act" means the Standards Act, 1993 (Act 29 of 1993);

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

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

"tank" means a container mounted permanently or temporarily on or embodied in a vehicle and so constructed to be suitable for the containment of flammable liquid or gas cargo;

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

"vehicle" means a vehicle as defined in the National Road Traffic Act.

and any reference to an SABS Code shall refer to the relevant Code published by the South African Bureau of Standards and issued in terms of the Standards Act.

## **CHAPTER 2**

### **FIRE PROTECTION OF BUILDINGS**

#### **Reporting a fire hazard and other threatening danger**

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

#### **Access for emergency vehicles**

3.(1) When, in the opinion of the Council, premises are not readily accessible from public roads it must be provided with emergency vehicle access which must -

- a) be constructed so that it is capable of supporting the mass of the heaviest emergency vehicle required to cater for the risk of the premises; and
- b) where the premises have a motorized or electronically operated gate, be equipped in such a manner that access to the premises can be gained without the use of a motor or electronic device.

(2) Fire lanes must be provided for all premises which are set back more than 45 metres from a public road or exceed nine metres in height and are set back over 15 metres from a public road.

(3) Fire lanes must be at least four metres in width, the position of which must be decided upon after consultation with the Council, and the area from ground level to a clearance height of four metres above the fire lane must remain unobstructed.

(4) A cul-de-sac that is more than 90 metres in length, must be provided with a minimum turning circle at the closed end of the road capable of accommodating the largest emergency vehicle which is required to cater for the risk of the premises.

(5) The design, marking, use and maintenance of fire lanes not forming part of a public road must comply with the requirements of the Council.

(6) It is unlawful for a person to park a vehicle in or otherwise obstruct a fire lane.

#### **Division and occupancy separating elements**

4. 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.

#### **Fire doors and assemblies**

5.(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 Council.

(3) A fire door and assembly may not be rendered less effective through:-

- (a) altering the integrity, insulation or stability of a particular class of door;
- (b) disconnecting the self-closing mechanism;
- (c) wedging, blocking or obstructing the door so that it cannot close;
- (d) painting the fusible link actuating mechanism of a door;
- (e) disconnecting or rendering less effective an electric or electronic release mechanism, or
- (f) any other action that renders a fire door or assembly less effective.

#### **Escape Routes**

6.(1) No part of a fire escape route shall be obstructed or rendered less effective in any way.

(2) A locking device, which is fitted to an access or escape door in an escape route, must be of a type approved by the Council.

(3) Where required by the Council, an escape route must be clearly indicated with signage, which complies with SABS 1186, indicating the direction of

travel in the event of fire or any other emergency.

## **CHAPTER 3**

### **FIRE SAFETY EQUIPMENT**

#### **Fire extinguishers**

7.(1) Fire extinguishers must be provided and installed on premises as required by the National Building Regulations (T1) and (T2).

(2) Fire extinguishers must be maintained in accordance with the requirements of the Occupational Health and Safety Regulations, SABS 1475: Part 1, SABS 1571, SABS 1573 and SABS 0105: Part I.

(3) No person may fill, recharge, recondition, modify, repair, inspect or test a fire extinguisher in terms of SABS 1475: Part I, unless such a person is the holder of a permit issued by the South African Bureau of Standards or a certificate of competence issued by the South African Qualifications Certification Committee.

(4) The owner or person in charge of the premises may not allow a fire extinguisher to be filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit or certificate mentioned in subsection (3).

(5) Where a fire extinguisher has been filled, recharged, reconditioned, modified, repaired, inspected or tested by a person not in possession of a permit mentioned in subsection (3), the Council 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 Council, a fire extinguisher is unsafe or ineffective either by reason of deterioration, design or construction, the Council 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.

### **Testing and maintenance of fire protection systems**

8.(1) A fire protection system must be tested and maintained on a regular basis and the owner or person in charge of the premises must keep a detailed record of the test and maintenance of the system.

(2) A person may not test a fire protection system before notifying the occupants of the premises concerned of the starting and completion times of the test, and where applicable, the parties who monitor the fire protection system.

(3) A fire protection system designed for detecting, fighting, controlling and extinguishing a fire must be maintained in accordance with the National Building Regulations (T2).

(4) A fire protection system may not be installed, dismantled, recharged, disconnected, serviced, modified, repaired or tested in any area where such action would create a danger or hazard.

(5) The owner or person in charge of the premises must immediately notify the Council when the fire protection system, or a component thereof, is rendered inoperable or taken out of service and must notify the Council as soon as the system is restored.

(6) The owner or person in charge of the premises must take all steps deemed necessary by the Council to provide alternate equipment to maintain the level of safety within the premises.

### **Interference with fire protection systems and fire extinguishers**

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

## **CHAPTER 4**

### **PUBLIC SAFETY**

#### **Attendance of a service**

10.(1) When the Council is of the opinion that a representatives of the fire brigade service are required to be in attendance during a function in a place used for entertainment or public assembly, the Council may provide, in the interest of public safety and subject to the exigencies of the service, one or more members, a vehicle or equipment of a service to be in attendance on the premises for the duration of the function or part thereof.

(2) Where the entertainment or public assembly is taking place on Council property, the costs of the attendance of the representatives of the fire brigade service shall be recoverable from the organizers

#### **Formulation of an emergency evacuation plan**

11.(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 Council 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 Council.

(7) The Council 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.

#### **Displaying of escape route plans**

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

#### **Barricading of vacant buildings**

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

### **CHAPTER 5**

#### **HOUSEKEEPING**

##### **Combustible waste and refuse**

14.(1) The owner or person in charge of the premises or a portion thereof must not allow combustible waste or refuse to accumulate in any area or in any manner so as to create a fire hazard or other threatening danger.

(2) Combustible waste and refuse must be properly stored or disposed of to prevent a fire hazard or other danger.

##### **Combustible or flammable substances and sweeping compounds**

15.(1) Only water-based solutions, detergents, floor sweeping compounds and grease absorbents must be used for cleaning purposes.

(2) The use of sawdust or similar combustible materials to soak up spilled combustible or flammable substances is prohibited.

**Accumulations in chimneys, flues and ducts**

16. 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.

**Sources of ignition**

17. (1) Smoking, the carrying of matches, the use of heating, flame-emitting devices or spark-producing equipment is prohibited in areas containing combustible or flammable substances.

(2) Hot ashes, cinders or smouldering coals must be placed in a non-combustible container and the container must be placed on a non-combustible surface or stand.

(3) An adequate distance, as deemed appropriate by the Council, must be ensured and maintained between combustible substances and heating or lighting equipment or other sources of ignition.

(4) Portable heaters must be secured so that they cannot be overturned and the Council 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.

**Smoking**

18. (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 Council and the signs must comply with SABS 1186: Part 1.

(2) No person may remove a "No Smoking" sign.

(3) No person may light or smoke a cigar, cigarette, pipe, tobacco or other substance or ignite or otherwise set fire to other material, nor hold, possess, throw or deposit any lighted or smouldering substance in any place where expressly prohibited.

(4) A person may not throw, put down or drop a burning match, burning

cigarette, or other burning material or any material capable of spontaneous combustion or self-ignition in a public road or public place.

### **Electrical fittings, equipment and appliances**

19. No person may cause or permit –

1. an electrical appliance or extension lead to be used in a manner which is likely to create a fire hazard or other threatening danger.

### **Flame-emitting device**

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

## **CHAPTER 6**

### **FIRE HAZARDS**

#### **Combustible material**

21.(1) A person may not store, transport, use or display or cause or permit to be stored, transported, used or displayed, whether inside or outside any premises, any combustible material or a flammable substance in quantities or in a position or in a manner likely to cause or create a fire hazard or other threatening danger.

(2) The owner or person in charge of any premises may not permit vegetation to grow or accumulate thereon, or other combustible material to accumulate thereon, in a manner likely to cause a fire hazard or other threatening danger.

#### **Lighting of fires and burning of combustible material**

22. (1) The lighting of fires and the disposal of combustible material by burning is prohibited, save in the circumstances set out in this section.

(2) A person may light a fire or use a flame-emitting device for the purpose of preparing food or for any other domestic purpose in a manner which will not cause a fire hazard or other threatening danger or where such a fire is not precluded by any other legislation.

(3) Burning may take place on State land, a farm, a small holding, or land within a proclaimed township that is not utilised for residential purposes provided that the prior approval is obtained from the Council.

## **CHAPTER 7**

### **FLAMMABLE SUBSTANCES**

#### **Storage and use of a flammable substance**

23.(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 Council, 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 Council.

(3) Notwithstanding subsection (2), the Council 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 Council must be notified at least 48 hours prior to the pressure test.

(5) The owner or person in charge of the premises may not store or use:

- (a) a flammable gas in excess of 19 kilogram, or
- (b) a flammable liquid of a danger group (i), (ii), (iii) or (iv) in excess of 200 litres, unless he or she has obtained a flammable substance certificate from the Council.

**Flammable substance certificate**

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

(2) The Council must refuse to issue the flammable substance certificate if the premises do not comply with the requirements of the National Building Regulations (T1) as well as additional requirements set out in this by-law, and where the Council is of the opinion that the non-compliance of the premises can be remedied, the Council must instruct the owner or person in charge of the premises in writing to take all reasonable steps to render the premises safe prior to usage of the premises and the issuing of the certificate.

(3) A flammable substance certificate must be renewed annually, on or before the date as indicated on the flammable substance certificate, and whenever the quantity or class of the flammable substance requires to be changed.

(4) Premises must be used in accordance with any conditions specified in the flammable substances certificate and when in the opinion of the Council, a flammable substance is stored or utilised for any process in a manner which is hazardous to life or property, or an installation is unauthorised, an order may be issued for the removal of the flammable substance or installation from the premises.

(5) A supplier may not supply flammable substances to the owner or person in charge of the premises, unless the owner or person in charge of the premises is in possession of a valid flammable substance certificate issued by the Council.

(6) A flammable substance certificate is valid only:

- (a) for the installation for which it was issued;
- (b) for the state of the premises at the time of issue, and
- (c) for the quantities stated on the certificate.

(7) The flammable substance certificate must be available on the premises for inspection at all times.

**Permanent or temporary above ground storage tank for a flammable liquid**

25(1) A temporary above ground storage tank other than that at a bulk storage depot is permitted, at the discretion of the Council, on the merit of the situation, provided that the following requirements are complied with:

- (a) if it has a capacity not exceeding 9 000 litres and is not used for the storage of flammable substances with a flash point below 40 degrees centigrade;
  - (b) to be on the premises for a period not exceeding six months;
  - (c) the entire installation must comply with SABS 0131: Part 1 or SABS 0131: Part 2 whichever is applicable, and
  - (d) written application together with a plan must be forwarded to the controlling authority at least 14 days prior to the erection of the tank and prior written permission must be obtained from the Council for the erection of the tank.
- (2) Notwithstanding section 28(1), if a larger capacity above ground storage tank is required or the tank is to be a permanent installation, an acceptable rational design based on a relevant national or international code or standard must be submitted to the Council for approval in terms of the National Building Regulations (T1).
- (3) The design requirements and construction of a permanent tank must be in accordance with relevant national or international recognised codes.
- (4) The rated capacity of a permanent or temporary tank must provide sufficient ullage to permit expansion of the product contained therein by reason of the rise in temperature during storage.
- (5) A permanent or temporary tank must be erected at least 3,5 metres from boundaries, buildings and other flammable substances or combustible materials.
- (6) A permanent or temporary tank must be located on firm level ground and the ground must be of adequate strength to support the mass of the tank and contents.



- (7) A permanent or temporary tank must have a bund wall.
- (8) Adequate precautions must be taken to prevent spillage during the filling of a tank.
- (9) Sufficient fire extinguishers, as determined by the Council, must be provided in weatherproof boxes in close proximity to a tank.
- (10) Symbolic safety signs depicting "No Smoking", "No Naked Lights" and "Danger" must be provided adjacent to a tank, and the signs must comply with SABS 1186: Part 1.
- (11) The flammable liquid in the tank must be clearly identified, using the Hazchem placards listed in SABS 0232: Part 1.
- (12) An electrical or an internal combustion-driven pump must be equipped and so positioned as to eliminate the danger of the flammable liquid being ignited.
- (13) The electrical installation associated with the above ground storage tank must comply with SABS 0108 and SABS 089: Part 2.

**Underground storage tank for a flammable liquid**

26. 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.

**Bulk storage depot for flammable substances**

27. 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.

**Small installations for liquefied petroleum gas**

28. 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.

**Liquid petroleum gas installation in mobile units and small non-permanent buildings**

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

**The fuelling of forklift trucks and other LP gas operated vehicles**

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

**The storage and filling of refillable liquid petroleum gas containers**

31. 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.

**Bulk storage vessel for liquid petroleum gas**

32. 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.

**Termination of the storage and use of flammable substances**

33.(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 Council 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 Council 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 Council to fill the tank with liquid cement slurry.

**Reporting accidents**

34. 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 Council.

**Flammable stores**

35.(1) The construction of a flammable store must be in accordance with the National Building Regulations (T1) read in conjunction with SABS 0400.

(2) The floor must be of concrete construction or other impermeable material and must be recessed below the door level or incorporate a sill.

(3) The recess or sill must be of such a depth or height that in the case of spillage it will be capable of containing the quantity of flammable liquid, as indicated on the flammable substance certificate and an additional 10% of the quantity mentioned on the certificate.

(4) Notwithstanding the National Building Regulations (T1) read in conjunction with SABS 0400:

(a) the roof assembly of a flammable store must be constructed of a concrete slab capable of providing a two-hour fire resistance when it forms part of another building;

(b) the ventilation of a flammable store must be achieved by the use of bricks located in the external walls at the ratio of one air brick nominally above the sill level and one air brick located in the top third of the wall per 5 m<sup>2</sup> 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 Council, the flammable store must be ventilated by a mechanical ventilation system approved by the Council and must comply with the following requirements:

(a) the ventilation system is to be intrinsically safe, provide 30 air changes

**CONTINUES ON PAGE 258 - PART 3**



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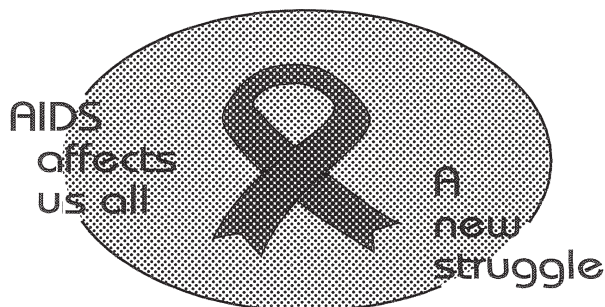
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per hour and must operate continuously;

(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 Council, 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, 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 Council, 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 Council has been notified in terms of the following procedure:

- (a) within seven days of the cessation, notify the Council 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 Council may call for additional requirements to improve the fire safety of a flammable store.

### **Container handling and storage**

36.(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 Council 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 Council, 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 m<sup>2</sup> 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 Council.

(8) An empty flammable liquid container must be securely closed with a bung or other suitable stopper.

### **Spray rooms and booths**

37. 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.

**Liquid petroleum gas containers**

38.(1) A liquid petroleum gas container must be manufactured, maintained and tested in accordance with SABS 087: Part 1 and SABS 019.

(2) A liquid petroleum gas container must be used and stored in such a manner as to prevent damage or leakage of liquid or vapour therefrom.

(3) A liquid petroleum gas container of a capacity not exceeding nine kilogram must be filled and stored in accordance with SABS 087: Part 7.

**CHAPTER 8****GENERAL PROVISIONS****Indemnity**

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

**Offences and penalties**

40. Any person who -

- (a) contravenes or fails to comply with any provisions of these by-laws;
- (b) fails to comply with any notice issued in terms of these by-laws;
- (c) fails to comply with any lawful instruction given in terms of these by-laws; or
- (d) obstructs or hinders any authorised official in the execution of his or her duties under these by-laws –

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R15 000 or imprisonment for a period not exceeding 6 months or both.

**Enforcement provisions**

41. Any authorized official of the Council may –

- (1) enter any premises at any reasonable time to inspect the premises for compliance with this by-law;
- (2) summarily abate any condition on any premises which is in violation of any provision of this by-law and which presents an immediate fire hazard or other threatening danger and to this end may-
  - (a) call for the immediate evacuation of the premises;
  - (b) order the closure of the premises until such time as the violation has been rectified;
  - (c) order the cessation of any activity, and
  - (d) order the removal of the immediate threat.

**Authority to investigate**

42. The Council has the authority to investigate the cause, origin and circumstances of any fire or other threatening danger.

**Failure to comply with provisions**

43.(1) When the Council finds that there is non-compliance with the provisions of this by-law a written notice must be issued and include the following:

- (a) confirmation of the findings;
  - (b) provisions of this by-law that are being contravened;
  - (c) the remedial action required, and
  - (d) set forth a time for compliance.
- (2) Nothing in this by-law prevents the Council or any authorized official from taking immediate action to take immediate corrective action in respect of any fire or other threatening danger found on any premises and to recover any costs incurred from the owner.

**Repeal of existing By-laws**

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

**Short title and commencement**

45. These by-laws shall be called the Fire Fighting By-laws, 200., and shall come into operation on .....

## PROVINCIAL NOTICE 41 OF 2016

## UBUHLEBEZWE MUNICIPALITY



## **CREDIT CONTROL AND DEBT COLLECTION** **BYLAWS**

<b>1<sup>ST</sup> DRAFT DATE</b>	<b>30<sup>th</sup> June 2014</b>
<b>2<sup>ND</sup> DRAFT DATE</b>	
<b>ADOPTION BY COUNCIL</b>	
<b>PROMULGATION DATE</b>	

The Ubuhlebezwe Municipal Council, acting under the authority of section 11, read in conjunction with section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), hereby publishes Credit Control and Debt Collection Bylaws.

## CREDIT CONTROL AND DEBT COLLECTION BYLAWS

### CHAPTER 1

#### 1. Definitions

For the purpose of these bylaws, any word or expression to which a meaning has been assigned in the Act shall bear the same meaning in these bylaws and unless the context indicates otherwise -

**“account”** means any account rendered for municipal services provided;

**“Act”** means the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), as amended from time to time;

**“actual consumption”** means the measured consumption of any consumer;

**“applicable charges”** means the rate, charge, tariff, flat rate, or subsidy determined by the municipal council;

**“average consumption”** means the average consumption of a consumer of a municipal service during a specific period, which consumption is calculated by dividing that consumer's total measured consumption of that municipal service over the preceding three months by three;

**“agreement”** means the contractual relationship between the municipality or its authorised agent and consumer, whether written or deemed;

**“area of supply”** means any area within the area of jurisdiction of the municipality to which a municipal service or municipal service or municipal services are provided;

**“arrears”** means any amount due, owing and payable by a consumer in respect of municipal services not paid on the due date;

**“authorised agent”** means

-

- (a) any person authorised by the Council to perform any act, function or duty in terms of, or exercise any power under these bylaws; and/or
- (b) any person to whom the Council has delegated the performance of certain rights, duties and obligations in respect of providing revenue services; and/or
- (c) any person appointed by the Council in terms of a written contract as a service provider to provide revenue services to consumers on its behalf to the extent authorised in such contract;

**“commercial consumer”** means a consumer other than household and indigent consumers, including without limitation, business, government and institutional consumers;

**“connection”** means the point at which a consumer gains access to municipal services;

**“council”** means the Ubuhlebezwe Municipality and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Council has delegated any powers and duties with regard to these bylaws;

**“consumer”** means a person with whom the municipality or its authorised agent has

concluded an agreement for the provision of municipal services;

**“defaulter”** means a consumer who owes arrears;

**“due date”** means the date on which the amount payable in respect of an account becomes due, owing and payable by the consumer, which date shall be not less than 14 days after the date of the account;

**“emergency situation”** means any situation that if allowed to continue poses a risk or potential risk to the financial viability or sustainability of the municipality or a specific municipal service;

**“estimated consumption”** means the deemed consumption by a consumer whose consumption is not measured during a specific period, which estimated consumption is rationally determined taking into account at least the consumption of municipal services for a specific level of service during a specific period in the area of supply of the municipality or its authorised agent;

**“household consumer”** means a consumer that occupies a dwelling, structure or property primarily for residential purposes;

**“illegal connection”** means a connection to any system through which services are provided that is not authorised or approved by the municipality or its authorised agent; **“indigent customer”** means a household consumer qualifying and registered with the municipality as an indigent in accordance with these bylaws;

**“legal costs”** means legal costs on an attorney-own client scale;

**“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;

**“municipal services”** means for purposes of these bylaws, any services provided by the municipality or its authorised agent, including refuse removal, water supply, sanitation, and electricity services;

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

**“owner”** means

- 
- (a) the person in who the legal title to premises is vested;
- (b) in case where the person in whom the legal title to premises is vested is insolvent or deceased, 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 or its authorised agent 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 premises for which a lease agreement of 30 years or longer has been entered into, the lessee of the premises;
- (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; or
- (f) a person occupying land under a register held by a tribal authority;

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

**“public notice”** means publication in an appropriate medium that may include one or more of the following:

- (a) Publication of a notice, in the official languages determined by the municipal council,
  - (i) In the local newspaper or newspapers in the area of the municipality; or (ii) In the newspaper or newspapers circulating in the area of the municipality determined by the municipal council as a newspaper of record; or
  - (iii) By means of radio broadcasts covering the area of the municipality; or
  - (iv) displaying a notice at appropriate offices and pay-points of the municipality or its authorised agent; or
- (b) Communication with consumers through public meetings and ward committee meetings;

**“shared consumption”** means the consumption of a consumer of a municipal service during a specific period, which consumption is calculated by dividing the total metered consumption of that municipal service within the supply zone within which a consumer’s premises is situated for the same period by the number of consumers within that supply zone, during the same period;

**“subsidised service”** means a municipal service which is provided to a consumer as an applicable rate which is less than the cost of actually providing the service including services provided to consumers at no cost;

**“supply zone”** means an area, determined by the municipality or its authorised agent, within which all consumers are provided with services from the same bulk supply connection, and

**“unauthorised services”** means receipt, use or consumption of any municipal service which is not in terms of an agreement, or authorised or approved by the municipality or its authorised agent.

