



THE PROVINCE OF MPUMALANGA
DIE PROVINSIE MPUMALANGA

Provincial Gazette Provinsiale Koerant

(Registered as a newspaper) • (As 'n nuusblad geregistreer)

Vol. 23

NELSPRUIT
1 JULY 2016
1 JULIE 2016

No. 2708

PART 1 OF 3

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
HELPLINE**

0800 012 322

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 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!

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

CUSTOMER INQUIRIES



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

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

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

PROOF OF PAYMENTS



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.

When submitting your notice request to submit.egazette@gpw.gov.za, please ensure that a purchase order (GPW Account customer) or proof of payment (non-GPW Account customer) is included with your notice submission. All documentation relating to the notice submission must be in a single email.

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).

REMINDER OF THE GPW BUSINESS RULES

- ☐ 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.



eGazette



IMPORTANT NOTICE:

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

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

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NOTICE SUBMISSION DEADLINES FOR ORDINARY GAZETTES

Government Gazette Type	Publication Frequency	Publication Date	Submission Deadline	Cancellations Deadline
National Gazette	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 12h00 - 3 days prior to publication
Regulation Gazette	Weekly	Friday	Friday 15h00, to be published the following Friday	Tuesday, 12h00 - 3 days prior to publication
Petrol Price Gazette	As required	First Wednesday of the month	One week before publication	3 days prior to publication
Road Carrier Permits	Weekly	Friday	Thursday 15h00, to be published the following Friday	3 days prior to publication
Unclaimed Monies (justice, labour or lawyers)	January / As required 2 per year	Any	15 January / As required	3 days prior to publication
Parliament (acts, white paper, green paper)	As required	Any		3 days prior to publication
Manuals	As required	Any	None	None
Legal Gazettes A, B and C	Weekly	Friday	One week before publication	Tuesday, 12h00 - 3 days prior to publication
Tender Bulletin	Weekly	Friday	Friday 15h00 for next Friday	Tuesday, 12h00 - 3 days prior to publication
Gauteng	Weekly	Wednesday	Two weeks before publication	3 days after submission deadline
Eastern Cape	Weekly	Monday	One week before publication	3 days prior to publication
Northern Cape	Weekly	Monday	One week before publication	3 days prior to publication
North West	Weekly	Tuesday	One week before publication	3 days prior to publication
KwaZulu-Natal	Weekly	Thursday	One week before publication	3 days prior to publication
Limpopo	Weekly	Friday	One week before publication	3 days prior to publication
Mpumalanga	Weekly	Friday	One week before publication	3 days prior to publication
Gauteng Liquor License Gazette	Monthly	Wednesday before the First Friday of the month	Two weeks before publication	3 days after submission deadline
Northern Cape Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
National Liquor License Gazette	Monthly	First Friday of the month	Two weeks before publication	3 days after submission deadline
Mpumalanga Liquor License Gazette	2 per month	Second & Fourth Friday	One week before	3 days prior to publication

GOVERNMENT PRINTING WORKS CONTACT INFORMATION

Physical Address:

Government Printing Works
149 Bosman Street
Pretoria

Postal Address:

Private Bag X85
Pretoria
0001

GPW Banking Details:

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

For Gazette and Notice submissions: Gazette Submissions:

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

For queries and quotations, contact: Gazette Contact Centre:

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

Tel: 012-748 6200

Contact person for subscribers: Mrs M. Toka:

E-mail: subscriptions@gpw.gov.za

Tel: 012-748-6066 / 6060 / 6058

Fax: 012-323-9574

LIST OF TARIFF RATES FOR PUBLICATION OF NOTICES

COMMENCEMENT: 1 APRIL 2016

NATIONAL AND PROVINCIAL

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

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

EXTRA-ORDINARY

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

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

GOVERNMENT PRINTING WORKS BUSINESS RULES

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

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format, to the email submission address submit.egazette@gpw.gov.za. All notice submissions not on Adobe electronic forms will be rejected.
3. When submitting your notice request, please ensure that a purchase order (GPW Account customer) or proof of payment (non-GPW Account customer) is included with your notice submission. All documentation relating to the notice submission must be in a single email and must be attached separately. (In other words, your email should have an Adobe Form plus proof of payment/purchase order as 2 separate attachments. Where notice content is applicable, it should also be a 3rd separate attachment).
4. Notices brought to GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format.
5. All "walk-in" customers with notices that are not on electronic Adobe forms will be routed to the Contact Centre where they will be assisted to complete the forms in the required format. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of any organisation e.g. newspaper publisher, the messenger will be referred back to the sender as the submission does not adhere to the submission rules.
6. For National or Provincial gazette notices, the following applies:
 - 6.1 These notices must be accompanied by an electronic Z95 or Z95Prov Adobe form
 - 6.2 The notice content (body copy) MUST be a separate attachment.
7. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – www.gpwonline.co.za)
8. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za)
9. All re-submissions will be subject to the standard cut-off times.
10. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
11. The electronic Adobe form will be taken as the primary source for the notice information to be published. Instructions that are on the email body or covering letter that contradicts the notice form content will not be considered.
12. Requests for Quotations (RFQs) should be received by the Contact Centre at least 24 hours before the submission deadline for that specific publication.

APPROVAL OF NOTICES

13. Any notices other than legal notices are subject to the approval of the Government Printer, who may refuse acceptance or further publication of any notice.

GOVERNMENT PRINTER INDEMNIFIED AGAINST LIABILITY

The Government Printer indemnified against liability

14. The Government Printer will assume no liability in respect of—
 - 14.1 any delay in the publication of a notice or publication of such notice on any date other than that stipulated by the advertiser;

- 14.2 erroneous classification of a notice, or the placement of such notice in any section or under any heading other than the section or heading stipulated by the advertiser;
- 14.3 any editing, revision, omission, typographical errors or errors resulting from faint or indistinct copy.