**CHAPTER 2**  
**PROVISION OF MUNICIPAL SERVICES TO CONSUMERS OTHER THAN**  
**INDIGENT CONSUMERS**

**Part 1: Application for Municipal Services**

**2. Application for services**

- (1) A consumer who qualifies as an indigent consumer must apply for services as set out in Chapter 4 below.
- (2) No person shall be entitled to have access to municipal services unless application has been made to and approved by the municipality or its authorised agent on the prescribed form attached as Annexure A to these bylaws.
- (3) If, at the commencement of these bylaws or at any other time, municipal services are provided and received and no written agreement exists in respect of such services, it shall be deemed that -
  - (a) An agreement in terms of subsection (7) exists; and
  - (b) The level of services provided to that consumers are the level of services elected,until such time as the consumer enters into an agreement in terms of sub section (2).
- (4) The municipality or its authorised agent must on application for the provision of municipal services inform the applicant of the then available levels of services and then applicable tariffs and/or charges associated with each level of service.
- (5) The municipality or its authorised agent is only obliged to provide a specific level of service requested if the service is currently being provided and if the municipality or authorised agent has the resources and capacity to provide such level of service.
- (6) A consumer may at any time apply to alter the level of services elected in terms of the agreement entered into, provided that such requested level of service is available and that any costs and expenditure associated with altering the level of services is paid by the consumer.
- (7) An application for services submitted by a consumer and approved by the municipality or its authorised agent shall constitute an agreement between the municipality or its authorised agent and the consumer, and such agreement shall take effect on the date referred to or stipulated in such agreement.
- (8) In completing an application form for municipal services, the municipality or its authorised agent must ensure that the document and the process of interaction with the owner, consumer or any other person making such an application are understood by that owner, consumer or other person and advise him or her of the option to register as an indigent consumer.
- (9) In the case of illiterate or similarly disadvantaged persons, the municipality or its authorised agent must take reasonable steps to ensure that the person is aware of and understands the contents of the application form and shall assist him or her in completing such form.
- (10) Municipal services rendered to a consumer are subject to the provisions of these bylaws, any applicable bylaws and the conditions contained in the agreement.



- (11) If the municipality or its authorised agent -
- (a) Refuses an application for the provision of municipal services or a specific service or level of service;
  - (b) is unable to render such municipal services or a specific service or level of service on the date requested for such provision to commence; or
  - (c) is unable to render the municipal services or a specific service or level of service,

the municipality or its authorised agent must, within a reasonable time, inform the consumer of such refusal and/or inability, the reason therefor and, if applicable, when the municipality or its authorised agent will be able to provide such municipal services or a specific service or level of service.

**3. Special agreements for municipal services**

The municipality or its authorised agent may enter into a special agreement for the provision of municipal services with an applicant -

- (a) within the area of supply, if the services applied for necessitated the imposition of conditions not contained in the prescribed form or these bylaws;
- (b) receiving subsidised services; and
- (c) if the premises to receive such service is situated outside the area of supply, provided that the municipality having jurisdiction over the premises has no objection to such special agreement. The obligation is on the consumer to advise the municipality concerned of such special agreement.

**4. Change in purpose for which municipal services are used**

Where the purpose or extent to which any municipal service used is changed, the onus and obligation is on the consumer to advise the municipality or its authorised agent of such change and to enter into a new agreement with the municipality or its authorised agent.

## **Part 2: Applicable Charges**

**5. Applicable charges for municipal services**

- (1) All applicable charges payable in respect of municipal services, including but not limited to the payment of connection charges, fixed charges or any additional charges or interest will be set by the Council in accordance with -
  - (a) its rates and tariff policy;
  - (b) its credit control and debt collection policy;
  - (c) any bylaws in respect thereof; and
  - (d) any regulations in terms of national or provincial legislation.
- (2) Applicable charges may differ between different categories of consumers, users of services, types and levels of services, quantities of services, infrastructure requirement and geographic areas.
- (3) Services will be terminated due to non-payment on the terms and conditions as stipulated in the credit control and debt collection policy.
- (4) Deferment for payment of service accounts can be granted to consumers in terms of council's delegated powers and conditions approved in its credit control and debt collection policy.

- (5) The municipality may consolidate any separate account of persons who are liable for payment to the municipality and may credit all payments received from such a person to any service and order of performance as determined by council from time to time in its credit control and debt collection policy.

**6. Availability charges for municipal services**

The Council, in addition to the tariffs or charges prescribed for municipal services actually provided, may levy a monthly fixed charge, annual fixed charge or once-off fixed charge where municipal services are available, whether or not such services are consumed or not.

**7. Subsidised services**

- (1) The Council may, from time to time, and in accordance with national policy, but subject to principles of sustainability and affordability, by public notice, implement subsidies for a basic level of municipal service.
- (2) The Council may, in implementing subsidies, differentiate between types of household consumers, types and levels of services, quantities of services, geographical areas and socio-economic areas.
- (3) A public notice in terms of subsection (1) must contain at least the following details applicable to a specific subsidy:
  - (a) the household consumers who will benefit from the subsidy;
  - (b) the type, level and quantity of municipal service that will be subsidized;
  - (c) the area within which the subsidy will apply;
  - (d) the rate (indicating the level of subsidy);
  - (e) the method of implementing the subsidy; and
  - (f) any special terms and conditions which will apply to the subsidy.
- (4) If a household consumer's consumption or use of municipal services is -
  - (a) less than the subsidised service, the unused portion may not be accrued by the consumer and will not entitle the consumer to cash or a rebate in respect of the unused portion; and
  - (b) in excess of the subsidised service, the consumer will be obliged to pay for such excess consumption at the applicable rate.
- (5) A subsidy implemented in terms of subsection (1) may at any time, be withdrawn or altered in the sole discretion of the Council, after -
  - (a) service of notice as contemplated in section 115 of the Act on the person affected by the council's intention to consider such withdrawal or alteration; and
  - (b) consideration by the Council of any comments or requests received from the person affected.
- (6) Commercial consumers shall not qualify for subsidised services.
- (7) Subsidised services shall be funded from the portion of revenue raised nationally which is allocated to the municipality and if such funding is insufficient the services may be funded from revenue raised through rates, fees and charges in respect of municipal services.

**8. Authority to recover additional costs and fees**

- (1) The municipality or its authorised agent has the authority to, notwithstanding the

provisions of any other sections contained in these bylaws, recover any additional costs incurred in respect of implementing these bylaws against the account of the consumer, including but not limited to -

- (a) all legal costs, including attorney and client costs incurred in the recovery of amounts in arrears shall be against the arrears account of the consumer; and/or
- (b) the or essential costs incurred relating to any action taken in demanding payment from the consumer or reminding the consumer, by means of telephone, fax, e-mail, letter or otherwise.

### **PART 3: PAYMENT**

#### **9. Payment of deposit**

- (1) The Council may, from time to time, determine different deposits for different categories of consumer, users of services, debtors, services and service standards, provided that the deposit will not be more than two and a half times the monetary value of the most recent measured monthly consumption of the premises for which an application is made.
- (2) A consumer must on application for the provision of municipal services and before the municipality or its authorised agent will provide such services, pay a deposit, if the municipal council has determined a deposit.
- (3) The municipality or its authorised agent may annually review a deposit paid in terms of subsection (2) and in accordance with such review require that an additional amount be deposited by the consumer where the deposit is less than the most recent deposit determined by the Council.
- (4) If a consumer is in arrears, the municipality or its authorised agent may require that the consumer-
  - (a) pay a deposit if that consumer was not previously required to pay a deposit; and
  - (b) pay an additional deposit where the deposit paid by that consumer is less than the most recent deposit determined by the Council.
- (5) Subject to subsection (7), the deposit shall not be regarded as being in payment of an account.
- (6) No interest shall be payable by the municipality or its authorised agent on any deposit held.
- (7) The deposit, if any, is refundable to the consumer on termination of the agreement. A deposit shall be forfeited to the municipality if it has not been claimed by the consumer within 12 months of termination of the agreement.

#### **10. Methods for determining amounts due and payable**

- (1) The municipality or its authorised agent must in respect of municipal services that can be metered, endeavour to, within available financial and human resources, meter all consumer connections and/or read all metered consumer connections, on a regular basis, subject to subsection (2).
- (2) If a service is not measured, a municipality or its authorised agent may, notwithstanding subsection (1), determine the amount due and payable by

consumer, for municipal services supplied to him, her or it, by calculating–

- (a) the shared consumption, if possible; or
  - (b) the estimated consumption.
- (3) If a service is metered, but it cannot be read due to financial and human resource constraints or circumstances out of the control of the municipality or its authorised agent, and the consumer is charged for an average consumption the account following the reading of the metered consumption must articulate the difference between the actual consumption and the average consumption, and the resulting credit or debit adjustment.
- (4) Where water supply services are provided through a communal water services network (standpipe), the amount due and payable by consumers gaining access to water supply services through that communal water services network, must be based on the shared or estimated consumption of water supplied to that water services network.
- (5) Where in the opinion of the municipality or its authorised agent it is not reasonably possible or cost effective to meter all consumer connections and/or read all metered consumer connections within a determined area, the Council may, on the recommendation of the municipality or its authorised agent, determine a basic tariff (flat rate) to be paid by all the consumers within that area, irrespective of actual consumption.
- (6) The municipality or its authorised agent must inform consumers of the method for determining amounts due and payable in respect of municipal services provided which will apply in respect of their consumption or supply zones.

#### **11. Payment for municipal services provided**

- (1) A consumer shall be responsible for payment of all municipal services consumed by him/her or it from the commencement date of the agreement until his/her or its account has been settled in full and the municipality or its authorised agent must recover all applicable charges due to the municipality.
- (2) If a consumer uses municipal services for a use other than which it is provided by the municipality or its authorised agent in terms of an agreement and as a consequence is charged at a lower than the applicable charge the municipality or its authorised agent may make an adjustment of the amount charged and recover the balance from the consumer.
- (3) If amendments to the applicable charge become operative on a date between measurements for the purpose of rendering an account in respect of the applicable charges and the date of payment, -
- (a) it shall be deemed that the same quantity of municipal services was provided in each period of twenty-four hours during the interval between the measurements; and
  - (b) any fixed charge shall be calculated on a pro rata basis in accordance with the charge that applied immediately before such amendment and such amended applicable charge.

#### **12. Full and final settlement of an account**

- (1) Where an account is not settled in full, any lesser amount tendered and accepted

shall not be deemed to be in final settlement of such an account.

- (2) Subsection (1) shall prevail notwithstanding the fact that such lesser payment was tendered and/or accepted in full and final settlement, unless the municipal manager or the manager of the municipality's authorised agent made such acceptance in writing.

**13. Responsibility for amounts due and payable**

Notwithstanding the provisions of any other section of these bylaws, the owner of premises shall be liable for the payment of any amounts due and payable to the municipality or its authorised representative in respect of the preceding two years, where the owner is not the consumer and the municipality or its authorised agent after taking reasonable measures to recover any amounts due and payable by the consumer from the latter, could not recover such amounts.

**14. Dishonoured payments**

Where any payment made to the municipality or its authorised agent by negotiable instrument is later dishonoured by the bank, the municipality or its authorised agent –

1. may recover the average bank charges incurred relating to dishonoured negotiable instruments against the account of the consumer; and
2. shall regard such an event as default on payment.

**15. Incentive schemes**

The Council may institute incentive schemes to encourage payment and to reward consumers that pay accounts on a regular and timeous basis.

**16. Paypoints and approved agents**

- (1) A consumer must pay his/her or its account at pay-points, specified by the municipality or its authorised agent from time to time, or at approved agents of the municipality or its authorised agent.
2. The municipality or its authorised agent must inform a consumer of the location of specified pay-points and approved agents for payment of accounts.

**PART 4: ACCOUNTS**

**17. Accounts**

- (1) Accounts will be rendered monthly to consumers at the address last recorded with the municipality or its authorised agent. The consumer may receive more than one account for different municipal services if they are accounted for separately.
- (2) Failure to receive or accept an account does not relieve a consumer of the obligation to pay any amount due and payable.
- (3) The municipality or its authorised agent must, if administratively possible, issue a duplicate account to a consumer on request upon payment of a fee as prescribed in the Council's tariff of charges.
- (4) Accounts must be paid not later than the last date for payment specified in such account, which date will be at least 14 days after the date of the account.
- (5) Accounts must reflect at least -
  - (a) the services rendered;
  - (b) the consumption of metered service or average, shared or estimated - consumption;

- (c) the period stipulated in the account;
- (d) the applicable charges;
- (e) any subsidies;
- (f) the amount due (excluding value added tax);
- (g) value added tax;
- (h) the adjustment, if any, to metered consumption which has been previously estimated;
- (i) the arrears, if any;
- (j) the interest payable on arrears, if any;
- (k) the methods, places and approved agents where payment may be made; and should ideally state that -
  - (i) the consumer may conclude an agreement with the municipality or its agent for payment of the arrears amount in instalments, at the municipality or its authorised agent's offices before the final date for payment if a consumer is unable to pay the full amount due and payable;
  - (ii) if no such agreement is entered into, the municipality or its authorised agent will limit the services after sending a final demand notice to the consumer;
  - (iii) legal action may be instituted against any consumer for recovery of any amount 45 days in arrears;
  - (iv) the account may be handed over to a debt collector for collection; and
  - (v) proof of registration as an indigent customer, in terms of the municipality or its authorised agent's indigent policy, must be handed in at the office of the municipality or its authorised agent before the final date for payment.

**18. Consolidated debt**

- (1) If one account is rendered for more than one municipal service provided, the amount due and payable by a consumer constitutes a consolidated debt, and a payment made by a consumer of an amount less than the total amount due, will be allocated at the discretion of the municipality between service debt.
- (2) If an account is rendered for only one municipal service provided, any payment made by a consumer of an amount less than the total amount due, will be allocated at the discretion of the municipality.
- (3) A consumer may not elect how an account is to be settled if it is not settled in full or if there are arrears.

**PART 5: QUERIES, COMPLAINTS AND APPEALS**

**19. Queries or complaints in respect of account**

- (1) A consumer may lodge a query or complaint in respect of an accuracy of an amount due and payable in respect of a specific municipal service as reflected on the account rendered.
- (2) A query or complaint must be lodged with the municipality or its authorised agent before the due date for payment of the account.

- (3) A query or complaint must be accompanied by the payment of the average of the last three month's accounts where the history of the account is available or an estimated amount provided by the municipality, before the payment due date until the matter is unresolved.
- (4) The municipality or its authorized agent will register the query or complaint and provide the consumer with a reference number.
- (5) The Council or its authorized agent -
  - (a) shall investigate or caused the query or complaint to be investigated; and
  - (b) must inform the consumer, in writing, of its finding within one month after the query or complaint was registered.
- (6) Failure to make such agreed interim payment or payments will render the consumer or liable for disconnection.

**20. Appeals against findings of municipality or its authorised agent in respect of queries or complaints**

- (1) A consumer may appeal in writing against a finding of the municipality or its authorized agent in terms of section 19.
- (2) An appeal and request in terms of subsection (1) must be made in writing and be lodged with the municipality within 21 days after the consumer became aware of the finding referred to in section 19 and must -
  - (a) set out the reason for the appeal; and
  - (b) be accompanied by any security determined for the testing of a measuring device, if applicable.

**PART 6: ARREARS**

**21. Interest**

- (1) Interest will be levied on arrears at the prevailing prime interest rate prescribed by the Council from time to time.
- (2) The cost associated with the limitation or disconnection of municipal services shall be for the cost of the consumer and shall be included in the account following the re-connection.

**22. Accounts 45 days in arrears**

- (1) Where an account rendered to a consumer remains outstanding for more than 45 (forty five) days the Council or its authorised agent may -
  - 1. institute legal action against a consumer for the recovery of the arrears; and
  - 2. hand the consumer's account over to a debt collector or an attorney for collection
- (2) A consumer will be liable for any administration fees, costs incurred in taking action for the recovery of arrears and penalties, including the payment of a higher deposit, as may be determined by the municipal Council from time to time.



**PART 7: AGREEMENT FOR THE PAYMENT OF ARREARS****23. Agreements**

- (1) The following agreement for the payment of arrears in instalments may be entered into:
- (a) An acknowledgement of debt.
  - (b) A consent to judgment.
  - (c) An emolument attachment order.
- (2) The consumer shall acknowledge that interest will be charged at the prescribed rate.
- (3) Consumers with electricity arrears must agree to the conversion to a pre-payment meter if and when implementable, the cost of which, and the arrears total, will be paid off either by -
- (a) adding to the arrears account and repaying it over the agreed period; or
  - (b) adding it as a surcharge to the pre paid electricity cost, and repaying it with each purchase of electricity until the debt is settled.
- (4) The municipality or its authorised agent must require a consumer to pay at least its current account on entering into an agreement for the payment of arrears in instalments.
- (5) The municipality reserves the right to raise the security deposit requirement of debtors who seek agreements.

**24. Copy of agreement to consumer**

A copy of the agreement shall be made available to the consumer.

**25. Failure to honour agreements**

If a consumer fails to comply with an agreement for the payment of arrears in instalments, the total of all outstanding amounts, including the arrears, any interest thereon, administration fees, costs incurred in taking relevant action, and penalties, including payment of a higher deposit, will be immediately due and payable, without further notice or correspondence and the municipality or its authorised agent may -

- (a) disconnect the electricity service provided to the consumer;
- (b) in the event that no electricity services are provided by the municipality or its authorised agent, disconnect the water supply services provided to the consumer;
- (c) institute legal action for the recovery of the arrears; and
- (d) hand the consumer's account over to a debt collector or an attorney for collection.

**26. Re -connection of services**

- (1) An agreement for payment of the arrear amount in instalments, entered into after the electricity services was discontinued and/or the water services was limited or disconnected, will not result in the services being restored until -
- 1. the arrears, any interest thereon, administration fees, cost incurred in taking relevant action and penalties, including payment of a higher deposit, are paid in full; or
  - 2. in addition to payments referred to in subsection (1) the consumer shall pay the standard re-connection fee as determined by the municipality from



time to time, prior to the re-connection of municipal services by the municipality or its authorised agent.

### **CHAPTER 3 ASSESSMENT RATES**

#### **27. Amount due for assessment rates**

- (1) The provisions of Chapter 3 shall apply in respect of the recovery of assessment rates.
- (2) All assessment rates due by owners are payable by a fixed date as determined by the municipality in its credit control and debt collection policy.
- (3) Joint owners of property shall be jointly and severally liable for payment of assessment rates.
- (4) Assessment rates may be levied in equal monthly instalments and when levied in equal monthly instalments, the amount payable will be included in the municipal account.
- (5) A property owner remains liable for the payment of assessment rates included in municipal accounts, notwithstanding the fact that -
  - a) The property is not occupied by the owner thereof; and/or
  - b) The municipal account is registered in the name of a person other than the owner of the property.

### **CHAPTER 4 PROVISION OF MUNICIPAL SERVICES TO INDIGENT CONSUMERS**

#### **28. Qualification for registration as indigent consumer**

All households where the combined gross income of all the members of the household over the age of 18 years old is less than the amount to be determined by the Council, qualify for registration as indigent consumers.

#### **29. Application for registration**

- (1) A household who qualifies as an indigent consumer must complete the application form entitled "Application for Registration as Indigent Consumer" attached as Annexure B to these bylaws.
- (2) Any application in terms of subsection (1) must be accompanied by -
  - (i) documentary proof of income, such as a letter from the consumers employer, a salary advice, a pension card, unemployment fund card; or
  - (ii) An affidavit declaring unemployment or income; and
  - (iii) The consumer's latest municipal account in his/her possession; (iv) a certified copy of the consumer's identity document; and
  - (v) The names and identity numbers of all occupants over the age of 18 years who are resident at the property.
- (3) A consumer applying for registration as an indigent consumer shall be required to declare that all information provided in the application form and other documentation and information provided in connection with the application is true and correct.

- (4) The municipality or its authorised agent shall counter-sign the application form and certify that the consequences and conditions of such an application for the consumer were explained to the consumer and that the consumer indicated that the content of the declaration was understood.

**30. Approval of application**

- (1) The municipality or its authorised agent may send authorised representatives to premises or households applying for registration as indigent consumers to conduct an on site audit of information provided prior to approval of an application.
- (2) An application shall be approved for a period of 12 months only. Subsidies will be forfeited if the applicant fails to submit proof of income or to re-apply for the subsidy.

**31. Conditions**

The municipality or its authorised agent may upon approval of an application or any time thereafter –

1. Install a pre-payment electricity meter for the indigent consumer where electricity is provided by the municipality or its authorized agents when implemented; and
2. Limit the water supply services of an indigent consumer to a basic supply of not less than 6 (six) kiloliters per month.

**32. Application every 12 months**

- (1) An indigent consumer must re-apply for indigent support every 12 months, failing which the assistance will cease automatically.
- (2) The provisions of section 33 and 34 shall apply to any application in terms of subsection (1).
- (3) The municipality or its authorized agent cannot guarantee a renewal for indigent support.

**33. Subsidised services for indigent consumers**

- (1) The Council may annually, as part of its budgetary process, determine services and levels thereof which will be subsidised in respect of indigent consumers in accordance with national policy, but subject to principles of sustainability and affordability.
- (3) The Council must, in the determination of municipal services which will be subsidised for indigent consumers, give preference to subsidising at least the following services:
  - (a) water supply services of 6 kiloliters per household per month;
  - (b) sanitation services of daily night soil removal or an improved ventilated pit latrine per household per month whichever is the most affordable to the municipality or its authorised agent;
  - (c) refuse removal services to a maximum of one removal per household per week; and
  - (d) all rates levied on properties of which the municipal value is less than R20 000: provided that if in the case of any property or category of properties, it is not feasible to value or measure such property, the basis on which the property rates thereof shall be determined, shall be as prescribed by the Council.

- (3) The municipality must, when making a determination in terms of subsection (1) give public notice of such determination.
- (4) Public notice in terms of subsection (3) must contain at least the following:
  - (a) the level or quantity of municipal service which will be subsidized;
  - (b) the level of subsidy;
  - (c) the method of calculating the subsidy; and
  - (d) any special terms and conditions which will apply to the subsidy, not provided for in these bylaws.
- (5) Any other municipal services rendered by the municipality or municipal services consumed in excess of the levels or quantities determined in subsection (1) shall be charged for and the indigent consumer shall be liable for the payment of such charges levied on the excess consumption.
- (6) The provisions of Chapter 3 shall *mutatis mutandis* apply to the amounts due and payable in terms of subsection (5).

#### **34. Funding of subsidised services**

- (1) The subsidised services referred to in section 33 shall be funded from the portion of revenue raised nationally which is allocated to the municipality and if such funding is insufficient the services may be funded from revenue raised through rates, fees and charges in respect of municipal services.
- (2) The subsidy amount to be funded from revenue raised nationally which is allocated to the municipality shall be calculated by dividing the amount allocated by the estimated number of consumers which may qualify for registration as indigent consumers.

#### **35. Existing arrears**

Arrears accumulated in respect of the municipal accounts of consumers prior to registration as indigent consumers will be either -

- (a) written off;
- (b) applied as a surcharge to prepaid electricity coupons; or
- (c) be attempted to be recovered through legal proceedings and/or extended arrangements.

#### **36. Audits**

The municipality may undertake regular random audits carried out by the municipality or its authorised agent to --

- (a) verify the information provided by indigent consumers;
- (b) record any changes in the circumstances of indigent consumers; and
- (c) make recommendations on the de-registration of the indigent consumer .

#### **37. De-registration**

- (1) Any consumer who provides or provided false information in the application form and/or any other documentation and information in connection with the application shall automatically, without notice, be de-registered as an indigent consumer from the date on which the municipality or its authorised agent become aware that such information is false.
- (2) An indigent consumer must immediately request de-registration by the municipality or its authorised agent if his/her circumstances has changed to the

extent that he/she no longer meet the qualifications set out in section 28.

- (3) An indigent consumer shall automatically be de-registered if an application in accordance with section 29 is not made or if such application is not approved.
- (4) An indigent consumer shall automatically be de-registered if an audit or verification concludes that the financial circumstances of the indigent consumer has changed to the extent that he/she no longer meet the qualifications set out in 28.
- (5) An indigent consumer may at any time request de-registration.

## **CHAPTER 5**

### **BUSINESSES WHO TENDER TO THE MUNICIPALITY**

#### **38. Procurement policy and tender conditions**

The procurement policy and tender conditions may provide that -

1. when inviting tenders for the provision of services or delivery of goods, potential contractors may submit tenders subject to a condition that consideration and evaluation thereof will necessitate the tenderer obtain from the municipality a certificate stating that all relevant municipal accounts owing by the tenderer or its directors, owners or partners have been paid or that suitable arrangements (which include the right to set off in the event of noncompliance) have been made for payment of any arrears;
2. a municipal account is to mean any municipal service charge, tax or other fees fines and penalties, due in terms of a contract or approved tariff or rate, which is outstanding after the due date normally appearing on the consolidated account or overdue in terms of the contract or any other due date that has passed; and
3. tender conditions contain a condition allowing the municipality to deduct moneys owing to the municipality from contract payments in terms of a reasonable arrangement with the debtor.

## **CHAPTER 6**

### **UNAUTHORISED SERVICES**

#### **39. Unauthorised Services**

1. No person may gain access to municipal services unless it is in terms of an agreement entered into with the municipality or its authorised agent for the rendering of those services.
2. The municipality or its authorised agent may, irrespective of any other action it may take against such person in terms of these bylaws by written notice order a person who is using an unauthorised service to -
  - (a) apply for such services in terms of Chapter 2 part 1;
  - (b) undertake such work as may be necessary to ensure that the consumer installation through which access was gained complies with the

provisions of these or any other relevant bylaws.

**40. Interference with infrastructure for the provision of municipal services**

- (1) No person other than the municipality or its authorised agent shall manage, operate or maintain infrastructure through which municipal services are provided.
- (2) No person other than the municipality or its authorised agent shall effect a connection to infrastructure through which municipal services are provided.

**41. Obstruction of access to infrastructure for the provision of municipal services**

- (1) No person shall prevent or restrict physical access to infrastructure through which municipal services are provided.
- (2) If a person contravenes subsection (1), the municipality or its authorised agent may -
  - (a) by written notice require such person to restore access at his/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.

**42. Illegal re-connection**

- (1) A person who unlawfully and intentionally or negligently reconnects to services or unlawfully and intentionally or negligently interferes with infrastructure through which municipal services are provided, after such consumers access to municipal services have been limited or disconnected, shall immediately be disconnected.
- (2) A person who re-connects to municipal services in the circumstances referred to in subsection (1) shall be liable for the cost associated with any consumption, notwithstanding any other actions which may be taken against such a person.

**43. Immediate disconnection**

The provision of municipal services may immediately be disconnected if any person -

- (a) unlawfully and intentionally or negligently interferes with infrastructure through which the municipality or its authorised agent provides municipal services;
- (b) fails to provide information or provides false information reasonably requested by the municipality or authorised agent.

**CHAPTER 7  
OFFENCES**

**44. Offences**

Any person who —

- (1) Fails to give access required by the municipality or its authorised agent in terms of these bylaws;
- (2) assists any person in providing false or fraudulent information or assists in willfully concealing information;
- (3) uses, tampers or interferes with municipal equipment, service supply equipment, reticulation network or consumption of services rendered;
- (4) fails or refuses to give the municipality or its authorised agent such information as may reasonably be required for the purpose of exercising the powers or functions under these bylaws or gives such the municipality or its authorised agent false or misleading information, knowing it to be false or misleading;
- (5) contravenes or fails to comply with a provision of these bylaws;

- (6) fails to comply with the terms of a notice served upon him/her in terms of these bylaws,  
shall be guilty of an offence and liable upon conviction to a period not exceeding six months imprisonment or community service or a fine, or a combination of the aforementioned.

## **CHAPTER 8 DOCUMENTATION**

### **45. Signing of notices and documents**

A notice or document issued by the municipality in terms of these bylaws and signed by a staff member of the municipality or its authorised agent shall be deemed to be duly issued and must on its mere production be accepted by a court of law as evidence of that fact.

### **46. Notices and documents**

1. A notice or document issued by the municipality or its authorised agent in terms of these bylaws shall be deemed to be duly authorised if an authorised agent signs it.
2. Any notice or other document that is served on an owner, consumer or any other person in terms of these bylaws is regarded as having been served -
  - (a) if it has been delivered to that person personally;
  - (b) when it has been left at that person's place of residence business or employment in the Republic with a person over the age of sixteen years;
  - (c) when it has been posted by registered or certified mail to that person's last known address in the Republic and an acknowledgement of posting thereof from the postal service is obtained;
  - (4) if that person's address in the Republic is known, when it has been served on the person's agent or representative in the Republic in the manner provided in sub-section (a) - (c); or
  5. if that person's address and agent or representative in the Republic is known, when it has been in a conspicuous place on the property or premises, if any, to which it relates.
- (3) When any notice or other document must be authorised or served on the owner, occupier or holder of any property it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and is not necessarily the name of the person.
- (4) 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.

### **47. Authentication of documents**

Every order, notice or other document requiring authentication by the municipality shall be sufficiently authenticated, if signed by the municipal manager or by a duly authorised officer of the municipality or the authorised agent of the municipality; such authority being conferred by resolution of the municipality, written agreement or by a bylaw.

**48. Prima facie evidence**

In legal proceedings by or on behalf of the municipality or its authorised agent, a certificate reflecting the amount due and payable to the municipality or its authorised agent, under the hand of the municipal manager, or suitably qualified municipal staff member authorised by the municipal manager or the manager of the municipality's authorised agent, shall upon mere production thereof be accepted by any court of law as prima facie evidence of the indebtedness.

## **CHAPTER 9 GENERAL PROVISIONS**

**49. Power of entry and inspection**

The municipality or its authorised agent may enter and inspect any premises for any purpose connected with the implementation or enforcement of these bylaws, at all reasonable times, after having given reasonable written notice to the occupier of the premises of the intention to do so.

**50. Exemption**

- (1) The municipality may, in writing, exempt an owner, customer, any other person or category of owner, consumers, rate payers, users of services from complying with a provision of these bylaws, subject to any conditions it may impose, if it is of the opinion that application or operation of that provision would be unreasonable, provided that the municipality or its authorised agent shall not grant exemption from any section of these bylaws that may result in -
  - (a) the wastage or excessive consumption of municipal services;
  - (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 Act or any regulations made in terms thereof, is not complied with.
- (2) The municipality at any time after given written notice of at least 30 days, withdraws any exemption given in terms of subsection (1).

**51. Availability of bylaws**

- (1) A copy of these bylaws shall be included in the municipalities Municipal Code as required in terms of legislation.
- (2) The municipality or its authorised agent shall take reasonable steps to inform consumers of the contents of the credit control and debt collection bylaws.
- (3) A copy of these bylaws shall be available for inspection at the municipal offices or at the offices of its authorised agent at all reasonable times.
- (4) A Copy of the bylaws may be obtained against payment of a fee as prescribed in the Council's tariff of charges from the municipality or its authorised agent.

**52. Conflict of law**

- (1) When interpreting a provision of these bylaws, any reasonable interpretation which is consistent with the purpose of the Act as set out in Chapter 9 on Credit Control on Debt Collection, must be preferred over any alternative interpretation which is consistent with that purpose.
- (2) If there is any conflict between these bylaws and any other bylaws of the council, these bylaws will prevail.



## PROVINCIAL NOTICE 42 OF 2016

## UBUHLEBEZWE MUNICIPALITY

**PROPERTY ENCROACHMENT BYLAWS**

<b>1<sup>ST</sup> DRAFT DATE</b>	30 <sup>th</sup> June 2014
<b>2<sup>ND</sup> DRAFT DATE</b>	
<b>ADOPTION BY COUNCIL</b>	
<b>PROMULGATION DATE</b>	



The Council of the Ubuhlebezwe Municipality has in terms of section 156 of the Constitution, 1996 (Act No 108 of 1996), read in conjunction with ....., made the following Bylaws:

## SCHEDULE

Be it enacted by the Council of the Ubuhlebezwe Municipality, and approval of the Member of the Executive Council responsible for local government in terms of section 156 of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996), read with ..... as follows:

## PROPERTY ENCROACHMENT BYLAWS

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## CHAPTER 1

## 1. DEFINITIONS

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

**“Council”** means the Council of the Ubuhlebezwe Municipality;

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

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

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

**“prescribed”** means determined by resolution of the Council made from time to time;

**“prescribed fee”** means a fee determined by the Council by resolution from time to time;

**“public road”** means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes –

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

## 2. COUNCIL PERMISSION REQUIRED

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

- (2) The Council may -

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

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

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

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

### 3. RULES FOR THE CONSTRUCTION OF ENCROACHMENTS

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

### 4. COLUMNS

- (1) The Council may determine areas within the municipal boundary where no person is permitted to place veranda columns over any public road or pavement.
- (2) No person may place any veranda column -
  - (a) over any pavement where such pavement is less than 2,6 m wide;
  - (b) more than 3 m from the building line measured to the outside of the column or at less than 3 m centre to centre;
  - (c) over any pavement at the corner of a public road that is beyond the alignment of the building lines; and
  - (d) at a distance lesser than 600 mm back from the front edge of any kerb.
- (3) No person may place a twin or double veranda column over any public road or pavement.

- (4) Where verandas are supported on columns-
  - (a) the columns may not have square areas;
  - (b) no base may project more than 50 mm beyond the bottom diameter of the column; and
  - (c) the maximum horizontal axial dimensions of such base may not exceed 350 mm.
- (5) Where the form of a column is classic in character, the shaft must have suitable entasis and cap and base in due proportions.
- (6) Columns, including cap and base, may not be less than 3 m or more than 3,6 m in height and not more than 4,5 m including plinth.
- (7) The minimum height from the footway or sidewalk to the underside of each cantilever or fascia girder is 3 m.
- (8) A coping, blocking course or balustrade, if any, may not extend less than 750 mm nor more than 1,05 m above the floor of a balcony.
- (9) Nothing in these by-laws prohibits –
  - (a) the erection and use of a party column common to two adjoining verandas if the column stands partly on the extended boundary lines of two properties or adjoins the same; or
  - (b) in the case of adjoining verandas, the placement of any column upon a plinth if this is necessary for alignment and all the other provisions of these by-laws are observed.

## **5. BALCONIES AND BAY WINDOWS**

- (1) Balconies, bay windows or other similar encroachments may not –
  - (a) overhang a public road if they are at a height of less than 3 m above the pavement;
  - (b) encroach more than 1,35 m over any public road; or
  - (c) encroach more than 900 mm over any public road.
- (2) The aggregate horizontal length of bay windows at any level over a public road may not exceed one-third of the length of the building frontage to that road.

- (3) Any balcony superimposed upon any veranda must be set back at least 1,2 m from the line of such veranda.
- (4) No part of any balcony that is attached to any veranda, may be carried up to a height greater than two storeys above the pavement level except that, where the top portion of the balcony is roofed with a concrete flat roof forming a floor, a balustrade not exceeding 1 m in height is allowed above the level of the floor.
- (5) Any dividing wall across a balcony over a public road may not exceed 1 m in height or 225 mm in thickness.
- (6) A balcony over any public road may not be the sole means of access to any room or apartment.
- (7) No person may place or permit or cause to be placed any article upon any balcony over a public road, except ornamental plants, tables, chairs, canvas blinds and awnings not used for signs or advertisements.
- (8) Where any floor of a building is used solely for the parking of a motor vehicle, bay windows at the level of the floor may not project over any public road for more than 1,35 m for the full length of the building frontage to that road.

## **6. PLINTHS, PILASTERS, CORBELS AND CORNICES**

- (1) No plinths, pilasters or other encroachments beyond building lines carried up from ground level are permitted to encroach on a public road.
- (2) Any pilaster, cornice, corbel or similar architectural feature that is at least 3 m above the ground may not exceed the following level of encroachment over a public road:
  - (a) a pilaster: 450 mm the total aggregate frontage length of the pilaster may not exceed one-fifth of the building frontage and bay windows in the same storey must be included in the calculation of the maximum aggregate length for bay windows;
  - (b) a fire-resisting ornamental hood or pediment over a door: 600 mm and in any part not less than 2,75 m in height above the footway or pavement;
  - (c) a cornice: 1,05 m where not exceeding 10,5 m above the footway or pavement and one-tenth of the height from the footway or pavement if exceeding 10,5 m with a maximum of 1,8 m.

**7. VERANDAS AROUND CORNERS**

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

**8. PAVEMENT OPENINGS**

(1) No pavement opening may –

- (a) be the sole means of access to any vault or cellar; and
- (b) extend more than 1,2 m beyond the building line.

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

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

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

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

**9. ENCROACHMENT ERECTED IN FRONT OF BUILDING**

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

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

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

**10 ENCROACHMENTS ON THE BOUNDARY LINE**

**(1) No person under any circumstances may erect a boundary wall or boundary fence beyond the boundary line.**

- (2) The owner of the property must be able to identify the boundary pegs or request a Professional Land Surveyor to establish the boundary pegs using the information for the Surveyor General.
- (3) No person under any circumstances may build or construct a boundary wall or boundary fence without having consulted the Council.

#### 10. MAINTENANCE, REMOVAL AND TENANCY OF PROJECTIONS

- (1) The owner of any encroachment must maintain the encroachment in good order and repair.
- (2) Pavement openings, pavement lights, walls thereof and basement walls must be made and kept water-tight by the owner.
- (3) The owner of any encroachment on, under or over any public road or pavement, or sign or other fixture on or over any public road, is regarded a tenant in respect of the encroachment, sign or fixture and, if called upon by the Council to remove any or all of them and restore the public road or pavement to its former conditions, must do so within a reasonable time.

#### 11. ENCROACHMENTS

- (1) (a) Any person other than the owner wishing to erect or construct an encroachment or any other fixture on, under or over any public road, or any immovable property owned by or vested in the Council, must apply to the Building Inspector on a form provided by the Council for that purpose.
- (b) Where in the opinion of the Building Inspector drawings are required for the conclusion of an encroachment agreement, the prescribed charge in addition to any other prescribed charge is payable to the Council.
- (2) The owner of the building in connection with which any encroachment or fixture exists, or is proposed –
  - (a) must defray any cost incurred in connection with wires or property of the Council;
  - (b) must allow the Council to erect on, or attach to the encroachment or fixture or anything required in connection with electrical or other activities.

**12. OFFENCES AND PENALTIES**

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

**13. SHORT TITLE AND COMMENCEMENT**

These by-laws shall be called the Property Encroachment By-laws, 20....., and shall come into operation on .....



PROVINCIAL NOTICE 43 OF 2016  
UBUHLEBEZWE MUNICIPALITY



**BYLAWS RELATING TO THE KEEPING OF**  
**ANIMALS AND BIRDS BUT EXCLUDING**  
**DOGS**

1 <sup>ST</sup> DRAFT DATE	30 <sup>th</sup> June 2014
2 <sup>ND</sup> DRAFT DATE	
ADOPTION BY COUNCIL	
PROMULGATION DATE	

**The Municipal Council for Ubuhlebezwe has adopted the following bylaws at its meeting held on \_\_\_\_\_ in terms of section 156(2) of the Constitution of the Republic of South Africa (Act No 108 of 1996) read with section 31(2) of the Local Government: Municipal Structures Act, 1998 (Act No 117 of 1998) and hereby publishes the subjoined bylaws in terms of section 13(a) of the Local Government : Municipal Systems Act, 2000 (Act No 32 of 2000) to come into effect on the date of publication hereof in the Provincial Gazette**

**Municipal Manager**

**UBUHLEBEZWE MUNICIPALITY**

**BYLAWS RELATING TO THE KEEPING OF ANIMALS AND BIRDS BUT EXCLUDING DOGS**

In these bylaws, unless inconsistent with the context :-

- “Area of Jurisdiction” means the area of jurisdiction of the Ubuhlebezwe Municipality;
- “Authorised Officer” means:-
- (a) a traffic officer or warden appointed in terms of the National Road Traffic Act, 1996 (Act No 93 of 1996)
  - (b) a member of the Services as defined in section 1 of the South African Police Services Act, 1995 (Act No 58 of 1995)
  - (c) a peace officer contemplated in section 34 of the Criminal Procedure Act, 1977 (Act No 51 of 1977)
  - (d) any other official duly authorized by the council, as defined herein
- “Council” means the Ubuhlebezwe Municipality or its successors in title, and includes the council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the executive committee has delegated any powers and duties with regard to these bylaws.
- “Environmental Health Officer” means the person appointed to this post by the council or his authorized representative.
- “Farm” means a portion or portions of agricultural land as defined in the Subdivision of Agricultural Land Act, 1970 (Act No 70 of 1970), and includes a smallholding, on which the utilization of the means of production and the utilization by man of the natural agricultural

- resources for the production of, inter alia, food, fibre, and drink of quality takes place.
- “Livestock” means horses, mules, sheep, goats, donkeys, cows and pigs.
- “Poultry” means and includes fowls, ducks, geese, turkeys and guinea-fowls.
- “Premises” means any building together with the land on which the same is situated and adjoining land used in connection therewith and any land without buildings, or any portion of a building, the sole use and occupation of which portion is reserved to a single person or persons.
- “Stable” means and includes any stable, cowshed, shed, kraal, sty kennel, fowl-house, aviary or enclosure used for the keeping therein of any animal or bird.
- “Traditional Community” means a traditional community recognized as such in terms of section 2 of the Traditional Leadership and Governance Framework Act, 2003 (Act No41 of 2003) and which :-
- (a) is subject to a system of traditional leadership in terms of that community’s customs; and
  - (b) observes a system of customary law
- “Traditional Council” means a traditional council as defined in section 1 of the Traditional Leadership and Governance Framework Act, 2003 (Act No 41 of 2003).
- “Traditional Leadership” means the customary institutions or structures or customary systems or procedures of governance, recognized, utilized or practiced by traditional communities, as provided for in section 1 of the Traditional Leadership and Governance Framework Act, 2003 (Act No 41 of 2003)
- “Wild Animals” means any non-domesticated animal
1. No person shall keep any animal or bird in any stable so constructed or so situated that the animals or birds kept therein are likely to cause a nuisance or constitute a danger to health, or on premises which the Environmental Health Officer shall certify to be unfit for the purpose;
  2. No person shall keep any animal or bird, other than a domestic pet or small bird in a cage, in any sleeping or living apartment in any dwelling-house or residential building;

3. ***No person shall keep or sell or slaughter any livestock or poultry on any premises within the Council's area of jurisdiction except in Traditional Communities and on Farms. The slaughter of any livestock for ritual purposes, shall only be permitted in any Traditional Community or on any Farm, subject to this being in accordance with the written authority of the Council which*** shall include health requirements for the slaughter of such animals as prescribed by the Environmental Health Officer and contained in a procedure guideline adopted for this purpose by resolution of the Council; Any person intending to slaughter an animal for religious or ceremonial purposes in/at any place other than at a recognized and approved abattoir, must:
- Notify the council in writing, fourteen days prior to the event;
  - Notify all neighbours in writing, seven days prior to the event;
  - Screen the slaughtering process from the public, including neighbours;
  - Use the meat derived from the slaughtered animal solely for the purposes of the religious or ceremonial feast;
  - Handle the meat in a hygienic manner at all times; and
  - Dispose of any portions of the animal that are not used or consumed, in the manner prescribed by the Environmental Health Officer.
4. No person shall, in any zoned residential area within the Council's area of jurisdiction, erect any stable or convert any existing building for use as a stable for any purposes, whether connected with any trade, industry or business, or not, unless :-
- the written permission of the Council has been applied for, and obtained;
  - the application relates to a stable for horses only;
  - with the exception of an aviary for birds or a rabbit hutch as provided for in bylaw 10, the property is 5000m<sup>2</sup> or greater in extent in respect of any property falling within an area controlled by a Town Planning Scheme applicable to it and in terms of which it is not zoned for agricultural purposes;
  - the property is a farm or in a Traditional Community or Traditional Council area, as defined in these bylaws.
5. No person shall erect or use as a fowl-house or aviary any structure which does not comply with the following requirements:-
- the floor shall be constructed of cement, stone or other impermeable material;
  - walls shall be constructed of unlined wood or other suitable impermeable material, other than corrugated material, provided that where provision is to be made for the ingress of natural light, or ventilation, the use of welded or plastic mesh may be permitted;
  - the roof shall be constructed of any suitable and recognised roofing material ;
  - The walls and roof shall not provide hollow spaces capable of harbouring rodents;

- (e) No part of any fowl-house, aviary or runway shall be within 2 metres of the nearest part of any dwelling and 5 metres of any boundary of the property on which it is erected.
- 6. No person shall keep more than 10 head of live poultry on any property of a lesser extent than 5000m<sup>2</sup> within any residential area in the Council's Area jurisdiction;
- 7. No person shall keep live poultry for sale on any premises within any residential area of the Council's area of jurisdiction.
- 8. No person shall keep any poultry on any premises in any part of the Council's area of jurisdiction unless he shall keep such poultry in a properly constructed fowl-house with a runway enclosed with wire netting, unless the property is a farm or in a Traditional Community or Traditional Council area, as defined in these bylaws;
- 9. Every person using any fowl-house, aviary or runway for the keeping of poultry or birds shall:-
  - (a) keep same thoroughly clean and free from vermin at all times, and shall cause same to be lime-washed at least once every four months;
  - (b) prevent the accumulation of manure therein and keep any manure removed therefrom for use as fertilizer in a galvanised iron or plastic receptacle provided with a close-fitting cover or other suitable receptacle approved by the Council, unless such manure is mixed with compost in a compost heap and kept in such a manner or position on a property so as not to cause any nuisance of any kind
- 10. No person shall keep birds (including homing pigeons) or rabbits within the Council's area of jurisdiction without the written consent of the Council and any aviary (pigeon loft) rabbit hutch or run constructed within the Council's area of jurisdiction shall comply with the conditions set out in 5a, b, c, d and e of these bylaws. This provision shall not apply to persons keeping ten or less rabbits, or to any premises in the council's area of jurisdiction which is zoned "Agriculture" in terms of any approved Town Planning Scheme, or on a farm or Traditional Community or Traditional Council area as defined in these bylaws;
- 11. Any person who keeps on his premises any animal or bird which, by reason of continued howling, crowing or making other noise, disturbs the public peace or is a source of nuisance to the neighbourhood, after the expiration of a reasonable time to be stipulated in a notice signed by the Municipal Manager or his duly authorised representative and served upon him, requiring him to abate such disturbance or nuisance, shall be guilty of an offence and liable, upon conviction, to the penalty prescribed for breach of these bylaws. If any person is found guilty of a second contravention of this bylaw in respect of the same animal, it shall be competent for the court which has found him guilty, in addition to imposing any other sentence, to order the removal of the animal.