LIABILITY OF ADVERTISER

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

COPY

- 16. Copy of notices must be submitted using the relevant Adobe PDF form for the type of notice to be placed and may not constitute part of any covering letter or document.
- 17. Where the copy is part of a separate attachment document for **Z95, Z95Prov** and **TForm03**
 - 17.1 Copy of notices must be supplied in a separate document and may not constitute part of any covering letter, purchase order, proof of payment or other attached documents.

The content document should contain only one notice. (You may include the different translations of the same notice in the same document).
 - 17.2 The notice should be set on an A4 page, with margins and fonts set as follows:

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

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

PAYMENT OF COST

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

PROOF OF PUBLICATION

- 24. Copies of the Government Gazette which may be required as proof of publication, may be ordered from the Government Printer at the ruling price. The Government Printer will assume no liability for any failure to post or for any delay in despatching of such Government Gazette(s).

IMPORTANT ANNOUNCEMENT**Closing times for the ORDINARY WEEKLY
MPUMALANGA PROVINCIAL GAZETTE 2016**

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

- 13 May 2016, Friday for the issue of Friday 20 May 2016
- 20 May 2016, Friday for the issue of Friday 27 May 2016
- 27 May 2016, Friday for the issue of Friday 03 June 2016
- 03 June 2016, Friday for the issue of Friday 10 June 2016
- 09 June 2016, Thursday for the issue of Friday 17 June 2016
- 17 June 2016, Friday for the issue of Friday 24 June 2016
- 24 June 2016, Friday for the issue of Friday 01 July 2016
- 01 July 2016, Friday for the issue of Friday 08 July 2016
- 08 July 2016, Friday for the issue of Friday 15 July 2016
- 15 July 2016, Friday for the issue of Friday 22 July 2016
- 22 July 2016, Friday for the issue of Friday 29 July 2016
- 29 July 2016, Friday for the issue of Friday 05 August 2016
- 04 August 2016, Thursday for the issue of Friday 12 August 2016
- 12 August 2016, Friday for the issue of Friday 19 August 2016
- 19 August 2016, Friday for the issue of Friday 26 August 2016
- 26 August 2016, Friday for the issue of Friday 02 September 2016
- 02 September 2016, Friday for the issue of Friday 09 September 2016
- 09 September 2016, Friday for the issue of Friday 16 September 2016
- 16 September 2016, Friday for the issue of Friday 23 September 2016
- 23 September 2016, Friday for the issue of Friday 30 September 2016
- 30 September 2016, Friday for the issue of Friday 07 October 2016
- 07 October 2016, Friday for the issue of Friday 14 October 2016
- 14 October 2016, Friday for the issue of Friday 21 October 2016
- 21 October 2016, Friday for the issue of Friday 28 October 2016
- 28 October 2016, Friday for the issue of Friday 04 November 2016
- 04 November 2016, Friday for the issue of Friday 11 November 2016
- 11 November 2016, Friday for the issue of Friday 18 November 2016
- 18 November 2016, Friday for the issue of Friday 25 November 2016
- 25 November 2016, Friday for the issue of Friday 02 December 2016
- 02 December 2016, Friday for the issue of Friday 09 December 2016
- 08 December 2016, Thursday for the issue of Friday 16 December 2016
- 15 December 2016, Thursday for the issue of Friday 23 December 2016
- 22 December 2016, Thursday for the issue of Friday 30 December 2016

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

NOTICE 85 OF 2016

ERMELO AMENDMENT SCHEMES 712, 716 & 719

NOTICE OF APPLICATION FOR AMENDMENT OF THE ERMELO TOWN PLANNING SCHEME, 1982 IN TERMS OF SECTION 56(1)(b)(i) OF THE TOWN PLANNING AND TOWNSHIPS ORDINANCE, 1986 (ORDINANCE 15/1986), READ TOGETHER WITH THE REGULATIONS OF THE SPATIAL PLANNING AND LAND USE MANAGEMENT ACT, 16 OF 2013, (SPLUMA).

We, Reed & Partners Land Surveyors being the authorised agent of the owners of the respective properties described, hereby give notice in terms of section 56(1)(b)(i) of the Town Planning and Townships Ordinance, 1986, that we have applied to the Municipality of Msukaligwa for the amendment of the Town Planning Scheme known as Ermelo Town Planning Scheme 1982 by the rezoning of the properties described hereunder, as follows:

1. **ERMELO AMENDMENT SCHEME 712:**
By the rezoning of Erf 955 Ermelo Extension 5, situated at 11 Brink Street, Ermelo from “Residential 1” to “Residential 3”.
2. **ERMELO AMENDMENT SCHEME 716:**
By the rezoning of the Remainder of Portion 1 of Erf 641 Ermelo, situated at 9B Voortrekker Avenue, Ermelo, from “Residential 1” to “Special for the purpose of Offices and Dwellings”.
3. **ERMELO AMENDMENT SCHEME 719:**
By the rezoning of Portion 1 of Erf 541 Cassim Park Extension 2, situated on the corner of Capricorn Avenue and the Provincial Road, R39, Cassim Park Extension 2, from “Residential 1” to “Residential 3”.

Particulars of the applications will lie for inspection during normal office hours at the office of the Municipal Manager, Civic Centre, Taute Street, Ermelo for the period of 28 days from 24 June 2016.

Objections to or representations in respect of the applications must be lodged with or made in writing to the Municipal Manager at the above address or at P.O. Box 48, Ermelo, 2350 within a period of 28 days from 24 June 2016.