12. No person being the owner or person in charge thereof, shall permit or allow any livestock to be on any street or public place except while such livestock is being transported in or on a vehicle or except with the prior written consent of the Council and in compliance with any conditions imposed by it, and no person shall leave any livestock or allow it to be in a place from where it may stray onto any street or public place.
13. No person shall keep any livestock on any premises within the council's area of jurisdiction except in any area zoned for agricultural purposes in terms of any approved Town Planning Scheme or on a farm or in a Traditional Community or Traditional Council area as defined in these bylaws
14. No person shall keep on any premises within the Council's area of jurisdiction any ferocious or dangerous animal. Wild animals may be kept provided that the written consent of the council has been obtained, and subject to any conditions which may be prescribed in such written consent. This provision does not apply to any wild animal which exists in any parts of the area in a natural state.
15. Not more than two cats shall be kept on any premises within the Council's area of jurisdiction, with the exception of a farm as defined in these bylaws, without the consent, in writing, of the Council, which consent may be given subject to conditions and may be withdrawn by the Council at any time.
16. No person may keep bees on any premises in the council's area of jurisdiction, with the exception of a farm as defined in these bylaws, unless;
  - 1) The person is in possession of a valid permit, which may be issued subject to such conditions as the environmental Health Officer may deem fit; and
  - 2) The beehive is situated-
    - a) A minimum of 5 metres from any boundary of the premises; and
    - b) A minimum of ten metres from any public place or building used for human occupation;
  - 3) the bees are kept in an approved bee hive; and
  - 4) the bee hive is-
    - a) kept in an area inaccessible to children and animals;
    - b) kept in the shade at all times; and
    - c) supplied with a source of drinking water within five metres of the hive.
  - 5) No person may dump or deposit any garbage, compost, grass cuttings or manure within five metres of any bee hive;

#### **OFFENCES, PENALTIES AND APPEALS**

17. The provisions of the council's Bylaws Relating to Offenses and Penalties and Appeals shall mutatis mutandis apply.

#### **REPEAL OF REGULATIONS**

18. Part R X 1, keeping of animals and birds of the Development and Services Board as they applied to the under-mentioned areas will no longer apply as from the date of publication of these bylaws :-

Part R X 1      Regulated Area                      :              Stuartsville

#### **UBUHLEBEZWE MUNICIPALITY**

Dear Sir/Madam,

#### **SLAUGHTER OF ANIMALS**

Your letter/ request dated \_\_\_\_\_ refers.

In reply thereto you are advised that in terms of regulation R.677 of the Abattoir Hygiene Act 1992 (Act No 121 of 1992) – Relating to Exemption of Certain Categories of Persons from Section 3(1) of the Act, my Council raises no objection to your request to slaughter

\_\_\_\_\_ at the abovementioned premises.

This exemption is valid for \_\_\_\_\_ only.

Furthermore this approval is granted subject to:

1. The conditions as listed in the attached guidelines being adhered to, paying particular attention to item 2 which states that animals shall not be brought onto the premises more than 24 hours prior to the event.
2. The animals being so kept so as not to give rise to any nuisance to any persons residing on the above premises or the surrounding neighbourhood.

Your attention is drawn to Section 3(b) of the abovementioned regulations which states that a person who slaughters animals under this exemption shall obtain prior permission thereto from the owner, tenant or person in control of the land where such slaughtering occurs if the person who performs the slaughtering is not the owner, tenant or person in control of the relevant land.

Yours faithfully,

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MUNICIPAL MANAGER

#### **HEALTH REQUIRMENTS FOR THE SLAUGHTERING OF ANIMALS FOR RITUAL PURPOSES AS ADOPTED BY THE UBUHLEBEZWE MUNICIPAL COUNCIL**

It is important for safe and hygienic practices to be followed when slaughtering animals. This is not only to safe-guard the health of those who eat the meat, but also in the interests of harmony in our communities.

Your attention is therefore brought to the following requirements relating to the inspection and slaughter of animals other than in an abattoir.

1. Permission must be obtained from the Local/District Environmental Health Officer prior to the animal/s being brought into the area. Each application is assessed on its own merits and specific conditions may need to be imposed (e.g. screening of the slaughter from immediate neighbours).



2. It is preferred that the animal/s intended for slaughter should be brought onto the premises not more than 24 hours before the event. The animal/s shall be securely maintained on the premises in such a manner so as not to create any nuisance.
3. An animal to be slaughtered must be securely held or tied up properly so that the slaughtering can be done quickly and without subjecting the animal to excessive pain.
4. Where a knife is used for slaughter it should be sharp and clean and hot water provided for washing it.
5. The slaughtered animal should be hung by its hind legs to drain off all the blood, and the offal (intestines, head, trotters, lungs liver, heart, tripe, etc) as well as other internal organs should be removed.
6. The offal and other internal organs should be put in separate clean containers, and together with the carcass should be kept aside for inspection.
7. Care should be taken not to soil the carcass with the bowel contents. Any part of the carcass soiled in this way may have to be discarded.
8. The stomach contents and blood (if it is not to be consumed) should be disposed of at a waste disposal site or buried deeply so as to prevent fly infestation and any other nuisance from occurring.
9. The carcass (meat) as well as the offal should be made available for inspection at a mutually agreed upon time.
10. The meat of an animal slaughtered outside the councils area of jurisdiction should also be inspected.
11. Keeping of privately slaughtered meat in a butchery or any food premises without the permission of the Local/District Health Department is **not** allowed.
12. If the carcass/offal (or part thereof) is found to be diseased/soiled, it should be disposed of in a manner agreed to by the Local/District Health Department.

**NB: The permission of the local police authorities will be required if it is the intention to utilise a fire-arm or similar devise for slaughtering the animal.**

## PROVINCIAL NOTICE 44 OF 2016

## UBUHLEBEZWE MUNICIPALITY

**FINE SCHEDULE BYLAWS**

1 <sup>ST</sup> DRAFT DATE	
2 <sup>ND</sup> DRAFT DATE	
ADOPTION BY COUNCIL	

**INDEX****1. APPLICABLE CODE PER BYLAW**

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UB09	Fire Prevention
UB010	General and Nuisance
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*Fine Schedule Bylaws***2. UBUHLEBEZWE MUNICIPAL FINE SCHEDULES**

FINE CODE	SECTION	DESCRIPTION	APPROVED FINE
<b>ACCOMMODATION ESTABLISHMENT</b>			
UB01/01	Paragraph 2, Section 1	A person conducting a business which involves the supply of accommodation in an accommodation establishment without a valid registration certificate issued to him by the Council in terms of section 3.	R1, 000.00, per month given 6 (six) months to comply.
UB01/02	Paragraph 2, Section 2	A person who, from the date of commencement of these By-laws, is conducting a business referred to in subsection (1) does not within six months of that date, or within such extended period as the Council, apply for registration of such business in terms of section 3 or his application is refused and <i>continues to conduct such business once Bylaws have been gazetted.</i>	R1,000.00 per month
UB01/03	Paragraph 4	A certificate holder not publicly displaying the certificate at all times in the office or reception area of the accommodation establishment to which it relates.	R500.00
UB01/04	Paragraph 8, Section 2	The certificate holder not lodging a copy of any approved plan involving the alteration of the premises, which will when implemented result in any change to the number or size of bedrooms, to the authorised officer within 21 days of the approval of such plan.	R200.00, given 1 (one) month to comply.
UB01/05	Paragraph 8, Section 4	The certificate holder keeping of any flammable liquid or substance as defined in the Council's By-laws relating to Fire Prevention, without authority and without giving notice in writing to the authorised officer prior to the keeping of such liquid or substance.	R300.00
UB01/06	Paragraph 10	Every adult person admitted to the premises for the purpose of occupying accommodation not being made to sign a certificate, to the effect that his attention has been drawn to the copy of these By-laws, in which he acknowledges that he may be required to leave the premises if he commits a breach of these By-laws or commits a nuisance.	R100.00
UB01/07	Paragraph 11	The certificate holder not displaying publicly, an up-to-date copy of these By-laws in the office or reception area of the premises at all times accessible to all occupants.	R200.00

*Fine Schedule Bylaws*

FINE CODE	SECTION	DESCRIPTION	APPROVED FINE
UB01/08	Paragraph 12, Section 2	A person who prevents or attempts to prevent an authorised officer from entering the premises or from exercising his powers or his duties. .	R200.00
UB01/09	Paragraph 13	The maximum number of persons that may be accommodated in any room authorised as a bedroom on the plan lodged, calculated on the basis of the floor space allocation, is exceeded.	R100.00 per additional person.
UB01/10	Paragraph 14, Section 1	The certificate holder failing to allocate a distinct number for each room intended for use as a bedroom and, and failure to display such on the external face of the door giving access to that room.	R100.00
UB01/11	Paragraph 14, Section 2 (a)(b)	The certificate holders' failure to display on an internal wall of each room referred to in subsection (1), reflecting the floor area of the room in square metres; and the maximum number of persons who may be accommodated in that room as calculated in terms of section 13.	R100.00
UB01/12	Paragraph 15, Section 1 (l)	The certificate holder not maintaining fire-fighting equipment in good order in accordance with the requirements of the National Building Regulations and/ or rendering any emergency route referred to in section 3 (1) (b) (vi) inadequate or less effective.	R200.00
UB01/13	Paragraph 16 (a)	A person who commits any act which constitutes a nuisance whilst on the premises, or, being an occupant of the premises, in any public place adjoining the premises.	R200.00
UB01/14	Paragraph 16 (b)	A person, whilst on the premises indecently exposes his person to the public view or in any of the common parts of the premises.	R500.00
UB01/15	Paragraph 16 (c)	A person, cooks or heats food in a bedroom or in any part of the premises other than a part designed for the purpose and set aside in terms of section 15 (b) or heats any liquid in a bedroom by means of a device which involves a naked flame.	R300.00
UB01/16	Paragraph 16 (d)	A person, lights a fire on the premises otherwise than in a stove or other device or installation designed for the purpose.	R300.00

*Fine Schedule Bylaws*

FINE CODE	SECTION	DESCRIPTION	APPROVED FINE
UB01/17	Paragraph 16 (e)	A person sleeps in any part of the premises other than a bedroom assigned to him for that purpose or occupies or uses any part of the premises for a purpose other than that for which it was designed.	R200.00
UB01/18	Paragraph 16 (f)	A person throws or discards any object onto adjoining property or urinates in view of the public or a public place.	R500.00
UB01/19	Paragraph 16 (g)	A person creates any disturbance of the peace on the premises.	R200.00
UB01/20	Paragraph 16 (h)	A person refuses to leave the premises when lawfully required to do so in terms of the certificate referred to in section 10.	R500.00
<b>ADVERTISING BYLAW</b>			
UB02/01	Paragraph 3, Section 3.1	A person who displays or erects any sign, excluding those reflected in Schedule 1, without the written approval of Council.	1) R500.00 fine, 2) Remove the sign immediately.
UB02/02	Paragraph 3, Section 3.2	A person who displays or erects any sign, excluding those reflected in Schedule 1, which does not comply with the conditions of approval by Council.	1) Alter the sign to be compliant, 2) Remove the sign.
UB02/03	Paragraph 6, Section 6.1	A person displays a sign which obstructs any fire escape sign or the means of access to a fire escape.	1) R500.00 fine, 2) Remove the sign.
UB02/04	Paragraph 6, Section 6.3	A person displays a sign which obscures, obstructs or otherwise interferes with any road traffic sign or will or is likely to create confusion in the minds of users of the public street insofar as the regulation of traffic is concerned.	1) R500.00 fine, 2) Remove the sign, 3) Submit an application to Council with revised location.

*Fine Schedule Bylaws*

FINE CODE	SECTION	DESCRIPTION	APPROVED FINE
UB02/05	Paragraph 6, Section 6.4	A person displays a sign which is illuminated and contains any one or more of the colours red, green, or amber, unless such sign has a clear height of 6m or unless such sign is more than 15m (measured horizontally) from the vertical line of the street line at the corner of a public street or streets.	1) R500.00 fine, 2) Remove the sign, 3) Submit an application to Council with revised specifications.
UB02/06	Paragraph 6, Section 6.6	A person displays a sign which is erected or supported by the use of nails or staples.	1) R300.00 fine, 2) Remove the sign, 3) Submit an application to Council with revised specifications.
UB02/07	Paragraph 6, Section 6.13	A person displays a sign which is painted onto or attached in any manner to a tree or a plant or to any road traffic sign.	R300.00
UB02/08	Paragraph 6, Section 6.14	A person who erects a billboard which significantly affects the use of the adjoining property.	1) R1,000.00 fine, 2) Remove the billboard, 3) Submit an application to Council with revised specifications.
UB02/09	Paragraph 7	Non-compliance with methods of construction as outlined in the bylaws.	1) Alter the billboard or sign to be in compliance with the bylaws, 2) R500.00 (billboard) or R200.00 (Sign), 3) Removal of the billboard or sign.
UB02/10	Paragraph 8, Section 8.1	A person displaying any encroaching sign without having made application and obtaining the necessary approval as prescribed in the Encroachment Bylaws.	R500.00
UB02/11	Paragraph 9	The owner or person in charge of a sign not maintaining a sign or keeping it in safe condition at all times.	R200.00

*Fine Schedule Bylaws*

FINE CODE	SECTION	DESCRIPTION	APPROVED FINE
UB02/12	Paragraph 10, Section 10.1 (10.1.1) and (10.1.2)	Non-compliance of the owner to remove a sign displayed in contravention of the Bylaws, after having received a written instruction from the Council.	1) R500.00 2) Removal of the sign.
UB02/13	Paragraph 10, Section 10.1.3	Advertising a particular occasion, function, sale or event other than an election or referendum or signs relating to the sale or letting of immovable property, for longer than 14 days before the day on which such event begins or longer than three days after the day on which it ends.	R500.00
UB02/14	Paragraph 10, Section 10.1.4 (i) and (ii)	Advertising an election or referendum for longer than the period in respect of an election, from the date following the official acceptance of nominations of parties or candidates; and  <b>OR</b>  in respect of a referendum, from the date following official notification in the Gazette / Press of the date on which such referendum is to take place, until the end of the tenth day after the final date set aside for the casting of votes for such election or referendum.	R50-00 per poster
UB02/15	Paragraph 10, Section 10.3 (10.3.1) (10.3.2) and Section 10.4	If any person fails to comply with the terms of any order issued by an authorised official to remove; to alter; or to cease all work in connection with such display or alteration of any sign, within the specified period.	R500.00
UB02/16	Paragraph 11, Section 11.2	Any existing sign lawfully displayed on the date of promulgation of these bylaws which does not comply with the provisions of these bylaws within the specified period.	R500.00
<b>BUILDING REGULATIONS</b>			
UB03/01	Paragraph 1	Erecting building without the express permission of the municipality that the building at its nearest point to a natural watercourse, nearer to the centre of the natural watercourse than to a line indicating the maximum level likely to be reached every fifty(50) years on average by flood water in water course. 32 metres environmental considerations	R5000.00



*Fine Schedule Bylaws*

FINE CODE	SECTION	DESCRIPTION	APPROVED FINE
UB03/02	Paragraph 7(a)	Erecting building without the express permission of the municipality that the building at its nearest point to a natural watercourse, nearer to the centre of the natural watercourse than to a line indicating the maximum level likely to be reached every fifty(50) years on average by flood water in water course	R1000.00 and demolish the building
UB03/03	Paragraph 16	Constructing of shacks on proclaimed areas without approval of the Council	Demolish the shacks within 24 hours
UB03/04	Paragraph 9	Constructing a new building or other structures such as sheds, towers, temporary structures, extending existing buildings, undertaking alterations to an existing building including structural alterations, altering internal walls and partitions, installing new or altering existing services such as electrical or hydraulic works, demolishing or removing buildings, engineering works or services, installing signs, antennas or somefences without approval	1. Issue a 7 day notice to submit drawings, 2. R1,000.00
UB03/05	Paragraph 19(i)	Having sheet metal/corrugated iron that is used for a roof and that is visible from a street or a surrounding erf not painted 15 (fifteen) months after construction.	1. Issue a one (1) month notice instructing an owner to paint the roof, 2. R500.00.
UB03/06	Paragraph 19(ii)	Having a roof surface with a luminous finish.	1. Issue a one (1) month notice instructing an owner to paint the roof 2. R500.00.
UB03/07	Paragraph 22	Failing to comply with maximum of two (2) years to erect/construct a building on an empty stand.	Penalties of 30% on the annual rates charged for the plot for every year after the two (2) years period has expired.

*Fine Schedule Bylaws*

FINE CODE	SECTION	DESCRIPTION	APPROVED FINE
<b>CEMETERY</b>			
UB04/01	Paragraph 20	A person, for the purpose of a funeral, occupying a chapel or shelter in a cemetery for more than 45 minutes.	R200.00
UB04/02	Paragraph 21	Undertaking a burial before 9h00 or after 16h00 without consent.	R200.00
UB04/03	Paragraph 22	Fix a peg and numbered plate and/ or on any grave and burying a body in any grave which has not been lawfully fixed.	R200.00
UB04/04	Paragraph 23	Leaving refuse and other debris, and/or damaging or defacing a cemetery in any way.	R200.00
UB04/05	Paragraph 26, Section 3	Interring human or body remains in any cemetery without the permission of the caretaker or authorised official or authorised official.	R5,000.00 or three(3) months imprisonment or both
UB04/06	Paragraph 32	Burying and placing any coffin constructed from any material other than wood or perishable material.	R500.00
UB04/07	Paragraph 33	Burying more than 2 (two) bodies in the same grave.	R200.00
UB04/08	Paragraph 33	Burying more than 1 (one) body without Councils approval.	R5,000.00 or three months imprisonment or both
UB04/09	Paragraph 39, Section 1 and Paragraph 41 Section 2	Exhuming ashes and or the body from any grave without consent.	R5,000.00 or three months imprisonment or both
UB04/10	Paragraph 40	Scattering ashes in any landscape section or garden of remembrance without Councils consent.	R200.00
UB04/11	Paragraph 41, Section 1	Reopening the grave without written consent of the Council.	R2,000.00 or one month imprisonment or both
UB04/12	Paragraph 52, Section 1	Bring any material into the cemetery for the purposes of constructing any memorial work on any grave.	R200.00

*Fine Schedule Bylaws*

FINE CODE	SECTION	DESCRIPTION	APPROVED FINE
UB04/13	Paragraph 57, Section 1 (a)	Erecting, placing or leaving on or around any grave any railing, wirework, flower stand or other object of any kind after the expiration of 28 days from the date of any interment.	R200.00
UB04/14	Paragraph 57, Section 1 (b)	Placing or leaving on a grave any object in the nature of an ornament or embellishment.	R200.00
UB04/15	Paragraph 57, Section 1 (e)	Laying kerbstones in such a manner so as to be more than 230 mm above the surface of the ground and more than 200 mm deep, without the written consent of the Council.	R2,000.00
UB04/16	Paragraph 58, Section 1 (a)	Erecting, placing or leaving on or around a grave any railings, wirework, flower stands, ornament, embellishment or other object of any kind. Provided that during the first six months after an interment flowers, whether natural or artificial and whether loose in wreaths, may at any time be placed or left on the berm or at the head of the grave or where no berm has been provided, anywhere on the grave except during the first 28 days after an interment and subject to subsection (5).	R200.00
UB04/17	Paragraph 60, Section 1 (a)	Placing, building, erecting or planting anything, including memorial work and flowers on, around or next to any grave.	R200.00
UB04/18	Paragraph 62, Section 1 (f)	Attaching permanent vases or containers onto any memorial stone in the Garden of Remembrance;	R200.00
UB04/19	Paragraph 62, Section 1 (i)	Erecting more than one memorial plate in a grave in the Garden of Remembrance.	R200.00
<b>CONTROL AND DISCHARGE OF FIREWORKS</b>			
UB05/01	Paragraph 1 Section 1(1)	A person smoking into a premises where fireworks are kept.	R200.00
UB05/02	Paragraph 2.1 Section 2(a)(b)(c)	A person selling a fire-crackers larger than 30mm long and 8mm diameter.	R 5,000 or three months imprisonment or both.
UB05/03	Paragraph 3(a)	A person using or exploding fireworks within the municipal jurisdiction area with an exception of these following days, 5 November and 1st January.	R500.00

*Fine Schedule Bylaws*

FINE CODE	SECTION	DESCRIPTION	APPROVED FINE
UB05/04	Paragraph 3.1(a)(b)	A person other than a technician not allowed to display fireworks in the owners premises without the written consent of the Council.	R200.00
UB05/05	Paragraph 3.2(a)	A person selling fireworks without a permit	R1000.00 or two imprisonment or both.
<b>CREDIT CONTROL AND DEBT COLLECTION</b>			
UB06/01	Paragraph 25	Failure to honour agreements (for the payment of arrears in instalments)	<ol style="list-style-type: none"> <li>1. Discontinue with the services,</li> <li>2. Institute legal action for the recovery of arrears,</li> <li>3. Hand the consumer's account over to debt collector or an attorney for collection.</li> </ol>
UB06/02	Paragraph 28	Misrepresenting yourself in order to benefit from any of the municipality's relief or any benefit	All relief or benefits that have been received shall be reversed. R1,000.00
UB06/03	Paragraph 32	Failure by the indigent consumer to reapply for indigent support every 12 months	The assistance will cease automatically.
UB06/04	Paragraph 37	Failure by the indigent consumer to request deregistration if his circumstances have changed to the better.	R1,000.00
UB06/05	Paragraph 39, Section 1	Gaining access to the municipal services unless it in terms of an agreement entered into with the municipality for the rendering of these services.	R500.00
UB06/06	Paragraph 40	Interfering with infrastructure for the provision of the municipal services.	R1,000.00

*Fine Schedule Bylaws*

FINE CODE	SECTION	DESCRIPTION	APPROVED FINE
UB06/07	Paragraph 41	Obstructing access to infrastructure for the provision of the municipal services.	R1,000.00
UB06/08	Paragraph 42	Unlawfully, intentionally and negligently reconnecting with infrastructure through which municipal services are provided.	Disconnect, and R500.00
UB06/09	Paragraph 44, Section 3	Using, tampering or interfering with the municipal equipment reticulation network rendered.	R500.00
<b>ENCROACHMENT</b>			
UB07/01	Paragraph 2, Section 2.1 (1)	A person, without prior written permission (in a form of application for relaxation of building lines), makes or constructs any encroachment into, over or under any Council property. [This relates to anybody who wishes to build over a building line or in close proximity to a boundary (encroachments)].	1) Serve notice within 21 (twenty one) days to demolish, 2) R500.00, 3) Demolish.
UB07/02	Paragraph 2, Section 2.3	The owner of any existing encroachment does not within three months after the date of commencement of these by-laws make application to the Council on the prescribed form for permission for the existence of the encroachment in terms of these by-laws.	1) Serve notice within 21 (twenty one) days to demolish, 2) R500.00, 3) Demolish.
UB07/03	Paragraph 3	Non-compliance with the rules of construction for approved encroachments in terms of these Bylaws.	1) Serve notice within 21 (twenty one) days to demolish, 2) R300.00, 3) Demolish.
UB07/04	Paragraph 4, 5, 6, 7, 8, 9 and 10	Non-compliance with the construction of encroached columns, balconies, bay windows, plinths, pilasters, corbels and cornices, verandahs around corners, pavement openings and encroachments in front of a building and or on the boundary line in terms of these bylaws.	1) Serve notice within 21 (twenty one) days to demolish, 2) R300.00, 3) Demolish.
UB07/05	Paragraph 10, Section 3	A person builds or constructs a boundary wall or boundary fence without having consulted the Council.	1) Serve notice within 21 (twenty one) days to demolish,

*Fine Schedule By-laws*

UB07/06	Paragraph 11, Section (1)(b)	A person who contravenes any of these by-laws.	2) R500.00, 3) Demolish.
UB07/07	Paragraph 10, Section 1	An owner of any encroachment fails to maintain an encroachment in good order and repair.	Liable on conviction to a fine not exceeding R500.00 or to imprisonment not exceeding 6 months or to both.  1) Serve notice within 21 (twenty one) days to demolish, 2) R200.00.
UB07/08	Paragraph 10, Section 2	The owner does not make and keep pavement openings, pavement lights, walls thereof and basement walls water-tight.	1) Serve notice within 21 (twenty one) days to demolish, 2) R200.00.
UB07/09	Paragraph 10, Section 3	The owner of any encroachment on, under or over any public road or pavement, or sign or other fixture, fails to comply within the specified period, when called upon by the Council to remove any or all of them and restore the public road or pavement to its former condition.	1) Serve notice within 21 (twenty one) days to demolish, 2) R500.00, 3) Municipality removes/demolished encroachment for the owner to bear the cost thereof.
<b>FENCES AND FENCING</b>			
UB08/01	Paragraph 3, Section (1)(a)(b)	A person alters an existing fence or erects or permits to erect a fence, which is more than 1.5 meters in height on a boundary of premises without submitting plans/drawings to the Council.	1) Alter the fence to be at a height of not more than 1.5 m.  2) Failure to comply: R500.00 fine, 3) Demolish.