Address of agent: Reed & Partners, Professional Land Surveyors, P.O. Box 132, Ermelo, 2350, Tel. No. 017 – 811 2348

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KENNISGEWING 85 VAN 2016

ERMELO WYSIGINGSKEMAS 712, 716 & 719

KENNISGEWING VAN AANSOEK OM WYSIGING VAN DIE ERMELO DORPSBEPLANNINGSKEMA, 1982 INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986 (ORDONNANSIE 15 VAN 1986), SAAMGELEES MET DIE BEPALINGS VAN DIE RUIMTELIKE BEPLANNING EN GRONDGEBRUIKSBESTUUR WET, 16 VAN 2013, (SPLUMA).

Ons, Reed & Vennote Landmeters synde die gemagtigde agent van die eienaars van die onderskeie eiendomme hieronder beskryf, gee hiermee ingevolge artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986 kennis dat ons by die Munisipaliteit van Msukaligwa aansoek gedoen het om die wysiging van die dorpsbeplanningskema bekend as Ermelo Dorpsbeplanningskema 1982 deur die hersonering van die eiendomme hieronder beskryf, soos volg:

1. **ERMELO WYSIGINGSKEMA 712:**
Deur die hersonering van Erf 955 Ermelo Uitbreiding 5, geleë te Brinkstraat 11, Ermelo, van “Residensieel 1” na “Residensieel 3”.
2. **ERMELO WYSIGINGSKEMA 716:**
Deur die hersonering van die Restant van Gedeelte 1 van Erf 641 Ermelo, geleë te Voortrekkerlaan 9B, Ermelo, van “Residensieel 1” na “Spesiaal vir die gebruik van Kantore en Wooneenhede”.
3. **ERMELO WYSIGINGSKEMA 719:**
Deur die hersonering van Gedeelte 1 van Erf 541 Cassim Park Uitbreiding 2, geleë op die hoek van Capricorn Laan en die R39 Provinsiale pad, Cassim Park Uitbreiding 2, van “Residensieel 1” na “Residensieel 3”.

Besonderhede van die aansoeke lê ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder, Burgersentrum, Tautestraat, Ermelo vir ‘n tydperk van 28 dae vanaf 24 Junie 2016.

Besware teen of verhoë ten opsigte van die aansoeke moet binne ‘n tydperk van 28 dae vanaf 24 Junie 2016 skriftelik by of tot die Munisipale Bestuurder by bovermelde adres of by Posbus 48, Ermelo, 2350 ingedien of gerig word.

Adres van agent: Reed & Vennote, Professionele Landmeters, Posbus 132, Ermelo, 2350, Tel. No. 017 – 811 2348

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NOTICE 88 OF 2016**EMALAHLENI LAND USE MANAGEMENT SCHEME, 2010**

I Jan Albertus van Tonder of Plan Associates Town and Regional Planners Inc., being the authorised agent of the owner of Erf 11250 Kwaguqa x15 (located at the entrance to the new Kwaguqa Shopping Centre GPS coordinates: S25 52.283 E29 07.946), hereby give notice that we have applied for special consent for a Public Garage on the above mentioned property in terms of Clause 26 of the Emalahleni Land Use Management Scheme 2010 read in conjunction with Section 2(2) and the relevant provisions of the Spatial Planning and Land Use Management Act, 2013 (Act No. 16, 2013). The current zoning of the application site is: Special for Mixed use/ light industrial and Business. Particulars of the application will lie for inspection during normal office hours at the office of the Chief Town Planner: Third Floor, Civic Centre, Mandela Avenue, Emalahleni, for a period of 28 days from 1 July 2016. Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address, or at P.O. Box 3, Emalahleni, 1035, within a period of 28 days from 1 July 2016. Address of authorized agent: Plan Associates, P.O. Box 14732, Hatfield, 0028, tel: 012 342 8701 fax: 012 342 8714 e-mail:info@planassociates.co.za ref: 242875

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KENNISGEWING 88 VAN 2016**EMALAHLENI-GRONDGEBRUIKBESTUURSKEMA, 2010**

Ek Jan Albertus van Tonder van Plan Medewerkers Stads- en Streekbeplanners Ing., synde die gemagtigde agent van die eienaar van Erf 11250 Kwaguqa x 15 (gelee by die ingang van die nuwe Kwaguqa winkelsentrum GPS Koördinate S25 52.283 E29 07.946), gee hiermee kennis dat ons aansoek gedoen het om Spesiale toestemming vir 'n openbare garage op bovermelde eiendom in terme van Klousule 26 van die Emalahleni Grondgebruik- bestuurskema 2010 saamgeslees met Artikel 2(2) en die toepaslike bepalings van die Ruimtelike Beplanning en Grondgebruiksbestuurswet van 2013 (Wet 16 van 2013). Die huidige sonering van die eiendom is Spesiaal vir Gemengde gebruike / Ligte Nywerheid en Besigheid. Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Hoof Stadsbeplanner: Derde Vloer, Burgersentrum, Mandelarylaan, Emalahleni, vir 'n tydperk van 28 dae vanaf 1 Julie 2016. Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 1 Julie 2016 skriftelik tot die Munisipale Bestuurder by bovermelde adres, of by Posbus 3, Emalahleni, 1035, ingedien of gerig word. Adres van gemagtigde agent: Plan Medewerkers, Posbus 14732, Hatfield, 0028, tel: 012 342 8701 faks: 012 342 8714 e-pos:info@planassociates.co.za verw: 242875

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NOTICE 89 OF 2016**MPUMALANGA GAMBLING ACT, 1995 (AS AMENDED)
APPLICATION FOR REMOVAL OF A BOOKMAKER'S LICENCE:**

Notice is hereby given that **HOLLYWOOD SPORTSBOOK MPUMALANGA (PTY) LTD**, intends submitting an application to the Mpumalanga Gambling Board for the **REMOVAL OF A BOOKMAKER'S LICENCE:**

from

SHOP 5, CASHBUILD COMPLEX, 2 VOORTREKKER STREET, MASHISHING

to

SHOP B, CORNER VOORTREKKER AND LANGE STREET, MASHISHING

The application will be open for public inspection and objection at the offices of the Board from **1 July 2016**

Attention is directed to the provisions of Section 26 of the Mpumalanga Gambling Act, 1995 that makes provision for the lodging of written objections or representations in respect of the application.

Such objections or representations should be lodged with the Chief Executive Officer, Mpumalanga Gambling Board, Private Bag X9908, White River, Mpumalanga, 1240, within one month from **1 July 2016**

NOTICE 90 OF 2016

NOTICE OF APPLICATION FOR AMENDMENT OF THE EMALAHLENI LAND USE MANAGEMENT SCHEME, 2010 IN TERMS OF SECTION 56 (1)(b)(i) OF THE TOWNPLANNING AND TOWNSHIPS ORDINANCE, 1986, READ WITH SPLUMA, ACT 16 OF 2013

EMALAHLENI AMENDMENT SCHEME 2124

I, Karl Wilhelm Rost Pr Pln of the firm Townscape Planning Solutions CC, being the authorised agent of the owner of the Remaining Extent of Portion 29 of the farm Naauwpoort 335, Registration Division J.S., Mpumalanga, hereby give notice in terms of section 56(1)(b)(i) of the Town Planning and Townships Ordinance, 1986, read with SPLUMA (Act 16 of 2013) that I have applied to the Emalahleni Local Municipality for the amendment of the town planning scheme known as the Emalahleni Land Use Management Scheme, 2010 by the rezoning of a part of the property described above, situated approximately 5.5 km South-East of Duva Park Extension 2 on the R544 road (old Bethal road) , from "Agricultural" to "Industrial 2" for the purpose of a Scrap Yard and related Noxious Industries.

Particulars of the application will lay for inspection during normal office hours at the office of the Chief Town Planner, third Floor, Civic Centre, Mandela Avenue, Emalahleni, for a period of 28 days from 1 July 2016. Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at P.O Box 3, Emalahleni, 1035 within a period of 28 days from 1 July 2016.

Address of applicant: Townscape Planning Solutions, P.O. Box 20831, Noordbrug, 2522, Tel: 082 662 1105

1-8

Our reference: P16527advProvGazette

KENNISGEWING 90 VAN 2016

KENNISGEWING VAN AANSOEK OM WYSIGING VAN EMALAHLENI GRONDGEBRUIKBESTUURSKEMA, 2010 INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986, SAAMGELEES MET SPLUMA, WET 16 VAN 2013

EMALAHLENI WYSIGINGSKEMA 2124

Ek, Karl Wilhelm Rost Pr Pln van die firma Townscape Planning Solutions BK, synde die gemagtigde agent van die eienaar van die Resterende Gedeelte van Gedeelte 29 van die plaas Naauwpoort 335, Registrasie Afdeling J.S., Mpumalanga, gee hiermee ingevolge artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, saamgelees met SPLUMA (Wet 16 van 2013), kennis dat ek by die Emalahleni Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema, bekend as die Emalahleni Grondgebruikskema, 2010 deur die hersonering van 'n gedeelte van die eiendom hierbo beskryf, geleë ongeveer 5.5 km Suid-Oos van Duva Park Uitbreiding 2 op die R544 pad (ou Bethal pad), vanaf "Landbou" na "Industrieël 2" vir die doeleindes van 'n Skroofterf en gepaartgaande "Noxious Industries". Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Hoof Stadsbeplanner, Derdevloer, Burgersentrum, Mandelarylaan, Emalahleni, vir 'n tydperk van 28 dae vanaf 1 Julie 2016.

Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 1 Julie 2016 skriftelik tot die Munisipale Bestuurder by bovermelde adres of by Posbus 3, Emalahleni, 1035 ingedien of gerig word. Adres van applikant: Townscape Planning Solutions, Posbus 20831, Noordbrug, 2522, Tel: 082 662 1105

1-8

NOTICE 91 OF 2016

NOTICE OF APPLICATION FOR AMENDMENT OF THE EMALAHLENI LAND USE MANAGEMENT SCHEME, 2010 IN TERMS OF SECTION 56 (1)(b)(i) OF THE TOWNPLANNING AND TOWNSHIPS ORDINANCE, 1986, READ WITH SPLUMA, ACT 16 OF 2013

EMALAHLENI AMENDMENT SCHEME 2122

I, Karl Wilhelm Rost Pr Pln of the firm Reed & Partners Land Surveyors - Secunda, being the authorised agent of the owner of Portion 76 (a portion of Portion 30) of the farm Naauwpoort 335, Registration Division J.S., Mpumalanga, hereby give notice in terms of section 56(1)(b)(i) of the Town Planning and Townships Ordinance, 1986, read with SPLUMA (Act 16 of 2013) that I have applied to the Emalahleni Local Municipality for the amendment of the town planning scheme known as the Emalahleni Land Use Management Scheme, 2010 by the rezoning of a part of the property described above, situated approximately 2 km South-East of Duva Park Extension 2 on the R544 road (old Bethal road), from "Agricultural" to "Industrial 1" for Industrial Purposes.

Particulars of the application will lay for inspection during normal office hours at the office of the Chief Town Planner, third Floor, Civic Centre, Mandela Avenue, Emalahleni, for a period of 28 days from 1 July 2016.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at P.O Box 3, Emalahleni, 1035 within a period of 28 days from 1 July 2016.