*Fine Schedule Bylaws*

FINE CODE	SECTION	DESCRIPTION	APPROVED FINE
UB08/02	Paragraph 3, Section (1)(c)(i)	A person erects on a boundary, an electrified fence, electrified railing or other electrified barrier, without Council's consent, which exceeds 2m inclusive of the fence which is built from brick, cement, concrete or similar material.	1) Alter the fence to be at a height of not more than 2m, 2) Failure to comply: R500.00 fine, 3) Demolish.
UB08/03	Paragraph 3, Section (1)(c)(ii)	A person erects on a boundary, an electrified fence, electrified railing or other electrified barrier, without Council's consent, which is not designed in accordance with a standard issued in terms of the Standards Act, 1993.	1) Alter the fence to be in compliance with the Standards Act. 2) Failure to comply: R500.00 fine, 3) Demolish.
UB08/04	Paragraph 3, Section (6)(a)	A person demolishes, interferes with or damages a fence for which consent has been granted.	R500.00
UB08/05	Paragraph 3, Section (6)(d)	Erecting a fence covered with canvas, reeds, grass or any combustible material, sheet iron, corrugated iron or any other sheeting, except poles or split poles, or approved wood, which is erected within 4,5m of any street and exceeds 1,8 m in height.	1) Alter the fence by removing non-compliant coverings, 2) Failure to comply: R500.00 fine, 3) Demolish.
UB08/06	Paragraph 3, Section (7)(a)(b)	An owner acts in defiance of an instruction given by Council to erect or repair a fence, or reduce the height of a wall, hedge or fence at a street corner to be not less than one meter in distance not exceeding six meters along each side of such corner.	R500.00 and/or Demolition of the fence and the cost thereof to be paid by the offender.

*Fine Schedule Bylaws*

FINE CODE	SECTION	DESCRIPTION	APPROVED FINE
UB08/07	Paragraph 10, Section (5)(a)(b)(c)(d)	A person hinders or interferes with an official in the execution of his official duties; falsely professes to be an official; furnishes false or misleading information when complying with a request of an official; or fails to comply with an instruction of an official.	R500.00
UB08/08	Paragraph 11	An owner or occupier whose premises do not comply with the provisions of these By-laws within a period of six months of the date of them coming into effect.	R500.00
<b>FIRE PREVENTION</b>			
UB09/01	Paragraph 11, Section 11(1)	Failing to formulate an emergency evacuation plan in a public institution.	R1,000.00
UB09/02	Paragraph 14, Section 14(1)	Allowing a combustible waste and refuse to create fire hazard or threatening danger.	R 500.00
UB09/03	Paragraph 17, Section 17(1)	Allowing sources of ignition in an area containing combustible or flammable substances.	R200.00
UB09/04	Paragraph 18, Section 18(1)	Smoking in a prohibited area where there is no sign of smoking (SABS 1186).	R200.00
UB09/05	Paragraph 19, Section 18(1)	Person causing electrical supply to overload.	R200.00
UB09/06	Paragraph 21, Section 21(1)	Person transporting combustible material in a manner that is likely to cause fire hazards.	R1,000.00
UB09/07	Paragraph 23, Section 23(1)	Failing to submit a building plan to the council for a storage building that is used for a flammable substance.	R200.00
UB09/08	Paragraph 24, Section 24(1)	Failing to obtain flammable substances certificate from the council.	R200.00



*Fine Schedule Bylaws*

FINE CODE	SECTION	DESCRIPTION	APPROVED FINE
UB09/09	Paragraph 25, Section 25(1)	Failing to obtain consent or failing to comply with a requirement of the council for permanent or temporary under storage tank for a flammable liquid read in conjunction with SABS 0400.	R5,000.00 or three months imprisonment or both
UB09/10	Paragraph 26, (34)	Failing to report accidents or fire that occurred in the owner premises.	R200.00
UB09/11	Paragraph 38, Section 38(1)	Failing to manufacture or maintain liquid petroleum gas containers in accordance with SABS 087 part (1) and SABS 019.	R500.00
<b>GENERAL AND NUISANCE</b>			
UB10/01	Paragraph 2, (a)(b)	A person engaging indecent behaviour (urinating in a public area).	R200.00
UB10/02	Paragraph 2.1, (a)(b)	A person using indecent offensive language or sing indecent song in public places or streets.	R500.00
UB10/03	Paragraph 2.2, (a)(b)	A person committing an act of loitering for a purpose of prostitution in public place or streets.	R500.00
UB10/04	Paragraph 2.3, section 2 (1)	A person committing or performing any act causing an injury to a person.	R200.00
UB10/05	Paragraph 2.4 Section 1(a)(b)	A person committing any act of loitering in a street or public place.	R200.00
UB10/06	Paragraph 2.5 (a)(b)	A person obstructing a public road or street.	R200.00
UB10/07	Paragraph 2.6 (a)(b)	A person sleeping or camping in a place owned by a Council or a state.	R 200.00
UB10/08	Paragraph 2.7 (1)(2)	A person convening, holding or organising illegally gathering or meetings in a street or place owned by the Council.	R5,000.00 or three months imprisonment or both
UB10/09	Paragraph 2.8 (1)(2)	A person conducting street collection without being authorised by the Council.	R200.00
UB10/10	Paragraph 3 (a)(b)(c)	A person removing lateral support from any premises or streets that may create a source of danger to life.	R 500.00

*Fine Schedule Bylaws*

FINE CODE	SECTION	DESCRIPTION	APPROVED FINE
UB10/11	Paragraph 4 section 1	A person drinking/consuming alcohol on the street	R200.00
UB10/12	Paragraph 4 section 1(a)	A person moving or interfering with the municipal property without the consent of the Council.	R200.00
UB10/13	Paragraph 5.1 Section 1	The occupier creating a nuisance or noise on a high level	R500.00
<b>INFORMAL TRADING</b>			
UB11/01	Chapter 3, Paragraph 8	Conducting informal trading on municipal property without a valid informal trading permit from the Municipality.	R 200.00
UB11/02	Chapter 3 paragraph 9 section 6(a)	Failure to trade on a specified trading bay, as identified by its allocated number, to which the permit relates;	R200.00
UB11/03	Chapter 3 paragraph 11 section 1	Transferring and leasing, selling or otherwise disposing of permit except without the prior consent of the Municipality.	R200.00
UB11/04	Chapter 3 paragraph 14	Failure to immediately return his or her permit to the Municipality when the permit expires	R200.00
UB11/05	Chapter 5 Paragraph 32, Section (1)(a)	Trading without an informal trading permit;	R200.00
UB11/06	Chapter 5 Paragraph 32, Section (1)(b)	Contravening any condition on which a permit has been issued to him or her;	R200.00
UB11/07	Chapter 5 Paragraph 32, Section (1)(d)	Threatening, resisting, interfering with or obstructing any authorised official in the performance of official duties or functions in terms of or under this By-law;	R500.00
UB11/08	Chapter 5 Paragraph 32, Section (1)(e)	Deliberately furnishes false or misleading information to an authorised official	R500.00
UB11/09	Chapter 5 Paragraph 32, Section (1)(f)	Contravening any provision of this By-law;	R500.00

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FINE CODE	SECTION	DESCRIPTION	APPROVED FINE
<b>INTEGRATED WASTE MANAGEMENT</b>			
UB12/01	Chapter 1 Section 1	Failure to manage any waste generated by his activities or the activities of those persons working under his direction in such a manner that the waste causes harm to human health or damage to the environment.	R 500.00
UB12/02	Chapter 3, (13)(b)	Failure to place receptacle(s) outside the premises in an area accessible to the municipal officials on agreed collection date and before 07:00 in the morning	R200.00 for residential R 500.00 for Business
UB12/03	Chapter 3, Paragraph 13 Section (3) Subsection (f)	Plastic linings for domestic refuse generated on premises, not properly tied and placed outside the fence or boundary of the premises, or on any such other place as determined by the Municipality.	R50.00
UB12/04	Chapter 3, 13(3)(h)	Failure to prevent pollution and/or harm to the environment, as well as nuisance such as odour, visual impacts and breeding of vectors;	R100.00
UB12/05	Chapter 3, 13(3)(i)	Failure to ensure that waste cannot be blown away and that the receptacle is covered or closed and suitable measures are in place to prevent accidental spillage or leakage;	R200.00
UB12/06	Chapter 3, 16(1)(c)	Failure to place material, including any liquid, garden waste and/or building rubble which; by reason of its mass or other characteristics is likely to render such refuse bins/container or refuse bin/container liners unreasonably difficult for the Municipality's employed to handle or carry.	R200.00
<b>LIBRARY</b>			
UB13/01	Paragraph 4(1)	Damaging or loss of library ticket	R10.00
UB13/02	Paragraph 6(1&3)	Losing and damaging the library material	Liable for the replacement or total cost of replacement of book(s)

*Fine Schedule Bylaws*

<b>FINE CODE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>	<b>APPROVED FINE</b>
UB13/03	Paragraph 10(1)	Removing any item from the library without its being duly recorded	A fine not exceeding R2000.00 or three(3) months imprisonment or both
UB13/04	Paragraph 12(1)	Turning down or staining the leaves or making pencil or other marks upon or in any way causing damage to any book forming part of the library	Liable for the replacement or total cost of replacement of book(s)
UB13/05	Paragraph 12 section 2(c)	Removing or mutilating any colour plates or any other illustrations or leaves of any book whatsoever	Liable for the replacement or total cost of replacement of book(s)
UB13/06	Paragraph 12 section 2(d)	Removing the plastic covering and / or book jacket from any book issued to him	Liable for the replacement or total cost of replacement of book(s)
UB13/07	Paragraph 12 section 2(e)	Returning library materials without appropriate wrapping or without placing them in a suitable container	R200.00
UB13/08	Paragraph 12 section 2(f)	Returning talking books, DVDs and CDs in covers other than those in which they have been issued	R200.00
UB13/09	Paragraph 12 section 2(g)	Damaging or exposing talking books, DVDs and CDs to excessive heat or handle them in any manner which may cause damage	Liable for the replacement or total cost of replacement of book(s)
UB13/10	Paragraph 15(1)	Willfully obstructing the librarian or any assistants in the execution of their duties	Forcefully remove or ban him for six (6) months or both
UB13/11	Paragraph 15(2)	Affixing or post any bill, placard or notice to or upon any part of the library without the prior permission of the librarian.	R500.00
UB13/12	Paragraph 15(3)	Bringing into any part of the library any wheeled vehicle or conveyance other than a hand propelled or motorised invalid chair, baby's pram or pushcart, without the permission of the	R100.00

*Fine Schedule By-laws*

<b>FINE CODE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>	<b>APPROVED FINE</b>
		librarian.	
UB13/13	Paragraph 15(4)	Giving a false name and address for the purpose of entering any part of the library or obtaining any privilege from such part.	R200.00
UB13/14	Paragraph 16(1)	Engaging in audible conversation in any part of the library, or wilfully obstruct, disturb, interrupt, or annoy any other person in the proper use of the library	Forcefully remove or ban him for six (6) months or both
UB13/15	Paragraph 16(2)	Behaving in a disorderly manner in any part of the library, use violent, obscene or abusive language, bet, gamble, or persist after proper warning in remaining therein beyond the hours fixed for the closing of the library or any part thereof	Forcefully remove or ban him for six (6) months or both
UB13/16	Paragraph 16(3)	Causing or permitting any animal belonging to him or under his control to enter or remain in the library.	Forcefully remove or ban him for six (6) months or both
UB13/17	Paragraph 16(4)	Drinking intoxicating liquor, spitting, sleeping or consuming food in any part of the library	Forcefully remove or ban him for six (6) months or both
UB13/18	Paragraph 16(5)	carelessly, negligently or maliciously damaging or injuring anything belonging to or forming part of the library	Liable for the replacement or total cost of replacement of item(s)
<b>CONTROL OF UNDERTAKINGS THAT SELL LIQUOR TO THE PUBLIC</b>			
UB14/01	Paragraph 3, Section 3.1 (1)(a) and (b)	A Licensee who contravenes the trading days and hours for sale and consumption of liquor on licenced premises as per the schedule.	R200.00 per extended hour
UB14/02	Paragraph 3, Section 3.1 (2)	A Licensee who allows the consumption of liquor on the licenced premises at a time when the sale of liquor is not permitted.	1 <sup>st</sup> Offense: R500.00 2 <sup>nd</sup> Offense: R1,000.00 3 <sup>rd</sup> Offense: Report matter to Liquor Board.
UB14/03	Paragraph 3, Section 3.1 (6)	A Licensee who continues to sell liquor to the public during the period in which the standard days and hours of trading in liquor have been suspended, amended or revoked.	R1,000.00

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FINE CODE	SECTION	DESCRIPTION	APPROVED FINE
UB14/04	Paragraph 4, Section 4.1 (6) (g) and (h)	The owner or the person in charge of an establishment sells liquor on un-licensed premises.	R1,000.00 and confiscation of liquor on unlicensed premises.
UB14/05	Paragraph 5, (5)	A Licensee who continues to sell liquor to the public during the period in which the extended days and hours of liquor trading have been suspended, amended or revoked.	R1,000.00
UB14/06	Paragraph 7, (1)	The licensee or person in charge fails to ensure that the relevant approval relating to hours of trade and zoning together with the population certificate are present and displayed on the premises.	R200.00
<b>MUNICIPAL POUND</b>			
UB15/01		Transport Fees	The kilometres tariff for the vehicle which, in the discretion of the pound keeper, is reasonable necessary to transport relevant animal to the pound, as determined by Automobile Association (AA) of SA from time to time
UB15/02		All Inclusive pound fee, which includes: a) The pound fee b) A tending fee c) Dipping / spraying fees d) Wound dressing costs and fees e) Medications costs and fees f) Veterinarian Fees	(i) R300.00 per day for any pig, sheep, goat, dog or cat (ii) R300.00 per day for any other animal
<b>PUBLIC TRANSPORT</b>			
UB16/01	Paragraph 4, Section (2)	Stopping of a Taxi, midi Bus, a Taxi Meter Cab, causing traffic congestion in the street.	R200.00

*Fine Schedule Bylaws*

FINE CODE	SECTION	DESCRIPTION	APPROVED FINE
UB16/02	Section 5 (1)	Stopping a Taxi, midi Bus, a Taxi Meter Cab for the purpose of picking a passenger not in a stopping place designated by the Council.	R200.00
UB16/03	Paragraph 11, Section (1) (a)	Failing to affix the rank permit disk on the left hand side of the wind screen.	R300.00
UB16/04	Paragraph 11, Section (b)	Failing to renew the rank permit from the Council.	R500.00
UB16/05	Section (1)	Using force or threat forcing passengers to use a Taxi meter Cab, Taxi or Bus.	R500.00
UB16/06	Section 16 (1)	Conveying of deceased person with a vehicle classified as Public Transport.	R1,000.00
<b>RELATING TO CHILDCARE SERVICES</b>			
UB17/01	Paragraph 2, Section 2	Conducting a childcare service or a child minder service without a registered certificate as contemplated in Section 3.	R200.00
UB17/02	Paragraph 2, Section 3	Conducting a childcare service or a child minder service without a registered certificate, within the date of commencement of these by-laws, without having submitted a written application made prior to the expiry of 3 (three) months.	R200.00
UB17/03	Paragraph 7, Sections (1) (2) (3) (4) and (5)	Childcare facility operating without an office, staff room, sickbay, kitchen, sanitary facilities and outdoor play area.	R200.00
UB17/04	Paragraph 8, Section 1 (a)	Operating a childcare facility without adequate or suitable and unobstructed indoor floor area reserved for the use of the children.	R100.00
UB17/05	Paragraph 8, Section 1 (b)	Operating a childcare facility without suitable floor covering if required by, and to the satisfaction of the authorised officer.	R100.00

*Fine Schedule Bylaws*

FINE CODE	SECTION	DESCRIPTION	APPROVED FINE
UB17/06	Paragraph 8, Section 1 (e)	Operating a childcare facility without storage facilities for the personal belongings of each child.	R100.00
UB17/07	Paragraph 8, Section 1 (f)	Operating a childcare facility without a towel and face cloth for each child, and not kept or hung separately.	R100.00
UB17/08	Paragraph 8, Section 1 (g)	Operating a childcare facility without marked plastic buckets with close-fitting lids for each child for the storage of soiled napkins, and not stored in a bathroom or other suitable area, inaccessible to any child.	R100.00
UB17/09	Paragraph 8, Section 1 (h)	Operating a childcare facility without adequate outdoor play area, comprising of lawns or other safe surfaces which is fenced and has approved lockable or child-proof gates.	R100.00
UB17/10	Paragraph 9, Section 1 (a) (b) (c) (d) (e) (f) (h)	Certificate holder not providing equipment for the children in compliance with bylaw requirements.	R100.00
UB17/11	Paragraph 10, Section 1	Interior walls not having a durable finish that can be cleaned with relative ease.	R100.00
UB17/12	Paragraph 10, Section 2	Floors not constructed of a smooth and impervious material that is durable and can be easily cleaned.	R100.00
UB17/13	Paragraph 10, Section 4	Any slats or rails forming part of an enclosure, security gate, play pen, bed, cot or any other object or structure whatsoever, not a minimum of 75 mm apart, not installed and maintained in a good state of repair, and if painted, not painted with a non-toxic paint.	R100.00
UB17/14	Paragraph 10, Section 5	All windows and glass doors accessible to children not constructed of safety glass.	R100.00
UB17/15	Paragraph 10, Section 7	Waste bins with tightly fitted lids not provided.	R100.00
UB17/16	Paragraph 10, Section 8	Apparatus and equipment used and any structures that may be on the premises present danger to the children.	R100.00



*Fine Schedule Bylaws*

<b>FINE CODE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>	<b>APPROVED FINE</b>
UB17/17	Paragraph 10, Section 9	Provision not 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.	R200.00
UB17/18	Paragraph 10, Section 10	Pets kept on the premises without the prior permission of Council.	R100.00
UB17/19	Paragraph 10, Section 11	All food, eating utensils and equipment used for the preparation, handling or serving of food not properly protected against dust, dirt, insects or any contaminating agents.	R100.00
UB17/20	Paragraph 10, Section 12	Children having free access to living quarters of staff at any time without adequate measures having been taken to keep the living quarters separate from the facility.	R500.00
UB17/21	Paragraph 10, Section 13	Insects and vermin not efficiently combated.	R100.00
UB17/22	Paragraph 10, Section 14	Where a child stays with the childcare or child minder facility for longer than 4 (four) hours at a time, the person in charge of such facility does not at provide least 2 (two) meals a day, which are balanced and meet the child's daily nutritional requirements.	R100.00
UB17/23	Paragraph 10, Section 15	Children not under the direct supervision of an adult staff member at all times.	R200.00
UB17/24	Paragraph 10, Section 16	Staff not trained and proficient in First Aid and Basic Fire Fighting.	R200.00
UB17/25	Paragraph 11, Section 1	Staff-to-children ratio is not adhered to at all times.	R100.00
UB17/26	Paragraph 12, Section 1	Certificate holder not maintaining a health register for all children attending the facility, reflecting personal information, health state and history including previous operations, immunisations, medications and allergies.	R200.00
UB17/27	Paragraph 12, Section 2	Certificate holder not maintaining a health register, reflecting the names of children who are allergic to certain substances or products and / or who suffer from any medical condition requiring specific treatment.	R200.00

*Fine Schedule Bylaws*

<b>FINE CODE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>	<b>APPROVED FINE</b>
UB17/28	Paragraph 12, Section 3	Certificate holder not maintaining a health register reflecting, a proper record of any medicine that is given to a child.	R100.00
UB17/29	Paragraph 13, Section 1 (a)	Certificate holder not keeping an Incident Register of all injuries and illnesses which occurred or manifested themselves whilst the child was on the premises and records of injuries observed on the child which have occurred other than at the premises.	R500.00
UB17/30	Paragraph 13, Section 1 (a) and (g)	Not observing all children for any signs of illness, indisposition, injury or other abnormal condition, including possible child abuse and in the event of communicable disease or detection of signs of possible child-abuse, failing to notify the authorised officer and/or the local social worker immediately.	R500.00
UB17/31	Paragraph 13, Section 1 (f)	Administering medicine to a child without the written consent of that child's parents or guardian.	R500.00
UB17/32	Paragraph 13, Section 1 (c) (d) (e) (f) and (i)	Failing to inform parent or guardian of any incident or illness occurred while in attendance to the facility and in a case if head or body lice are noticed and the child or children concerned may not be allowed back into the facility before the condition is cleared up.	R300.00
UB17/33	Paragraph 14, Section 1	The certificate holder fails to act in the interest of the health and safety of the children.	R500.00
UB17/34	Paragraph 14, Section 2 (a)	A breach by the certificate holder of the provisions of the Regulations relating to Communicable Diseases and the Notification of Notifiable Medical Conditions of a duty placed upon a principal.	R500.00
UB17/35	Paragraph 15, Section 1	The certificate holder fails to ensure his management responsibilities.	R100.00
UB17/36	Paragraph 15, Section 1	The certificate holder fails to ensure his transportation of children attending the facility responsibilities.	R200.00