Address of applicant: Reed & Partners Land Surveyors, P.O. Box 985, Secunda, 2302, Tel: 082 662 1105

Our reference: P16535advProvGazette

1-8

KENNISGEWING 91 VAN 2016

KENNISGEWING VAN AANSOEK OM WYSIGING VAN EMALAHLENI GRONDGEBRUIKBESTUURSKEMA, 2010 INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986, SAAMGELEES MET SPLUMA, WET 16 VAN 2013

EMALAHLENI WYSIGINGSKEMA 2122

Ek, Karl Wilhelm Rost Pr Pln van die Reed & Vennote Landmeters - Secunda, synde die gemagtigde agent van die eienaar van Gedeelte 76 (Gedeelte van Gedeelte 30) van die plaas Naauwpoort 335, Registrasie Afdeling J.S., Mpumalanga, gee hiermee ingevolge artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, saamgelees met SPLUMA (Wet 16 van 2013), kennis dat ek by die Emalahleni Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema, bekend as die Emalahleni Grondgebruikskema, 2010 deur die hersonering van die eiendom hierbo beskryf, geleë ongeveer 2 km Suid-Oos van Duva Park Uitbreiding 2 op die R544 pad (ou Bethal pad), vanaf "Landbou" na "Industrieel 1" vir Industriële Doeleindes

Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Hoof Stadsbeplanner, Derdevloer, Burgersentrum, Mandelarylaan, Emalahleni, vir 'n tydperk van 28 dae vanaf 1 Julie 2016. Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 28 dae vanaf 1 Julie 2016 skriftelik tot die Munisipale Bestuurder by bovermelde adres of by Posbus 3, Emalahleni, 1035 ingedien of gerig word.

Adres van applikant: Reed & Vennote Landmeters, Posbus 985, Secunda, 2302, Tel: 082 662 1105

1-8

NOTICE 92 OF 2016

NOTICE OF APPLICATION FOR AMENDMENT OF THE EMALAHLENI LAND USE MANAGEMENT SCHEME, 2010 IN TERMS OF SECTION 56 (1)(b)(i) OF THE TOWNPLANNING AND TOWNSHIPS ORDINANCE, 1986, READ WITH SPLUMA, ACT 16 OF 2013, WITH SIMULTANEOUS APPLICATION FOR REMOVAL OF RESTRICTIONS IN TERMS OF SECTION 67 OF THE EMALAHLENI MUNICIPAL BY-LAW ON SPATIAL PLANNING AND LAND USE MANAGEMENT, 2016

EMALAHLENI AMENDMENT SCHEME 2123

I, Karl Wilhelm Rost Pr Pln of the firm Townscape Planning Solutions CC, being the authorised agent of the owner of the Remainder of Erf 611, Witbank Extension 3, Registration Division J.S., Mpumalanga, hereby give notice in terms of section 56(1)(b)(i) of the Town Planning and Townships Ordinance, 1986, read with SPLUMA (Act 16 of 2013) that I have applied to the Emalahleni Local Municipality for the amendment of the town planning scheme known as the Emalahleni Land Use Management Scheme, 2010 by the rezoning of the property described above, situated at 18 Elizabeth Avenue (Corner of Elizabeth and Rhodes streets), from "Residential 3" to "Business 4" for the purpose of Offices and a Place of Refreshment. Application is also made for the Removal of Restrictive Title Condition (j) in Title Deed T18385/1980 in terms of Section 67 of the Emalahleni Municipal By-law on Spatial Planning and Land Use Management, 2016, in order to conduct business uses on the property.

Particulars of the application will lay for inspection during normal office hours at the office of the Chief Town Planner, third Floor, Civic Centre, Mandela Avenue, Emalahleni, for a period of 30 days from 1 July 2016.

Objections to or representations in respect of the application must be lodged with or made in writing to the Municipal Manager at the above address or at P.O Box 3, Emalahleni, 1035 within a period of 30 days from 1 July 2016.

Address of applicant: Townscape Planning Solutions Reg Nr: 2000/045930/23, P.O. Box 20831, Noordbrug, 2522, Tel: 082 662 1105

Our reference: P16541advProvGazette

1-8

KENNISGEWING 92 VAN 2016

KENNISGEWING VAN AANSOEK OM WYSIGING VAN EMALAHLENI GRONDGEBRUIKBESTUURSKEMA, 2010 INGEVOLGE ARTIKEL 56(1)(b)(i) VAN DIE ORDONNANSIE OP DORPSBEPLANNING EN DORPE, 1986, SAAMGELEES MET SPLUMA, WET 16 VAN 2013, MET GELYKTYDIGE AANSOEK VIR DIE OHEFFING VAN BEPERKENDE TITELVOORWAARDES INGEVOLGE GEDEELTE 67 VAN DIE EMLAHLENI MUNISIPALE VERORDENING OP RUIMTELIKE BEPLANNING EN GRONDGEBRUIK BESTUUR, 2016

EMALAHLENI WYSIGINGSKEMA 2123

Ek, Karl Wilhelm Rost Pr Pln van die firma Townscape Planning Solutions BK, synde die gemagtigde agent van die eienaar van die Resterende Gedeelte van Erf 611, Witbank Uitbreiding 3, Registrasie Afdeling J.S., Mpumalanga, gee hiermee ingevolge artikel 56(1)(b)(i) van die Ordonnansie op Dorpsbeplanning en Dorpe, 1986, saamgelees met SPLUMA (Wet 16 van 2013), kennis dat ek by die Emalahleni Plaaslike Munisipaliteit aansoek gedoen het om die wysiging van die dorpsbeplanningskema, bekend as die Emalahleni Grondgebruikskema, 2010 deur die hersonering van die eiendom hierbo beskryf, geleë te Elizabethlaan 18 (hoek van Rhodes en Elizabethstrate) , vanaf "Residensiël 3" na "Besigheid 4" vir die doeleindes van 'n Kantoor en Plek van Verfrissing. Aansoek word ook gedoen vir die Opheffing van Beperkende Titelvoorwaardes (j) in Titelakte T18385/1980, ingevolge Artikel 67 van die Emalahleni Munisipale Verordening op Ruimtelike Beplanning en Grondgebruik Bestuur, 2016, vir die doeleindes om besigheidsgebruike op die perseel te mag bedryf. Besonderhede van die aansoek lê ter insae gedurende gewone kantoorure by die Hoof Stadsbeplanner, Derdevloer, Burgersentrum, Mandelarylaan, Emalahleni, vir 'n tydperk van 30 dae vanaf 1 Julie 2016. Besware teen of verhoë ten opsigte van die aansoek moet binne 'n tydperk van 30 dae vanaf 1 Julie 2016 skriftelik tot die Munisipale Bestuurder by bovermelde adres of by Posbus 3, Emalahleni, 1035 ingedien of gerig word.

Adres van applikant: Townscape Planning Solutions Reg Nr: 2000/045930/23 , Posbus 20831, Noordbrug, 2522, Tel: 082 662 1105

1-8

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**PROVINCIAL NOTICE 53 OF 2016****MPUMALANGA GAMING ACT, 1995 (ACT 5 OF 1995) AS AMENDED
APPLICATION FOR A TRANSFER OF A SITE OPERATOR LICENSE**

Notice is hereby given that K2015295937 (South Africa) (Pty) Ltd, Registration number 2015/295937/07 trading as Border Country Inn, intends submitting an application for a transfer of site operator license (from the current licensee Border Country Inn Hotel CC) to the Mpumalanga Gambling Board on 1 July 2016. 1. The purpose of the application is to transfer a license to operate and keep limited payout machines on the site premises, in the Province of Mpumalanga. 2. The applicant's site premises (business) is located at: Portion 2 of the Farm Lebombo, No. 196, Komatipoort, Mpumalanga Province. 3. The owners and/or managers of the site are as follows: Mr. Nelio Correia Dinis. The application will be open for public inspection at the office of the Mpumalanga Gambling Board at First Avenue, White River, South Africa, 1240, from 1 July 2016 to 31 July 2016. Attention is directed to the provisions of Section 26 of the Mpumalanga Gaming Act, 1995 (Act No.5 of 1995) as amended, which makes provision for the lodging of written objections in respect of the application. Such objections should be lodged with the Chief Executive Officer, Mpumalanga Gaming Board, First Avenue, Private Bag X9908, White River, South Africa, 1240, within the aforementioned public inspection period.

PROVINCIAL NOTICE 54 OF 2016**MPUMALANGA GAMBLING ACT, 1995 (AS AMENDED)
APPLICATION FOR RELOCATION OF PREMISES:**

Notice is hereby given that Hollywood Sportsbook Mpumalanga (Pty) Ltd situated at Shop 15, 27 Oosthuizen Street, Ermelo, Mpumalanga intends submitting an application to the Mpumalanga Gambling Board for the relocation of premises from its current licensed premises to Shop 8, 27 Oosthuizen Street, Ermelo, Mpumalanga.

This application will be open for public inspection and objection at the offices of the Board from 1 July 2016.

Attention is directed to the provisions of Section 26 of the Mpumalanga Gambling Act, 1995 that makes provision for the lodging of written objections or representations in respect of the application.

Such objections or representations should be lodged with the Chief Executive Officer, Mpumalanga Gambling Board, Private Bag X9908, White River, Mpumalanga, 1240, within one month from 1 July 2016.

PROVINCIAL NOTICE 55 OF 2016**MPUMALANGA GAMBLING ACT, 1995 (AS AMENDED)
APPLICATION FOR RELOCATION OF PREMISES:**

Notice is hereby given that Hollywood Sportsbook Mpumalanga (Pty) Ltd situated at Shop 5, Cashbuild Complex, 2 Voortrekker Street, Mashishing, Mpumalanga intends submitting an application to the Mpumalanga Gambling Board for the relocation of premises from its current licensed premises to Shop B, corner Voortrekker & Lange Street, Mashishing, Mpumalanga.

This application will be open for public inspection and objection at the offices of the Board from 1 July 2016.

Attention is directed to the provisions of Section 26 of the Mpumalanga Gambling Act, 1995 that makes provision for the lodging of written objections or representations in respect of the application.

Such objections or representations should be lodged with the Chief Executive Officer, Mpumalanga Gambling Board, Private Bag X9908, White River, Mpumalanga, 1240, within one month from 1 July 2016.

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 56 OF 2016

APPLICATION FOR REMOVAL OF RESTRICTIVE CONDITIONS AND EMALAHLENI AMENDMENT SCHEME 2121

We, Khano Afrika (Pty) Ltd, being the authorized agent of the registered owners of the Erven mentioned below, hereby give notice in terms of Section 3(1) of the Removal Of Restrictions Act, 1967 (Act 84 Of 1967), that I have applied to the Department of Co-operative Governance and Traditional Affairs and eMalahleni Local Municipality in the following manner:

- ✚ Amendment scheme number 2121: Proposed Portion 1 of the Remaining Extent of Portion 152 (a Portion of Portion 4) of the farm Blesboklaagte 296 JS from Title Deed T000007155/2014 removing conditions (A)(1)(2) and (3) in order to Rezone from "Agriculture to Business 3" For the purpose of Shops and an Annexure 757 for a filling station.
- ✚ Written consent use application for a guesthouse on Erf 237 Witbank Ext 1 and removing conditions (a)(b)(c) and (d) on Title deed T000001136/2016

Particulars of the application will lie for inspection during normal office hours at the office of the municipal manager Emalahleni Local Municipality, Mandela Street, Witbank and Disaster Management Centre, R40 (White River / Nelspruit Road), for a period of 28 days from 24 June 2016. Objections to or representations in respect of the application must be lodged with or made in writing to the municipal manager Emalahleni Local Municipality, PO Box 3, Witbank, 1035, and (attention: Ms Liezl van Niekerk or Mr D Ndlovu), Disaster Management Centre, R40 (White River / Nelspruit Road), phone 082 370 9194 or 072 766 5647 within a period of 28 days from the 24 June 2016.