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RELATING TO PUBLIC AMENITIES				APPROVED FINE
FINE CODE	SECTION	DESCRIPTION		
UB18/01	Paragraph 3(2)	Entering or leaving a public amenity at a place other than that indicated for that purpose		R200.00
UB18/02	Paragraph 5(a)	Using of a language or the performing of any other act with the purpose of disturbing the good order;		
UB18/03	Paragraph 5(b)	Discharging of firearms, airguns, air pistols, fireworks or using sling-shots or catapults.		R200.00
UB18/04	Paragraph 5(c)	Burning of rubble or refuse.		R500.00
UB18/05	Paragraph 5(d)	Causing of unpleasant or offensive smells.		R200.00
UB18/06	Paragraph 5(f)	Causing of disturbances by fighting, shouting, arguing, singing or playing of musical instruments, or the excessive use of loudspeakers, radio reception devices, television sets, or similar equipment.		R500.00
UB18/07	Paragraph 6(a)	Dumping, dropping or placing any refuse, rubble, material or any object or thing or permitting it to be done, except in a container provided for the purpose in or at the amenity.		R200.00
UB18/08	Paragraph 6(b)	Polluting or contaminating in any way the water in any bath, swimming bath, dam, spruit, river or water-course.		R200.00
UB18/09	Paragraph 6(c)	Entering any bath or swimming bath while suffering from an infectious or contagious disease or having an open wound on the body.		R200.00
UB18/10	Paragraph 7	Erecting or establishing in or on a public amenity any structure, shelter or anything else, except a caravan or tent erected for camping purposes on a site specifically set aside therefore by notice, provided that application for such consent shall be made to the Council on a form provided for that purpose.		R500.00

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FINE CODE	SECTION	DESCRIPTION	APPROVED FINE
UB18/11	Paragraph 8(1)	Bringing into a public amenity any alcoholic beverage or any food of whatever nature.	R500.00
UB18/12	Paragraph 8(2)	Cooking or prepare food of any kind whatsoever, except at places set aside for such purposes by a notice, provided that the preparation and cooking of food in or at a public amenity shall be done in a clean and sanitary manner so as not to give rise to excessive smoke or other nuisances or entail any danger to health, provided further that no live animals, poultry or fish may be killed or skinned on, or in or at a public amenity.	R500.00
UB18/13	Paragraph 9(1)	Bringing any live animal, bird, fish or poultry into a public amenity except in accordance with the directions in respect of different public amenities and different types of animals, birds, fish and poultry.	R500.00
UB18/14	Paragraph 10	Leading the life of a vagrant or who lacks any determinable and legal refuge or who leads a lazy, debauched or disorderly existence or who habitually sleeps in a public street, public place or other non-private place or who habitually begs for money or goods or persuades others to beg for money or goods on his behalf, may loiter or linger about or sleep on, in or at a public amenity.	R500.00
UB18/15	Paragraph 11 (a)	Arranging, presenting or attending any public entertainment.	R200.00
UB18/16	Paragraph 11 (b)	Collecting money or any other goods for charity or any other purpose from the general public;	R200.00
UB18/17	Paragraph 11 (c)	Distributing any pamphlet, placard, painting, book, handbill or any other printed, written or painted work.	R200.00
UB18/18	Paragraph 11 (d)	Arranging, holding, addressing or attending any meeting.	R200.00
UB18/19	Paragraph 11 (e)	Arranging, holding or attending a public gathering or procession, exhibition or performance.	R200.00
UB18/20	Paragraph 11 (f)	Conducting any trade, occupation or business.	R200.00

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FINE CODE	SECTION	DESCRIPTION	APPROVED FINE
UB18/21	Paragraph 12(a)	(a) Damaging or disfiguring anything within such amenity.	R200.00
UB18/22	Paragraph 12 (b)	Using or trying to use anything within such amenity for any purpose other than that for which it is designated or determined by notice.	R200.00
UB18/23	Paragraph 12 (c)	Lighting a fire or barbecue meat, except at a place indicated for that purpose by notice.	R200.00
UB18/24	Paragraph 12 (d)	Throwing away any burning or smouldering object.	R200.00
UB18/25	Paragraph 12 (e)	Throwing or rolling any rocks, stone or object from any mountain, koppie, slope or cliff.	R200.00
UB18/26	Paragraph 12(f)	Pull out, pick or damage any tree, plant, shrub, vegetation or flower.	R200.00
UB18/27	Paragraph 12 (g)	Behaving in an improper, indecent, unruly, violent or unbecoming manner.	R200.00
UB18/28	Paragraph 12 (h)	Causing a disturbance.	R200.00
UB18/29	Paragraph 12 (i)	Washing, polishing or repairing a vehicle, provided that the foregoing provisions of this paragraph shall not be applicable to the emergency repair of a vehicle.	R200.00
UB18/30	Paragraph 12 (j)	Walk, stand, sit or lie in a flower bed.	
UB18/31	Paragraph 13	Misusing, polluting or contaminating any water source or water supply or waste in or at any public amenity	R200.00

*Fine Schedule Bylaws*

RELATING TO THE ESTABLISHMENT AND CONTROL OF RECREATIONAL FACILITIES			
FINE CODE	SECTION	DESCRIPTION	APPROVED FINE
UB19/01	Paragraph 2.1	Camping anywhere within the area, except by virtue of a permit issued under Bylaw.	R1,000.00
UB19/02	Paragraph 2.2 (c)	Camping in a picnic place except where separate areas are set aside for this purpose.	R1,000.00
UB19/03	Paragraph 7.1 section b (ii)	Occupying a single stand by more than eight persons.	R200.00 per additional person
UB19/04	Paragraph 7.1 (c)	Erecting or placing buildings, structures, tents or caravans in any tent camp within 10m of any dwelling house or residential building.	R500.00
UB19/05	Paragraph 8.1 (q)	Cooking within the tent camp in a manner that is not clean and sanitary.	R200.00
UB19/06	Paragraph 8.1 (y)	Permitting caravans which are not in a good state of repair and of good external appearance into or to remain in any caravan park.	R200.00
UB19/07	Paragraph 11(1)	Vagrant or disorderly person loitering or harbouring therein	R200.00
UB19/08	Paragraph 11(e) section a (a)	Permitting permanent or temporary structure on such stands other than any fabric side tent or awning or any porch or veranda which is affixed to the caravan.	R1,000.00
UB19/09	Paragraph 11(h)	Encroaching tent camp stand, caravan park stand or picnic place stand upon any roadway provided for access purposes or upon any area subject to any building line restriction.	R500.00
UB19/10	Paragraph 11 (i)	Placing a caravan, tent or structure of any kind closer than 1m from the boundary of the stand upon which it is accommodated.	R500.00
UB19/11	Paragraph 11(i)	Running dogs or other domestic animals within the tent camp, caravan park or picnic place,	R 200.00

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<b>FINE CODE</b>	<b>SECTION</b>	and the licensee may restrict or prohibit such animals.	<b>DESCRIPTION</b>	<b>APPROVED FINE</b>
UB19/12	Paragraph 11(l)		Keeping poultry in the tent camp, caravan park or picnic place.	R200.00
UB19/13	Paragraph 11(m)		Washing or hanging clothes out to dry except in places specially provided for this purpose.	R200.00
UB19/14	Paragraph 17		Constructing permanent buildings or structures associated with the recreational facility, including any dwelling house or residential building, any office or administrative building, any latrine and ablution blocks or other similar buildings shall be of sound approved materials and in accordance with the National Building Regulations.	R1,000.00
<b>RELATING TO THE KEEPING OF ANIMALS AND BIRDS EXCLUDING DOGS</b>				
UB20/01	Section 1		Keeping any animal or bird in any stable so constructed or so situated that the animals or birds kept therein are likely to cause a nuisance or constitute a danger to health, or on premises which the Environmental Health Officer shall certify to be unfit for the purpose	R 500.00
UB20/02	Section 2		Keeping any animal or bird, other than a domestic pet or small bird in a cage, in any sleeping or living apartment in any dwelling-house or residential building.	R500.00
UB20/03	Section 3		Keeping or selling or slaughtering any livestock or poultry on any premises within the Council's area of jurisdiction except in Traditional Communities and on Farms.	R500.00
UB20/04	Section 4		Erecting any stable or converting any existing building for use as a stable for any purposes within any the municipal zoned area without Council consent.	R500.00
UB20/05	Section 5		Erecting or using as a fowl-house or aviary any structure which does not comply the municipality specification.	R500.00
UB20/06	Section 6		Keeping more than 10 head of live poultry on any property of a lesser extent than 5000m2 within any residential area in the Council's Area jurisdiction.	R500.00

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<b>FINE CODE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>	<b>APPROVED FINE</b>
UB20/07	Section 7	Keeping live poultry for sale on any premises within any residential area of the Council's area of jurisdiction.	R500.00
UB20/08	Section 8	Keeping any poultry on any premises in any part of the Council's area of jurisdiction unless he shall keep such poultry in a properly constructed fowl-house with a runway enclosed with wire netting.	R500.00
UB20/09	Section 9	Keeping birds (including homing pigeons) or rabbits within the Council's area of jurisdiction without the written consent of the Council.	R500.00
UB20/10	Section 10	Keeping on his premises any animal or bird which, by reason of continued howling, crowing or making other noise, disturbs the public peace or is a source of nuisance to the neighbourhood.	R500.00
UB20/11	Section 12	Permitting or allowing any livestock to be on any street or public place except while such livestock is being transported in or on a vehicle or except with the prior written consent of the Council and in compliance with any conditions imposed by it, leaving any livestock or allowing it to be in a place from where it may stray onto any street or public place.	R500.00
UB20/12	Section 13	Keeping any livestock on any premises within the council's area of jurisdiction except in any area zoned for agricultural purposes in terms of any approved Town Planning Scheme or on a farm or in a Traditional Community or Traditional Council area as defined in these bylaws.	R500.00
UB20/13	Section 14	Keeping on any premises within the Council's area of jurisdiction any ferocious or dangerous animal. Wild animals may be kept provided that the written consent of the council has been obtained, and subject to any conditions which may be prescribed in such written consent.	R500.00
UB20/14	Section 15	Keeping two cats on any premises within the Council's area of jurisdiction.	R200.00
UB20/15	Section 16	Keeping bees on any premises in the council's area of jurisdiction, with the exception of a farm as defined in these bylaws.	R200.00



*Fine Schedule Bylaws*

RELATING TO THE KEEPING OF DOGS			
FINE CODE	SECTION	DESCRIPTION	APPROVED FINE
UB21/01	Section 1(a)	Keeping any dog which is ferocious or vicious unless such a dog is kept on a lead or chain so that lawful visitors to the premises are safe from attack.	R500.00
UB21/02	Section 1(b)	Keeping any dog on any premises where such premises are not properly surrounded by a fence of such material as to ensure that such a dog is confined to such premises, or suitably enclosed area of not less than 70m <sup>2</sup> in which any dog can be confined	R200.00
UB21/03	Section 2(c)	Keeping any bitch in season unless he keeps such a bitch under proper control so as to prevent her from being a nuisance to the neighbours or public.	R200.00
UB21/04	Section 2(d)	Keeping more than two dogs without the consent in writing of the Council	R100.00 per dog and apply for permit for additional dogs
UB21/05	Section 2(d)	Any person breeding dogs without municipal relevant body permission (KUSA - Kennel Union of South Africa)	R1000.00
UB21/06	Section 2(e)	Keeping any dog for which no valid license is held within the Municipal Council area	R500.00
UB21/07	Section 2(f)	Keeping any dog for which he does not hold a valid rabies inoculation certificate;	R1000.00
UB21/08	Section 2(g)	Keeping any dog which attacks, bites or savages any person, unless it can be proved that such action was in defence of the owner or person keeping the dog, their dependants	R1000.00 and be taken to SAPCA or put down
UB21/09	Section 2(h)	Keeping any dog which, by reason of continued barking, yelping, howling, or making other noises, disturbs the public peace or is a source of nuisance to the neighbourhood,	R200.00
UB21/10	Section 4	Allowing any dog being his property or in his charge to be in any street or place to which the public has access unless it is on a leash held by the person or under some form of bodily restraint	R100.00

*Fine Schedule Bylaws*

PUBLIC ROADS AND MUNICIPAL STREETS				APPROVED FINE
FINE CODE	SECTION	DESCRIPTION		
UB22/01	Section 3 (1)	Obstructing of Public Road/ Street with any form of an object		R500.00
UB22/02	Section 4 (1)	Excavating or making any hole trench, pit, tunnel or remove any soil on a public road/street without prior consent of the Council		R500.00
UB22/03	Section 7 (1)	Offloading on a public road any materials or goods which are likely to cause damage to the road		R500.00
UB22/04	Section 8 (1)	Dropping or placing any substances that may interfere with the cleanliness of the public road		R300.00
ROAD TRAFFIC				
UB23/01	Section 2 (1)	Moving from one lane into another vehicle encroaching over any lane in the manner that may cause accident.		R200.00
UB23/02	Section 3 (1)	Driving a vehicle on the sidewalks or on the verge of the road.		R200.00
UB23/03	Section 5 (1)	Parking vehicle not in a designated parking place, disable, loading whilst not loading, towing zone.		R300.00
UB23/04	Section 5 (2)	Washing of vehicle in a parking area, not designated by the Council.		R500.00
UB23/05	Section 8, (1) (a)	A vehicle remaining stationary in a loading zone between the hours of 07:00am and 17:00pm Mondays to Fridays and 07:00am to 12:00am Saturdays.		R500.00
UB23/06	Section 4 (1)	Parking a vehicle upon traffic island without the instruction of the authorised Officer		R200.00
UB23/07	Section 6(1)	Repairing of motor vehicle on the Public roads or streets or parking facing oncoming traffic		R500.00

*Fine Schedule Bylaws*

UB23/08	Section 10 (1) (a)	Driving the heavy vehicle in town without specific delivery to a business or at night	R500.00
<b>STORMWATER</b>			
<b>FINE CODE</b>	<b>SECTION</b>	<b>DESCRIPTION</b>	<b>APPROVED FINE</b>
UB24/01	Paragraph 2.1	Leading or discharging any non-storm water discharging into the prior authority of the Council	R2,000.00 or imprisonment for a period not exceeding 2 (two) months or both.
UB24/02	Paragraph 2.2	Discharging any storm water, roof water, waste water or any other substance into any sewer lines under the jurisdiction of Ubuhebezwe Municipality	R2,000.00 or imprisonment for a period not exceeding 2 (two) months or both.
UB24/03	Paragraph 3	Constructing, using, allowing, maintaining or continuing any unauthorised drain or conveyance which allows discharge into the storm water sewer.	R5,000.00 or imprisonment for a period not exceeding three (3) months or both.
UB24/04	Paragraph 4	Obstructing or interfering with the normal flow of storm water into, through or out of the storm water without prior written approval of the Council.	R5,000.00 or imprisonment for a period not exceeding three (3) months or both.
UB24/05	Paragraph 5.1	Failure to stop an actual or threatened discharge of any pollutants that present eminent risk of harm to the public health, safety, welfare or fire environment.	R5,000.00 or imprisonment for a period not exceeding three (3) months or both.
UB24/06	Paragraph 5.2	Failure to comply with the suspension notice served by the Municipality.	R5,000.00 or imprisonment for a period not exceeding three (3) months or both.
UB24/07	Paragraph 6. (i)	Failure by the owner to take all step necessary to ensure containment and clean-up of the discharge.	R5,000.00 or imprisonment for a period not exceeding three (3) months or both.
UB24/08	Paragraph 6. (ii)	Failure by the owner to notify council as soon as reasonable possible of the discharge.	R5,000.00 or imprisonment for a period not exceeding three (3) months or both.

## PROVINCIAL NOTICE 45 OF 2016

## UBUHLEBEZWE MUNICIPALITY

**MUNICIPAL POUND BYLAWS**

<b>1<sup>ST</sup> DRAFT DATE</b>	<b>30<sup>th</sup> June 2014</b>
<b>2<sup>ND</sup> DRAFT DATE</b>	
<b>ADOPTION BY COUNCIL</b>	
<b>PROMULGATION DATE</b>	

**UBUHLEBEZWE MUNICIPALITY****POUND BYLAW**

Be it enacted by the Council of the Ubuhlebezwe Municipality, in terms of Section 156 of Constitution of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000 and the KwaZulu-Natal Pound Act 2006 (Act No. 3 of 2006), as follows:

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**Definitions**

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

"animal" means any equine or bovine animal or any donkey, sheep, goat, pig or domesticated ostrich, or any hybrid of such animals, or any poultry;

"Council" means the council of the Ubuhlebezwe Municipality;

"impounded animal" means any animal received into a pound as contemplated in section 5;

"Indigent" means a person that is unable to pay the full economic costs on basic services due to a number of factors that the municipality view as legitimate;

"Indigent household" means any household that is at or below the poverty threshold as determined by the Municipality

"Municipality" means a municipality as defined by the Municipal systems Act (Act No. 32 of 2000).

"owner" in relation to any animal includes the agent of the owner or any other person having lawful custody of the animal;

"owner" in relation to any land includes the registered owner, the lessee and any lawful occupier of such animal;

"pound" means any premises on which a pound has been established by or on behalf of the Council for the impounding of animals under these bylaws; and

"pound manager" means the person appointed from time to time by the Council to manage a pound established by the Council and any other person appointed by such person to act in his or her stead during his absence from the pound.

"public place" any place to which the public has access including, without limiting the generality of the foregoing, any square, park, recreation ground, sports ground, open space, beach, shopping centre on municipal land, unused/vacant municipal land or cemetery; and

"public road" shall mean a public road as described under Section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996).

## Background

Council is responsible for ensuring Public and Traffic Safety within its municipal area of jurisdiction. It is also imperative to control livestock on public roads and CBD areas in terms of Municipal By-laws. Roads prove highly hazardous due to accidents that occur due to stray animals found on roads. To deal with this problem it is necessary that the municipality impounds the stock that is left unattended on public areas and roads.

## Application

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

### **Establishment of pound**

- 3(1) The Council may establish a pound at any convenient place within its area of jurisdiction and, whenever the Council deems it necessary, may disestablish such pound.
- (2) The Council shall give notice of the establishment of a pound, or the disestablishment thereof, by publishing a notice in at least two newspapers circulating in the area of jurisdiction of the Council.

### **Detention and removal of animals**

- 4(1) Any animal –

- (a) found trespassing on land; or
- (b) straying or wandering unattended in a public road or other public place,

may be detained and removed to a pound by the owner of such land, an official of the Council, a member of the South African Police Services or the pound manager.

- (2) Any person who has detained an animal for the purpose of impounding shall -
  - (a) remove such animals to a pound within 24 hours after seizure; and
  - (b) ensure that proper care is taken of the seized animal until the animal is received at the pound.

### **Receipt of animals**

- 5(1) Any person removing an animal to a pound shall provide the pound manager with-
  - (a) his or her name and permanent residential address;
  - (b) the time and place of detention of the animal; and
  - (c) the capacity in which he or she detained the animal.

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

### **Care of animals**

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

### **Release of animals**

- 7. The pound manager shall release an impounded animal to any person who has –



- (1) satisfied the pound manager that he or she is the owner of the impounded animal viz. produce proof of ownership, full personal details including copy of Identity Document, permanent residential address (not postal) etc.
- (2) paid the conveyance and pound fees prescribed by resolution of the council of the Council from time to time; and
- (3) paid any veterinary or other expenses incurred in the impounding of the animal by way of a statement of account commensurate with the period the stock has been impounded inclusive of veterinary or other expenses, which statement must be taken to the finance cashiers who will issue a release note to the owner;.
- (4) Animal collection will be during working hours only, no person will be allowed to claim stock after working hours or during weekends.

### **Disposal of animals**

- 8(1) The pound manager may sell by public auction and for cash any impounded animal which has not been claimed within 30 days of being impounded, and in respect of which –
  - (a) the Council has taken all reasonable steps to locate and notify the owner;
  - (b) the owner has not been located or, despite having been given 10 day's notice, has failed to remove the impounded animal; and
  - (c) 10 day's prior notice of the proposed sale has been given in terms of section 8(2).
- (2) The sale of an impounded animal shall be advertised by placing a notice on a public notice board at a place designated by the Council for that purpose –
  - (a) describing the animal, its sex, its approximate age and any particular brands or marks; and
  - (b) stating that the animal will be sold by public auction if not claimed within 10 days.
- (3) The proceeds of any sale shall be applied in defraying the fees and expenses referred to in section 7 and the balance, if any, shall be forfeited to the Council if not

claimed within three months by a person who establishes to the satisfaction of the pound manager that he or she is the owner of the impounded animal.

- (4) If the pound manager is for any reason unable to sell any impounded animal or if, in the opinion of the pound manager the animal is so dangerous, vicious, diseased or severely ill or in such a physical condition that it ought to be destroyed, the pound manager may cause the animal to be destroyed subject to any applicable law relating to the protection of animals or otherwise dispose of the animal in a manner approved by the Council.
- (5) Any shortfall between the proceeds of sale, if any, and the fees and expenses referred to in section 7, or the costs of destruction as contemplated in clause 8(4), may be claimed by the Council from the owner.

### **Indemnity**

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

### **Offences and penalties**

- 10. Any person who contravenes or fails to comply with any provision of these by-laws shall be guilty of an offence and liable for a fine not exceeding R5 000 or imprisonment for a period not exceeding three months or for both such fine and imprisonment.

### **Short title and commencement**

- 11. These by-laws shall be called the Pound By-laws, 200..., and shall take effect on a date determined by the municipality by proclamation in the Provincial Gazette.

## PROVINCIAL NOTICE 46 OF 2016

## UBUHLEBEZWE MUNICIPALITY



**PUBLIC ROADS AND MUNICIPAL STREETS**  
**BYLAWS**

<b>1<sup>ST</sup> DRAFT DATE</b>	<b>30<sup>th</sup> June 2014</b>
<b>2<sup>ND</sup> DRAFT DATE</b>	
<b>ADOPTION BY COUNCIL</b>	
<b>PROMULGATION DATE</b>	

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## **CHAPTER 1**

### **Definitions**

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

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

"Council" means the Council of the ..... Municipality;

"prescribed" means determined by resolution of the Council from time to time;

"prescribed fee" means a fee determined by the Council by resolution; and

"public road" shall mean a public road as described under Section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996).