Address of agent: 420 C Thenus van Niekerk Street Centurion | Pretoria | 0157, Tel: 078 453 6444/074 503 3447 Fax; 086 239 8342, Email: info@khanoafrika.co.za

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PLAASLIKE OWERHEID KENNISGEWING 56 VAN 2016

AANSOEK OM OPHEFFING VAN BEPERKENDE VOORWAARDES EN EMALAHLENI WYSIGINGSKEMA 2121

Ons, Khano Afrika (Edms) Bpk, synde die gemagtigde agent van die geregistreerde eienaars van die erwe hieronder, gee hiermee ingevolge artikel 3 (1) van die Wet op Opheffing van Beperkings, 1967 (Wet 84 van 1967), dat ek aansoek gedoen het by die Departement van Samewerkende Regering en Tradisionele sake en eMalahleni Plaaslike Munisipaliteit op die volgende wyse:

- ✚ Wysigingskema getal 2121: Voorgestelde Gedeelte 1 van die Restant van Gedeelte 152 ('n Gedeelte van Gedeelte 4) van die plaas Blesboklaagte 296 JS van Titellakte T000007155 / 2014 verwydering voorwaardes (a) (1) (2) en (3) in om te hersoneer van "Landbou na Besigheid 3" vir die doel van winkels en 'n Bylae 757 vir 'n vul staion.
- ✚ Skriftelike toestemming gebruik aansoek om 'n gastehuis op Erf 237 Witbank Uitbreiding 1 en die verwydering van conitions (a) (b) (c) en (d) op Titellakte T000001136 / 2016

Besonderhede van die aansoek le ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder Emalahleni Plaaslike Munisipaliteit, Mandela Straat, Witbank en Rampbestuursentrum, R40 (Witrivier / Nelspruit Road), vir 'n tydperk van 28 dae vanaf 24 Junie 2016. Besware teen of vertoe ten opsigte van die aansoek moet sodanige beswaar of voorlegging op skrif aan die munisipale bestuurder Emalahleni Plaaslike Munisipaliteit, Posbus 3, Witbank, 1035, en (aandag: Me Liezl van Niekerk of mnr D Ndlovu), Disaster Bestuursentrum, R40 (Witrivier / Nelspruit Road), skakel 082 370 9194 of 072 766 5647 within 'n tydperk van 28 dae vanaf die 24 Junie 2016.

Adres van agent: 420 C Thenus van Niekerk Street Centurion | Pretoria | 0157, Tel: 078 453 6444/074 503 3447 Faks; 086 239 8342, E-pos: info@khanoafrika.co.za

24-1

LOCAL AUTHORITY NOTICE 57 OF 2016

DIVISION OF LAND APPLICATION

We, Khano Afrika (Pty) Ltd, being the authorized agent of the registered owners of the Erven mentioned below, hereby give notice in terms of Section 6 (1) of The Division of Land Ordinance (Ordinance 20 of 1986), that I have applied to City of eMalahleni Local Municipality for a division of land application on Remaining Extent of Portion 152 (a Portion of Portion 4) of the farm Blesboklaagte 296 JS.

Particulars of the application will lie for inspection during normal office hours at the office of the municipal manager Emalahleni Local Municipality, Mandela Street, Witbank for a period of 28 days from 24 June 2016. Objections to or representations in respect of the application must be lodged with or made in writing to the municipal manager at the above address or at Emalahleni Local Municipality, PO Box 3, Witbank, 1035, within a period of 28 days from the 24 June 2016.

Address of agent: 420 C Thenus van Niekerk Street Centurion | Pretoria | 0157, Tel: 078 453 6444, Fax; 086 239 8342, Email: info@khanoafrika.co.za

24-1

PLAASLIKE OWERHEID KENNISGEWING 57 VAN 2016**VERDELING VAN GROND AANSOEK**

Ons, Khano Afrika (Edms) Bpk, synde die gemagtigde agent van die geregistreerde eienaars van die erwe hieronder, gee hiermee ingevolge artikel 6 (1) van die Verdeling van Grond (Ordonnansie 20 van 1986), dat ek toegepas op die stad van eMalahleni Plaaslike Munisipaliteit vir 'n verdeling van grond aansoek op Restant van Gedeelte 152 ('n Gedeelte van Gedeelte 4) van die plaas Blesboklaagte 296 JS.

Besonderhede van die aansoek le ter insae gedurende gewone kantoorure by die kantoor van die Munisipale Bestuurder eMalahleni Plaaslike Munisipaliteit, Mandela Straat, Witbank vir 'n tydperk van 28 dae vanaf 24 Junie 2016. Besware teen of vertoe ten opsigte van die aansoek moet binne ' met of voorlegging op skrif aan die Munisipale Bestuurder by bovermelde adres of by eMalahleni Plaaslike Munisipaliteit, Posbus 3, Witbank, 1035, binne 'n tydperk van 28 dae vanaf die 24 Junie 2016.

Adres van agent: 420 C Thenus van Niekerk Street Centurion| Pretoria|0157, Tel: 078 453 6444, Faks; 086 239 8342, E-pos: info@khanoafrika.co.za

24-1

LOCAL AUTHORITY NOTICE 60 OF 2016

EMAKHAZENI LOCAL MUNICIPALITY



ACCOMMODATION ESTABLISHMENTS BY - LAW

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1. Title

These by-laws are entitled the By-Laws on Accommodation Establishments of Emakhazeni Local Municipality.