## **CHAPTER 2**

### **OBSTRUCTIONS**

#### **Obstruction of public roads**

2. No person may cause any obstruction of any public road.

#### **Removal of obstructions**

3.(1) If any person causes an obstruction on any public road, an authorised officer, may order such person to refrain from causing or to remove the obstruction.

(2) Where the person causing an obstruction cannot be found, or fails to remove or to cease causing such obstruction, an authorised officer may take such steps as may be necessary to remove the obstruction and the Council may recover the cost of the removal of the obstruction from that person.

## **CHAPTER 3**

### **ENCROACHMENTS**

#### **Excavations**

4.(1) No person may make or cause to be made any hole, trench, pit, tunnel or other excavation on or under any public road or remove any soil, tar, stone or other materials from any public road without the prior written consent of the Council.

- (2) Any person who requires the consent referred to in subsection (1) must -
- (a) comply with any requirements prescribed by the Council; and
  - (b) pay the prescribed fee.

### **Hoardings**

5.(1) Any person who erects, removes, alters, repairs or paints any building or structure or carries out any excavation within 2 m of a public road must, before commencing any such work, enclose or cause to be enclosed a space in front of such part of the building or structure.

(2) If the enclosure referred to in subsection (1) will project onto any portion of a public road, the person must –

- (a) obtain prior approval from the Council;
- (b) pay the prescribed fee; and
- (c) if the person making the application is not the owner of the building or land on which the work is done or is to be done, the owner must countersign the application.

(3) The Council may grant a permit in writing specifying -

- (a) the area and position at which the enclosure is permitted; and
- (b) the period for which the enclosure is permitted.

## **CHAPTER 4**

### **DANGEROUS FENCING**

#### **Barbed wire, dangerous and electrical fencing**

6. No owner or occupier of land -

(1) other than an owner or occupier of agricultural land, may along any public road erect or cause or permit to be erected, any barbed-wire fence or any railing, paling, wall or other barrier which, by reason of spikes or other sharp or pointed protrusions or otherwise by reason of the nature of its construction or design, is or may become a danger to any member of the public using such public road; and

(2) including an owner or occupier of an agricultural holding or farm land, may along any public road erect or cause or permit to be erected along such public road any electrified fence, railing or other electrified barrier unless –

- (a) the fence, railing or other barrier is erected on top of a wall built of brick, cement, concrete or similar material, which wall may not be less than two meters high; or
- (b) the fence, railing, or other barrier is separated from the public road by another, non-electrified fence.

## **CHAPTER 5**

### **PROTECTION AND CLEANLINESS OF PUBLIC ROADS**

#### **Protection of public road**

7. No person may place upon or off-load on a public road any materials or goods which are likely to cause damage to the road.

#### **Cleanliness of public roads**

8.(1) No person may spill, drop or place or permit to be spilled, dropped or placed, on any public road any matter or substance that may interfere with the cleanliness of the public road, or cause or is likely to cause annoyance, danger or accident to persons, animals, vehicles or other traffic using such public road, without removing it or causing it to be removed from such public road immediately.

(2) If the person mentioned in subsection (1) fails to remove the matter or substance, the Council may remove such matter or substance and recover the cost of removal from the person.

#### **Defacing, marking or painting public roads**

9. No person may in any way deface, mark or paint any public road or part of the public road without the prior written consent of the Council.

## **CHAPTER 6**

### **RACES, SPORTS EVENTS AND GAMES**

#### **Races and sports events**

10.(1) An application for consent to hold a race or sports event on any public road must be submitted in writing to the Council on the prescribed form at least 60 days prior to the event.

(2) The applicant must pay the prescribed fee and deposit to the Council at the time of making application for consent.

**Games on public roads**

11. No person may –

(1) play cricket, football or any other game; or

(2) by any means discharge any missile;

upon, over or across any public road.

**CHAPTER 7****GENERAL****Offences**

12. Any person who contravenes any provision of these by-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R5 000 or imprisonment for a period not exceeding 3 months or both.

**Repeal of existing By-laws**

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

**Short title and commencement**

14 These by-laws shall be called the Public Roads By-laws, 200.., and shall come into operation on .....



## PROVINCIAL NOTICE 47 OF 2016

## UBUHLEBEZWE MUNICIPALITY

**BYLAWS RELATING TO PUBLIC  
AMENITIES**

1 <sup>ST</sup> DRAFT DATE	30 <sup>th</sup> June 2014
2 <sup>ND</sup> DRAFT DATE	
ADOPTION BY COUNCIL	
PROMULGATION DATE	

The Municipal Council for Ubuhlebezwe has adopted the following bylaws at its meeting held on \_\_\_\_\_ in terms of section 156(2) of the Constitution of the Republic of South Africa (Act No 108 of 1996) read with section 31(12) of the Local Government: Municipal Structure Act, 1998 (Act No 117 of 1998) and hereby publishes the subjoined bylaws in terms of section 13 (a) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) to come into effect on the date of publication hereof in the Provincial Gazette.

## UBUHLEBEZWE MUNICIPALITY BYLAWS RELATING TO PUBLIC AMENITIES

NOTE: Words applying to any individual shall include persons, companies and corporations, and the masculine shall include female as well as males and the singular shall include the plural and visa versa.

### DEFINITIONS

1. In these bylaws, unless the context other wise indicates:-

**“Council”** means the Ubuhlebezwe Municipality within whose area of jurisdiction a public amenity is situated, or anyone who legally acts on the authority, or as the delegate of such Council;

**“Notice”** means a clear and legible official notice drawn up by the Council as displayed by order of the Council at every entrance to or at a conspicuous place at or on a public amenity.

**“Public Amenity”** means:-

- (a) any land, square, camping site, swimming bath, public resort, recreation site, nature reserve, zoological, botanical or other garden, park or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, but excluding any public road or street;

- (b) any building, structure, hall, room, or office including any part thereof and any facility or apparatus therein:

which is the property of, or is possessed, controlled or leased by the Council and to which the general public has access, whether on payment of admission fees or not;

- (c) any public amenity contemplated in paragraph (a) and (b), if it is lawfully controlled and managed in terms of an agreement by a person other than the Council and which is situated within the Council’s area of jurisdiction.

**Maximum Number of Visitors**

2.

- (1) The Council may determine the maximum number of visitors who may be present at a specific time at a public amenity, provided that different numbers may so be determined for different public amenities.
- (2) The numbers contemplated in subsection (1) are to be made known by the Council by means of a notice.

**Admission to and sojourn in public amenity**

3.

- (1) A public amenity is, subject to the provisions of these bylaws, open to the public at the times determined by the council, provided that different times may be determined in respect of different public amenities;
- (2) No visitor shall enter or leave a public amenity at a place other than that indicated for that purpose;
- (3) The Council may, subject to the Local Authorities Ordinance, 1974 (Ordinance No. 25 of 1974), temporarily close any amenity to visitors in case of an emergency or for the purpose of repair to or maintenance of such public amenity.
- (4) The times and places contemplated in subsection (1) and (2) shall be made known by the Council by means of a notice.

**Entrance Fee**

4.

- (1) A visitor to a public amenity shall pay the entrance fees approved and promulgated by the Council in its tariff of charges and such entrance fees shall be made known by means of a notice.
- (2) Different entrance fees may also be determined in respect of visitors of different ages.

**Nuisances**

5. No person shall perform or permit any of the following acts to be performed in or at a public amenity:-
  - (a) the use of a language or the performance of any other act with the purpose of disturbing the good order;
  - (b) the discharge of firearms, airguns, air pistols, fireworks or the use of sling-shots or catapults;

- (c) the burning of rubble or refuse;
- (d) the causing of unpleasant or offensive smells;
- (e) the production of smoke nuisances; or
- (f) the causing of disturbances by fighting, shouting, arguing, singing or the playing of musical instruments, or the excessive use of loudspeakers, radio reception devices, television sets, or similar equipment.
- (g) Any other nuisance as contained in the Council's General and Nuisance Bylaws. For the purpose of this section, public street and public place shall be deemed to include a public amenity.

## **HEALTH**

6. No person shall in or at a public amenity:-
- (a) dump, drop or place any refuse, rubble, material or any object or thing or permit it to be done, except in a container provided for the purpose in or at the amenity;
  - (b) pollute or contaminate in any way the water in any bath, swimming bath, dam, spruit, river or water-course;
  - (c) enter any bath or swimming bath while suffering from an infectious or contagious disease or having an open wound on his body;
  - (d) perform any act that may detrimentally affect the health of any visitors to a public amenity.

## **STRUCTURES**

7. No person shall, without the written consent of the Council having first been obtained, erect or establish in or on a public amenity any structure, shelter or anything else, except a caravan or tent erected for camping purposes on a site specifically set aside therefore by notice, provided that application for such consent shall be made to the Council on a form provided for that purpose, at least 21 days before such erection.

## **LIQUOR AND FOOD**

- 8.
- (1) No person shall, contrary to a provision of a notice, bring into a public amenity any alcoholic beverage or any food of whatever nature

- (2) Subject to the provision of subsection (1) no person shall on, in or at a public amenity, contrary to a provision of a notice, cook or prepare food of any kind whatsoever, except at places set aside for such purposes by a notice, provided that the preparation and cooking of food in or at a public amenity shall be done in a clean and sanitary manner so as not to give rise to excessive smoke or other nuisances or entail any danger to health, provided further that no live animals, poultry or fish may be killed or skinned on, or in or at a public amenity .

## **ANIMALS**

9.

- (1) No person shall bring any live animal, bird, fish or poultry into a public amenity except in accordance with the directions in respect of different public amenities and different types of animals, birds, fish and poultry.
- (2) The directions contemplated in subsection (1), shall be made known by means of notice, on, in or at a public amenity.

## **LOITERING**

10. No person leading the life of a vagrant or who lacks any determinable and legal refuge or who leads a lazy, debauched or disorderly existence or who habitually sleeps in a public street, public place or other non-private place or who habitually begs for money or goods or persuades others to beg for money or goods on his behalf, may loiter or linger about or sleep on, in or at a public amenity.

## **GATHERINGS AND PROCESSIONS**

11.

- (1) No person shall without the consent of the Council or contrary to any condition which the Council may impose when granting such consent:-
- (a) arrange, present or attend any public entertainment;
  - (b) collect money or any other goods for charity or any other purpose from the general public;
  - (c) display or distribute any pamphlet, placard, painting, book, handbill or any other printed, written or painted work;
  - (d) arrange, hold, address or attend any meeting;
  - (e) arrange, hold or attend a public gathering or procession, exhibition or performance;
  - (f) conduct any trade, occupation or business;
  - (g) display, sell or rent out or present for sale or rent any wares or articles;

- (h) hold or attend an auction;
- (i) tell fortunes for compensation in or at a public amenity;
- (2) For the purpose of this bylaw “**public gathering or procession**” shall mean a procession or gathering of 12 or more persons.
- (3) Consent contemplated in subsection (1), shall be refused only if the Council is of opinion that:-
  - (a) it will give a rise to:-
    - (i) Public rioting;
    - (ii) the disturbance of public peace;
    - (iii) the committing of an offence;
  - (b) it would be detrimental to the public or the users of or visitors to the public amenity; or
  - (c) it would be detrimental to the public amenity concerned.
- (4) Any person who requires the Council’s written consent for any action contemplated in subsection (1), shall apply in writing to the Council at least 21 days before such action on the form provided for this purpose.

## SAFETY AND ORDER

12.

- (1) No person shall, subject to subsection (2), in or at any public amenity:-
  - (a) damage or disfigure anything within such amenity;
  - (b) use or try to use anything within such amenity for any purpose other than that for which it is designated or determined by notice;
  - (c) light a fire or barbecue meat, except at a place indicated for that purpose by notice;
  - (d) throw away any burning or smouldering object;
  - (e) throw or roll any rocks, stone or object from any mountain, koppie, slope or cliff;
  - (f) pull out, pick or damage any tree, plant, shrub, vegetation or flower;
  - (g) behave himself in an improper, indecent, unruly, violent or unbecoming manner;
  - (h) cause a disturbance;
  - (i) wash, polish or repair a vehicle, provided that the foregoing provisions of this paragraph shall not be applicable to the emergency repair of a vehicle;
  - (j) walk, stand, sit or lie in a flower bed;
  - (k) kill, hurt, swallow, disturb, ill-treat or catch any animal, bird or fish or displace, disturb, destroy or remove any bird nests or eggs;
  - (l) walk, stand, sit, lie on grass contrary to any provisions of a notice;
  - (m) lie on a bench or seating-place or use it in such a manner that other users or potential users find it impossible to make use thereof;

- (n) play or sit on play park equipment, except if the person concerned is a child under the age of 13 years; or
- (o) swim, walk or play, contrary to the provisions of a notice, in a fish-pond, fountain, stream or pond.

- (2) The Council may by way of a notice and subject to such conditions as the council deems necessary and mentioned in the notice, authorise any of the actions contemplated in subsection (1).

## **WATER**

- 13. No person may misuse, pollute or contaminate any water source or water supply or waste in or at any public amenity.

## **LAUNDRY AND CROCKERY**

- 14. No person may in or at a public amenity wash any crockery or laundry or hang out clothes, except at places indicated by notice for that purpose.

## **VEHICLES**

- 15.
  - (1) No person may bring into a public amenity any truck, bus, motorcar, motorcycle, motor tricycle, bicycle or any other vehicles, craft or aeroplane, whether driven by mechanical, animal, natural or human power, except in accordance with the directions of the Council, provided that different directions may be determined for different amenities and for such different vehicles, crafts or aeroplanes.
  - (2) The Council may determine the speed limit applicable in a public amenity, provided that different speed limits may be determined for different public amenities and for such different vehicles, craft or aeroplanes.
  - (3) The directions contemplated in subsection (1) and speed limit contemplated in subsection (2) shall be made known by the Council by way of a notice.

## **GAMES**

- 16. No games of any nature whatsoever shall be played or conducted in or on a public amenity by any person or persons except at places set aside for that purpose by notice and in accordance with the directions of the Council and which is made known by way of notice.

## **IMPROPER OR INDECENT BEHAVIOUR**

- 17. No person may in or at a public amenity:-
  - (a) perform an indecent act or conduct himself improperly by exposure of his person or otherwise, or make improper gestures or incite or urge someone to perform a disorderly or indecent act;

- (b) use foul, lewd, dirty or indecent language;
- (c) write, paint, draw or in any way make a filthy or immoral figure, writing, drawing or representation;
- (d) defecate, urinate or undress, except in such building or premises intended or indicated by notice for such purpose or enter or use a toilet facility intended or indicated as such by notice for members of the opposite sex.

### **CLOTHING**

18. Visitors to or a user of a public amenity shall at all times be clothed decently in public.

### **POWERS OF A PERSON IN CONTROL**

19. A person appointed by the Council to control a public amenity may:-
- (a) in a public amenity at any time enter upon any place, land, premises or building and conduct an investigation thereat in order to determine whether the provisions of these bylaws are complied with;
  - (b) for the better exercising of any power or performance of any function or duty assigned or granted to him, take along an interpreter who, while acting under the lawful order of such a person, shall have the same powers, functions and duties as such person.

### **PENALTIES, OFFENCES AND APPEALS**

20. The provisions of the council's Bylaws Relating to Offences, Penalties and Appeals shall apply mutatis mutandis to these bylaws.

### **REPEAL OF BYLAWS / REGULATIONS**

1. Provincial Notice 289, 1978 dated 15 June 1978 in terms of which the Ixopo Health Committee adopted Regulations relating to the Hire of the Memorial and Agricultural Halls is hereby repealed.



## PROVINCIAL NOTICE 49 OF 2016

## UBUHLEBEZWE MUNICIPALITY

**LIBRARY BYLAWS**

1 <sup>ST</sup> DRAFT DATE	30 <sup>th</sup> June 2014
2 <sup>ND</sup> DRAFT DATE	
ADOPTION BY COUNCIL	
PROMULGATION DATE	

Structures Act 1998 (Act No 117 of 1998) and hereby publishes the subjoined bylaws in terms of section 13(a) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) to come into effect on the date of publication hereof in the Provincial Gazette.

**Municipal Manager**

**UBUHLEBEZWE MUNICIPALITY**

**LIBRARY BYLAWS**

Note: [Words applying to any individual shall include persons, companies and corporations, and the masculine shall include females as well as males and the singular shall include the plural and vice versa],

**DEFINITIONS**

1. In these bylaws, unless the context otherwise indicates:-

**“Adult”** shall mean any person over the age of 18 years and shall include any person who has already left school and who earns his living independently of his parents or guardian;

**“Borrower”** shall mean a person to whom a borrower’s ticket has been issued in accordance with the regulations;

**“Council”** shall mean the Ubuhlebezwe Municipality or its legal successors;

**“Librarian”** shall mean the person from time to time appointed by the Council to exercise control of and manage the library, and shall include any of his/her subordinates acting in terms of his/her directions.

**“Library material”** or **“item”** shall mean any book, magazine, document, print, newspaper, map, video, audio cassette, CD or DVD disc, framed art print, microfilm, microfiche or similar publication;

**“Minor”** shall mean any person under the age of 18 years and who is dependent upon his parents or guardian.

**“Provincial library”** shall mean the KwaZulu-Natal Provincial Library Service of which the library is a member;

**“Public room”** shall mean any room in the library building which is open to the public.

**ADMISSION TO LIBRARY BUILDINGS**

2. (1) The librarian may refuse library material or admission to any person whenever he is of the opinion that the issue of items to or the admission of such a person would not be in the public interest, and so deciding, the librarian may have regard to the comfort, health, convenience and feelings of other users of the library, the habits and modes of life of the person concerned, the locality to which he would in the ordinary course remove the items borrowed by him, and questions of public health. The regulation also applies to any person who neglects or refuses to comply with these regulations. Any such person to whom library material or admission has been refused shall have the right to appeal to the Council.
- (2) Subject to the provisions of subsection (1) and to the further provisions of these regulations, admission to the public rooms shall be free of charge and any person may read or view or consult any material, and / or listen to video, audio cassettes DVDs or CDs during the hours of opening prescribed by the Council.

## **LENDING DEPARTMENT**

3. (1) Any person may be enrolled as a library borrower and shall, subject to the same terms of sub regulation (2) hereof, be entitled to borrow library material from the lending department of the library.
- (2) Any person wishing to be enrolled as a borrower shall apply to the librarian on a form provided by her for the purpose. Separate application forms shall be made available for adults and minors and applications by minors shall be counter-signed by the parent or guardian responsible for them. In the application form there shall in each case be given an undertaking on the part of the applicant to pay for any library material lost or damaged while in his possession, in terms of and on the basis provided for in Regulation 6.
- (3) Any duly enrolled borrower shall, at the discretion of the librarian, be entitled to take out one or more items at a time upon the production of a ticket or card issued to the borrower by the librarian. No item will be issued unless the borrowers tickets are produced. Lost or damaged tickets or cards will be replaced by the librarian upon request and payment of the prescribed fee where applicable.
- (4) Videos, audiocassettes, DVDs or CDs may be borrowed free of charge by any enrolled library borrower who has been so enrolled for a minimum period of 3 months.

## **BORROWERS TICKETS**

4. (1) Every borrower shall be responsible for the ticket or ticket issued in his name and shall, until the cancellation thereof, be liable for any fine or claim for damage or loss arising from the unauthorized use thereof.
- (2) When a borrowers ticket is lost during the time of membership, the borrower shall forthwith give notice thereof to the librarian who may issue a duplicate of such ticket. The issue of a duplicate borrowers' \*ticket shall in no way relieve the holder of any liability incurred by him under sub-regulation (1) hereof.
- (3) Any enrolled borrower who for any reason ceases to be entitled borrow library material from the lending department of the library or who wishes to cease borrowing library material from the said department shall forthwith return his borrower's ticket or tickets to the librarian for cancellation. Failure to do so will in no way absolve him from any liability incurred by him in sub-regulation (1) hereof.

#### **OVERDUE LIBRARY MATERIAL**

5. (1) Every item borrowed shall be returned to the lending department of the library from which it was borrowed not later than fourteen days from date of issue; provided that:-
  - (a) the issue of an item not required by another person may be renewed for a further period of fourteen days upon a written or verbal request to the librarian .
  - (b) no person shall retain any item issued to him after a written demand by the librarian for the return of such item has been delivered at the registered address of such person, or, in the event of there being no postal delivery service, to the post office box of the member.
  - (c) art reproductions may be borrowed for a period in excess of fourteen days, at the discretion of the librarian.
- (2) A borrower shall be liable to a fine as prescribed in the Council's tariff of charges per week or part thereof for each item retained beyond that period or whenever a renewal is granted as above beyond the period of such renewal; provided that the librarian may remit any fine incurred whenever, in his opinion, the delay in returning the item was due to circumstances beyond the control of the borrower.
- (3) In special cases library material may, at the discretion of the librarian, be lent to borrowers (such as bona fide students) for any period in excess of 14 days. The librarian may also, at his discretion, issue popular materials for periods of less than 14 days.

- (4) The librarian is empowered to refuse to lend any item to a borrower who fails to pay fines incurred.
- (5) In the case where the librarian finds it necessary, after repeated written demands for the return of the library material by a borrower, to send a messenger to the borrower's address in an endeavor to recover the library material and where the messenger does not succeed in recovering the items, no further items shall be issued and the librarian may cancel such membership; should such items be returned, however, no further items shall be issued until all outstanding fines have been paid in full.
- (6) Habitual over-retention of library material may lead to the suspension or cancellation of the borrower's membership.

### **LOST AND DAMAGED LIBRARY MATERIAL**

- 6. (1) Should any item be lost, the borrower shall pay to the librarian, in addition to any fine or charges which may be due in respect of such item, the value of the lost item in respect of provincial library stock, or he shall pay in respect of the library stock of the Council the value of such item or replace such item with a new copy of equal value.
- (2) Any item not returned to the librarian within a period of two months from the date of issue, or whenever a renewal is granted within a period of two months from the date of renewal, shall be deemed to be lost.
- (3) The borrower shall be responsible for any damage caused to any item while in his possession, and shall be required to pay the amount of such damage as assessed by the librarian, or, alternatively, to replace such item with a new copy of equal value in respect of the library stock. In respect of provincial library stock he shall pay the value as assessed by the library service, as stated on the printed item card of the damaged item. Items found to be damaged when presented for issue must be reported, otherwise the borrower may be held responsible for the damage.
- (4) No person who has lost or damaged library material shall be permitted to borrow any further items until such lost or damaged items shall have been replaced or until the amount of damage caused or any other charge has been paid to the librarian, as the case may be.
- (5) Neglect to pay for the loss, damage or non-return of library material shall be a debt due from the borrower and recoverable at law at the discretion of the Council.

### **NOTIFICATION OF CHANGE OF ADDRESS**

7. Any borrower who changes his address from that given by him in his application form and shown on the borrower's ticket or tickets issued to him shall within seven days thereafter, notify the librarian of both his old and new address.

#### **REFERENCE DEPARTMENT**

- 8 (1) Any person may consult any library item in the reference department to which he is entitled to be admitted in terms of Regulation 2.
- (2) No such item shall be removed from the reference department; provided that the librarian may, upon receipt of such deposit as he may deem advisable, permit any registered borrower to borrow an item from the reference department for a specified time upon receipt of a written undertaking by the borrower to return the item (a) in a good condition, (b) within the specified time.
- (3) The librarian may require any person consulting any item in the reference department of the library to do so in any such place in the library building as he may specify. Any person consulting a reference item will be held responsible for any damage such an item may sustain.

#### **USE OF GROUP ACTIVITIES ROOM**

9. The group activities room will be at the disposal, without any charge, to persons who are admitted to the library buildings in terms of Regulation 2, for use where the promotion of culture, such as book discussions, art, evaluations, musical evenings and similar activities are involved; provided that where the promotion of culture is not pursued, the room may, should it be available for use, be hired by members of the public at a rental determined by the Council.

#### **UNAUTHORISED POSSESSION OF LIBRARY MATERIAL**

10. (1) No person shall be in a possession of or remove from any department of the library any item which has not been duly recorded by the librarian. Any person removing any item from the library without its being duly recorded shall be guilty of an offence and liable to prosecution and forfeiture of membership.
- (2) Any item bearing the mark or stamp of either the provincial library service or the Council and not containing an official notification that it has been withdrawn, discarded or sold, shall be deemed the property of the provincial library service or the Council, as the case may be.
- (3) No item shall be removed from the general reading room without prior approval of the librarian.

**NON-ACTIVE MEMBERS**

11. The librarian is empowered to cancel the membership of any borrower who has been continuously non-active for a period of 12 months, unless such a borrower has informed the librarian of any prolonged absence due to illness or leave or any other valid reason. The borrower thus having his membership cancelled does not forfeit his right to be re-registered at any further date, within the provisions of these regulations.

**CARE OF LIBRARY MATERIAL**

- 12 (1) Any person to whom library material has been issued in terms of these regulations shall keep such library material in a clean and sound condition and shall take all such steps as may be necessary to protect it while in route to and from the library building in wet weather.
- (2) No person shall:-
- (a) turn down or stain the leaves or make pencil or other marks upon or in any way cause damage to any book forming part of the library;
  - (b) make copies of any such book or part thereof or of instructions therein by the means of tracing or otherwise without permission of the librarian;
  - (c) remove or mutilate any color plates or any other illustrations or leaves of any book whatsoever;
  - (d) remove the plastic covering and / or book jacket from any book issued to him;
  - (e) return library materials without appropriate wrapping or without placing them in a suitable container; the librarian may refuse to issue further items if, after due warning to the borrower this requirement is not complied with;
  - (f) return videos, audio cassettes, DVDs and CDs in covers other than those in which they have been issued;
  - (g) expose videos, audio cassettes, DVDs and CDs to excessive heat or handle them in any manner which may cause damage.

### **EXPOSING LIBRARY MATERIAL TO INFECTIOUS DISEASES**

- 13 (1) No person suffering from any notifiable disease shall borrow and use the library material and no person shall permit any library material issued to him to be exposed to any notifiable disease.
- (2) No person shall return to the library any material which he knows to have been exposed to infection from any notifiable disease nor permit any such library material which is under his control to be returned but shall immediately give notice to the Council that the library material has been so exposed, and the Council shall thereupon cause the library material to be disinfected and then returned to the library, should the infected library material be of the local stock it may be destroyed by the Council if necessary.

### **HOURS OF OPENING**

- 14 (1) The library will be open for such hours as the Council may decide; provided that the hours shall be prominently displayed on the notice board and the door of the library and that sufficient notice of any changes contemplated shall be given.
- (2) The library will not be open on public holidays and the Council is authorized to close the library or part of it temporarily for such days or at such times as it may consider necessary, provided that the notice of the Council's intention is posted up on the notice board seven days before the actual closing.

### **GENERAL**

- 15 (1) No person shall willfully obstruct the librarian or any assistants in the execution of their duties;
- (2) No person shall affix or post any bill, placard or notice to or upon any part of the library without the prior permission of the librarian.
- (3) No person shall bring into any part of the library any wheeled vehicle or conveyance other than a hand propelled or motorised invalid chair, baby's perambulator or pushcart, without the permission of the librarian.
- (4) No person shall give a false name and address for the purpose of entering any part of the library or obtaining any privilege from such part.



**CONDUCT IN THE LIBRARY**

- 16 (1) No person shall, to annoyance of any other person, engage in audible conversation in any part of the library, or willfully obstruct, disturb, interrupt, or annoy any other person in the proper use of the library.
- (2) No person shall behave in a disorderly manner in any part of the library, use violent, obscene or abusive language, bet, gamble, or persist after proper warning in remaining therein beyond the hours fixed for the closing of the library or any part thereof.
- (3) No person shall cause or permit any animal belonging to him or under his control to enter or remain in the library.
- (4) No person shall drink intoxicating liquor, spit, sleep or consume food in any part of the library.
- (5) No person shall carelessly, negligently or maliciously damage or injure anything belonging to or forming part of the library.

**OFFENCES AND PENALTIES AND APPEALS**

17. The provisions of the council's Offences, Penalties and Appeals bylaws shall mutatis mutandis apply to these bylaws

## PROVINCIAL NOTICE 50 OF 2016

## UBUHLEBEZWE MUNICIPALITY

**ROAD TRAFFIC BYLAWS**

1 <sup>ST</sup> DRAFT DATE	30 <sup>th</sup> June 2014
2 <sup>ND</sup> DRAFT DATE	
ADOPTION BY COUNCIL	
PROMULGATION DATE	

**UBUHLEBEZWE MUNICIPALITY****ROAD TRAFFIC BYLAWS****Definitions**

1. (1) In these Bylaws, unless the context otherwise indicates:

**“Authorised Officer”** means:

- (a) a traffic officer or warden appointed in terms of the National Road Traffic Act, 1996 (Act No 93 of 1996);
- (b) a member of the services as defined in section 1 of the South African Police Services Act, 1995 (Act No 58 of 1995);
- (c) a peace officer contemplated in section 34 of the Criminal Procedure Act, 1977 (Act No 51 of 1977)
- (d) any other official duly authorised by the council,

**“Goods Vehicle”** means a motor vehicle other than a motorcar or bus, designed or adapted for the conveyance of goods on a public road and includes a truck-tractor, motorcycle or motor tricycle;

**“Heavy motor vehicle”** means a motor vehicle or a combination of motor vehicles the gross vehicle mass of which vehicle or combination of vehicles exceeds 3,500kg;

**“Licensed Motor Vehicle Attendant”** means a motor vehicle attendant who is the holder of a current licence issued in terms of these Bylaws;

**“Manager, Protection Services”** means the person appointed by the municipality to this position and includes a person acting in this position;

**“Motor Vehicle Attendant”** means a person who, at the request or with the consent of the person in charge of a motor vehicle, undertakes for reward to supervise or take care of such motor vehicle while it is parked in a public street;

**“Municipality”** means the Ubuhlebezwe Municipality or its successors in title, and includes the council of that municipality or its executive committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the executive committee has delegated any powers and duties with regard to these bylaws;

**"Taxi"** means a public motor vehicle designed or adapted solely or principally for the conveyance of not more than nine persons including the driver.

**"The Act"** means the National Road Traffic Act, 1996 (Act No 93 of 1996) as amended from time to time;

**"The Regulations"** means any regulations promulgated under the Act.

The words and phrases defined in the Act and the Regulations shall, when used in these Bylaws, bear the same meanings, unless inconsistent with the context.

### **Use of Roads Demarcated into Traffic Lanes**

2. (1) When any roadway has been demarcated into traffic lanes, a driver of a vehicle shall drive so as to be entirely within a single traffic lane and shall not cause or permit his vehicle to encroach over any lane line demarcating such traffic lane, except when moving from one lane into or across another.
- (2) All vehicles proceeding along any public road demarcated into traffic lanes at less than the normal speed of traffic at the time and place and under the conditions then existing, all animal-drawn vehicles, bicycles and all heavy motor vehicles shall be driven in the left-hand traffic lane then available for traffic or as close as practicable to the left edge of the roadway, except when overtaking another vehicle proceeding in the same direction or when making a right-hand turn.

### **Vehicles not to be Driven on Sidewalks**

3. No person shall drive, draw or propel any vehicle (other than a perambulator, invalid's chair or the like) upon any footpath or sidewalk designed for use by pedestrians, except when it is necessary to do so to cross (by the shortest route) any such sidewalk or footpath for the purpose of entering or leaving any property abutting thereon.

### **Roller Skating and Use of Soap Box Carts**

4. No person shall use roller-skates, a skateboard, a soapbox cart or any similar article to which rollers or wheels are fixed or cause or permit them to be used upon a public road or sidewalk provided however that the Council in its discretion may authorise the use of such in connection with organised events.

### **Control of Parking Places**

5. Whenever the public or any number of persons are entitled or allowed to use, as a parking place, any area of land, including land which is not part of a public road or a public place, authorised officers shall, in cases of emergency or when it is desirable in the public interest, have authority to direct and regulate traffic thereon, and no person shall disregard the instructions of any authorised officer while so engaged.

### **Repair of Motor Vehicles on Public Roads Prohibited.**

6. No person shall repair any motor vehicle in any public street or place within the Municipality; provided that this Bylaw shall not prohibit the carrying out of minor repairs necessitated by a temporary or sudden stoppage of such vehicle for the purpose of setting such vehicle in motion.

### **Excessive Noise**

7. No person shall operate a motor vehicle upon a public road in such a manner as to cause any excess noise that can be avoided by the exercise of reasonable care on his part.

### **Parking Restrictions**

8. (1) No person operating or in charge of a vehicle on a public road shall:
- (a) allow such vehicle to remain stationary in a loading zone between the hours of 07:00 and 17:00 Mondays to Fridays and 07:00 to 12:00 Saturdays except where any such day is a Public Holiday or during such other restricted hours as may be specified in respect of any particular loading zone by a road traffic sign or marking.
  - (b) (i) in the case of a vehicle other than a goods vehicle, for more than five minutes continuously and only while actually loading or off-loading persons or goods and while a licensed driver is in attendance at such vehicle; or
  - (ii) in the case of a goods vehicle for more than thirty minutes continuously and only while the vehicle is being actually loaded or unloaded;

and no person shall keep any vehicle stationary in a loading zone for any other purpose. The driver of a vehicle, other than a goods vehicle, stationary in a loading zone shall remove such vehicle therefrom immediately upon being directed to do so by an

authorised officer, notwithstanding that it has not been stationary therein for longer than the maximum period allowed in respect of a vehicle of that class.

- (b) in the case of a vehicle other than a bus, allow such vehicle to remain stationary in a bus stop between the hours of 06h00 and 18h00.
  - (c) park such vehicle in any public road within the Municipality for a period beyond that indicated on any road traffic sign duly erected in terms of the Act or regulations as the case may be.
- (2) No driver or other person in charge of any vehicle which has been parked in a parking area defined as such by road traffic signs shall move such vehicle from the position in which it was parked and again park that vehicle within a distance of 23 metres of the place where it was so parked until an interval of thirty minutes shall have elapsed after so moving such vehicle.
  - (3) No heavy motor vehicle designed, adopted or used for the conveyance of goods shall, without the written permission of the Manager, Protection Services be parked by any person between the hours of 19:00 and 05:00 in any part of the municipality which has formally been declared as a town in terms of any applicable law, except on private land or on those portions of public roads on which there have not been displayed road traffic signs regulating such parking.
  - (4) No person shall park a vehicle upon a traffic island, unless directed to do so by an authorised officer.
  - (5) No dealer shall park or allow to be parked in any public road within the Municipality, any vehicle which has been placed in his custody or under his control or which is in his possession for the purpose of sale, exchange or garaging, in the course of any dealers' business carried on by him unless at the time such vehicle is being used for demonstration or testing purposes or is in the course of being delivered to the owner or purchaser thereof.
  - (6) No person responsible for the control of a business of recovering or repairing vehicles shall park, cause or permit to be parked, in any public road or place within the Municipality any vehicle that is in an obvious state of disrepair which has been placed in his charge in the course of the said business.

### **Exemption of Medical Practitioners & Certain Nurses from Parking Restrictions**

- 9, (1) A registered medical practitioner or nurse, shall be exempt from the provisions of any law relating to parking in force in the Ubuhlebezwe Municipal area when using, on *bona fide* professional domiciliary visits, a motor vehicle on which is displayed a badge conforming with the requirements of subsection (2) hereof issued on the authority of the Manager, Protection Services
- (2) (a) The badge shall be a windscreen sticker badge of a design approved by the Manager, Protection Services, displaying on the face thereof, a serial number, and the name of the person to whom it is issued
- (b) The badge shall be displayed on the lower nearside corner of the windscreen and shall have a pocket in which is inserted a white card showing the address at which the holder of the badge is actually making a professional domiciliary visit at the time the motor vehicle to which it is affixed is parked. The address shown on the card must be easily legible from outside the vehicle.
- (3) (a) Written application for the issue of a badge shall be made in a form approved by the Manager, Protection Services
- (b) The Manager, Protection Services shall keep a register in which he shall record the serial number allocated by him of the badge the issue of which has been authorised by him and the name of the holder.
- (c) No duplicate badge shall be issued without the prior consent of the Manager, Protection Services.
- (d) Where the Manager, Protection Services has reason to believe that any holder is abusing the privileges conferred by a badge he shall notify the issuing body which shall there-upon withdraw the badge from the holder and the privileges conveyed by the badge shall there-upon cease.

#### **Prohibitions and Restrictions on Use of Certain Roads by All or Certain Classes of Vehicles**

- 10 (1) (a) Except with the written permission of the Manager, Protection Services, no person shall operate any animal drawn vehicle on any public road within the Municipality.
- (b) In granting any permission in terms of (a) hereof, the Manager, Protection Services may impose any restrictions or conditions that he may deem necessary in the interest of traffic.

### Pedestrian Crossings

11. (1) (a) Where marked pedestrian crossings are in existence within an intersection, no pedestrian shall cross or attempt to cross such intersection except within any such marked pedestrian crossing.
- (b) Wherever a robot (or traffic control light signal) embodying pedestrian signals is in operation at an intersection, no pedestrian shall commence to cross the roadway in any pedestrian crossing at such intersection while the red light of a pedestrian signal is displayed in the direction opposite to that in which he is proceeding; provided that where no pedestrian signals are in operation at an intersection, but such intersection is controlled by a robot (or traffic control light signal), no pedestrian shall commence to cross the roadway in any pedestrian crossing at such intersection while the red light of such robot, or traffic control light signal is displayed in the direction opposite to that in which he is proceeding.
- (c) Wherever a robot (or traffic control light signal) embodying pedestrian signals is in operation at a pedestrian crossing elsewhere than at an intersection, no pedestrian shall commence to cross the roadway in such pedestrian crossing when the red light of a pedestrian signal is displayed in the direction opposite to that in which he is proceeding.
- (2) A pedestrian crossing the roadway within a demarcated pedestrian crossing, whether at an intersection or otherwise, shall walk on the left of such pedestrian crossing.
- (3) No person or persons shall sit or lie on any sidewalk, footpath or public road, neither shall any persons stand, congregate or walk so as to obstruct the movement of traffic or to the annoyance or inconvenience of the public after being requested by an authorized officer to move on or disperse.
- (4) No pedestrians, when in or upon a public road, shall carelessly, negligently or recklessly disregard or endanger his own safety or the safety of any person or vehicle using the public road.

### Motor Vehicle Attendants

- 12 (1) No person shall act as motor vehicle attendant within the Municipality, except under authority of a written permit



granted by the Manager, Protection Services, which permit the Manager, Protection Services may grant, subject to such conditions as he may determine, or refuse.

- (2) Every permit granted in terms of subsection (1) hereof shall, unless cancelled or suspended in terms of subsection (6) hereof, be valid until the 31st December of the year of issue.
- (3) No person authorised in terms of this Bylaw to act as a motor vehicle attendant shall charge any amount for his services in connection with any one motor vehicle, and he shall rely on tips given to him by the driver of such vehicle.
- (4) Every motor vehicle attendant shall, upon demand by an authorised officer or a member of the public who engages or proposes to engage his services, produce the permit issued to him in terms of subsection (1) hereof.
- (5) A permit granted in terms of subsection (1) hereof may be revoked or  
thereof - suspended by the Manager, Protection Services if the holder
  - (a) commits a breach of this Bylaw or of any condition subject to which the permit was granted;
  - (b) leaves unattended any motor vehicle left in his care;
  - (c) while performing his duties as a motor vehicle attendant, is or becomes intoxicated;
  - (d) directs the driver of any motor vehicle into an area in which the parking or stopping of vehicles is prohibited;
  - (e) fails to observe or carry out the lawful instructions of any authorised officer
- (7) With the exception of a person holding a permit issued in terms of subsection (1) hereof who has been authorised by the Protection Services Officer in writing specifically or generally to do so, or who is acting on the authority or under the control of an authorised officer, no person shall in a public street or public place make an offer to provide care for or supervision of a motor vehicle whilst it is parked in such street or place.
- (8) No person shall in a public street or public place –
  - (a) clean or wash any motor vehicle; or
  - (b) offer to clean or to wash any motor vehicle.

- (9) No person shall in a public street or public place inform or threaten the driver or person in charge of a motor vehicle that such vehicle will or may suffer damage or be stolen unless it is left in his care or under his supervision.
- (10) If on a charge of contravening any of the provisions of this section the accused person avers that the driver or person in charge of a motor vehicle made a request of him concerning the motor vehicle, the onus of proof in respect thereof shall rest upon the accused person.

### **Offences, Penalties and Appeals**

13. The council's Bylaws Relating to Offences, Penalties and Appeals shall apply mutatis mutandis to these bylaws.

### **Repeal of regulations**

14. The following bylaws and regulations are hereby repealed:

- (a) The Motor Vehicle and Road Traffic Regulations as adopted by the former Ixopo Health Committee under Provincial Notice No. 381 of 1984 dated 26 July 1984; and
- (b) PART RIX Public Roads and Public Places of the regulations published by the former Development and Services Board in so far as they applied to the under-mentioned area shall no longer apply from the date of publication of this notice in the gazette:

Regulated Area:     Stuartsville

**PROVINCIAL NOTICE 51 OF 2016**  
**UBUHLEBEZWE MUNICIPALITY**



## **STORMWATER MANAGEMENT BYLAWS**

<b>1<sup>ST</sup> DRAFT DATE</b>	<b>30<sup>th</sup> June 2014</b>
<b>2<sup>ND</sup> DRAFT DATE</b>	
<b>ADOPTION BY COUNCIL</b>	
<b>PROMULGATION DATE</b>	

## SCHEDULE

Be it enacted by the Council of the ..... Municipality, in terms of section 156 of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996), read with section 11 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) as follows:

### STORMWATER MANAGEMENT BY-LAWS

#### INDEX

#### CHAPTER 1: DEFINITIONS

##### 1 Definitions

In this bylaw, unless the context indicates otherwise—

**"Council"** means the Council of the ..... Municipality;

**"non-stormwater discharge"** means any discharge into the stormwater system which is not composed entirely of stormwater;

**"occupier"**, in relation to any premises, means any person —

- (a) occupying the premises;
- (b) leasing the premises; or
- (c) who is not occupying the premises but is entitled to do so;

**"owner"**, in relation to any premises, means —

- (a) the person in whose name the title to the premises is registered; or

- (b) if the person referred to in (a) is dead, insolvent, mentally ill, a minor or under any legal disability, the executor, guardian or other person who is legally responsible for administering that person's estate;

**"premises"** means any privately-owned land or land on which buildings or other structures are situated;

**"stormwater"** means any storm water runoff, surface water runoff, sub-soil or spring water;

**"stormwater drain"** means any closed or open drain used or intended to be used for carrying stormwater within any premises to the stormwater system; and

**"stormwater system"** means the system of conduits, the ownership of which is vested in the Council, and which is used or intended to be used for collecting and carrying stormwater, including without limiting the generality of the foregoing, any road with a drainage system and any gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, drainage channel, reservoir or other drainage structure.

## CHAPTER 2

### PROHIBITED ACTIVITIES

#### 2 Unauthorised discharge

(1) Subject to subsection (2), no person shall, without the prior written consent of the Council, which consent may be conditional or unconditional, directly or indirectly lead or discharge any non-stormwater discharge into the stormwater system without the prior authority of the Council.

(2) Nothing prevents the discharge into the stormwater system of flow from -

- (a) potable water sources;
- (b) natural springs or wetlands;
- (c) diverted streams;

- (d) rising groundwater;
- (e) fire fighting activities;
- (f) individual residential car washing;
- (g) swimming pools, provided that the water has been allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance; and
- (h) street sweeping.

### **3 Unauthorised connection**

No person shall construct, use, allow, maintain or continue any unauthorized drain or conveyance which allows discharge into the stormwater sewer.

### **4 Obstruction of flow**

No person shall obstruct or interfere with the normal flow of stormwater into, through or out of the stormwater sewer without the prior written approval of the Council.

## **CHAPTER 3**

### **SUSPENSION OF ACCESS AND NOTIFICATION**

#### **5 Suspension of access**

(1) The Council may issue a notice suspending access to the stormwater system when such suspension is necessary to stop an actual or threatened discharge of any pollutants that presents imminent risk of harm to the public health, safety, welfare or the environment.

(2) In the event that any owner or occupier fails to comply with a suspension notice, the Council may, at the cost of the owner or occupier of the premises, as the case may be, take all reasonable steps required to prevent or minimize harm to the public health, safety or the environment.

## **6 Notification of spills**

As soon as the owner or occupier of any premises becomes aware of any discharge of any pollutants into the stormwater system, the owner or occupier shall -

- (1) take all immediate steps necessary to ensure containment and cleanup of the discharge;
- (2) notify the Council as soon as reasonably possible of the discharge.

## **CHAPTER 4**

### **CONSTRUCTION AND MAINTENANCE**

## **7 Construction and maintenance of stormwater drains and connections**

The owner or occupier, as the case may be, of any premises shall be responsible for the construction and maintenance, at his or her expense of any stormwater drains on the premises and any connection between such drains and the stormwater system.

## **CHAPTER 5**

### **GENERAL PROVISIONS**

## **8 Offences**

Any person who -

- (a) contravenes or fails to comply with any provisions of these by-laws;
- (b) fails to comply with any notice issued in terms of these by-laws;

- (c) fails to comply with any lawful instruction given in terms of these by-laws; or
- (d) obstructs or hinders any authorised official in the execution of his or her duties under these by-laws –

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R5 000 or imprisonment for a period not exceeding 3 months or both.

## **9 Short title and commencement**

These by-laws shall be called the Stormwater Management By-laws, 200..., and shall come into operation on .....









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