2. Definitions

Unless it is clear that the context shows otherwise, in these by-laws –

“accommodation establishment” means any place in which accommodation is provided for gain to four or more people, with or without meals OR any premises in which the business of providing lodging with or without one or more meals per day is conducted or intended to be conducted for reward or gain, but does not include premises which is duly registered as a hotel under any law relating to the registration of hotels, or which provides lodging with one or more meals and has fewer than five beds or which provides no meals and has fewer than three rooms that are let or intended for letting;

“Council” means the Council of the Emakhazeni Local Municipality;

“dormitory” means a sleeping room in which sleeping accommodation is provided for four or more persons;

“landlord or landlady” means the person who owns or operates an accommodation establishment;

“Municipality” is either the body referred to in Section 2 of the Local Government: Municipal Systems Act 32 of 2000, or the area determined in terms of the Local Government: Municipal Demarcation Act 27 of 1998;

“occupier” means –

- i. any person in actual occupation of the premises; or
- ii. any person legally entitled to occupy the premises; or
- iii. any person having charge or management of the premises and includes any agent of such person when he is absent from the Republic of South Africa or his whereabouts are unknown.

“official” means a designated employee who is authorized in terms of paragraph 11 by the Municipality;

“overcrowding” means –

- i. a residential occupancy in excess of twelve occupants per sanitary convenience; and/or
- ii. occupancy of habitable rooms (being all rooms in a dwelling excluding kitchens, bathrooms and sanitary conveniences) for sleeping purposes where such occupation exceeds one adult person per 4 square meter and/or one child under 10 years of age per 2 square meter;

“owner” means –

- i. the person or persons in whom from time to time shall be vested the legal title to any immovable property;
- ii. in any case where a property is subject to a registered lease, the lessee of such property;
- iii. in cases where the person in whom the legal title is vested is insolvent or deceased, or is of unsound mind or whose estate has been assigned for the benefit of his creditors, the person in whom the administration of the property is vested as trustee, executor, curator, assignee or administrator;
- iv. in cases where the owner is absent, the agent or person receiving the rent of the property concerned;
- v. in any case where the property is beneficially occupied under a servitude or right similar thereto, the occupier of such property.

“proprietor” means the natural person who carries on or who is charged with carrying on of business by providing lodging or both lodging and meals for reward or gain and includes an owner of such property.

3. Scope of By-laws

These by-laws apply to all persons who own or carry on the business of providing accommodation for gain in an accommodation establishment on premises within the Emakhazeni Municipal area of jurisdiction, but do not apply to a private home.

4. Non-discrimination

- 4.1. These by-laws are applied in such a way as not to discriminate between persons on any grounds;
- 4.2. These by-laws are applied in such a way as to respect and protect all people's rights to dignity, privacy, the right to trade freely as well as the right to an environment that is not harmful to anyone's health or well-being.

5. Objects

The objects of these by-laws are –

- 5.1. To provide procedures, methods and practices to regulate the operation of accommodation establishments within the Emakhazeni Municipal area.
- 5.2. To promote the achievement of a safe and healthy environment for the benefit of residents within the jurisdiction of the Emakhazeni Municipal area.

6. Permit requirement

- 6.1. A person may only operate an accommodation establishment within the Emakhazeni Municipal area with a permit authorizing that activity, issued by the Council.
- 6.2. The application form for such a permit is contained in Schedule 1 of these by-laws.
- 6.3. The Council may require an applicant to submit further particulars, plans or drawings.
- 6.4. The Council may issue a permit to the applicant on such conditions and restrictions and for such a period as the Council deem necessary, and against payment of the prescribed fee.
- 6.5. If the permit is issued for a specified period, it may be renewed if an application is made before the expiry of the permit.
- 6.6. The granting of a permit is conditional upon the effective prevention of any nuisance to the public or employees of the business or a danger to the health of the public or employees of the business.

7. Requirements for premises of accommodation establishments

A person may only operate an accommodation establishment on premises which complies with the following requirements:

- 7.1. A room wholly or partly used by persons for sleeping in, may not be occupied by a greater number of persons than will allow-
 - i. less than 11,3 m³ of free air space and 3,7 m² of floor space for each person over the age of 10 years; and
 - ii. less than 5,7 m³ of free air space and 1,9 m² of floor space for each person under the age of 10 years;
- 7.2. A latrine, passage, staircase, landing, bathroom, cupboard, outbuilding, garage, stable, tent, storeroom, lean-to, shed, kitchen, dining room, food preparation area, cellar or loft may not be used as sleeping accommodation;
- 7.3. Every person in a dormitory or a room –
 - i. should be provided with a single bed, manufactured of metal or some other durable material and equipped with a mattress;
 - ii. should be provided with a separate locker or wardrobe with sufficient space to stow belongings or hang clothes, which locker or wardrobe must be fitted with a working lock and key;
 - iii. should have their bed placed in such a manner that its sides are at least one metre away from any part of any other bed;
- 7.4. An accommodation establishment must be provided with –
 - i. an area for the preparation and cooking of food, adequate for the use of and easily accessible to any occupier residing in the accommodation establishment;
 - ii. adequate separate wash-up facilities; and
 - iii. where meals are provided to persons housed in the accommodation establishment, a dining-room or adequate dining area with tables and chairs or benches and unobstructed floor area, including the area occupied by tables, chairs and benches, of at least 1,2 m² for every seat provided for dining purposes;

- 7.5. An accommodation establishment must be provided with –
- i. one or more showers, each suitably placed in a separate compartment, easily accessible to every occupier, and fitted with waste pipes which comply with the provisions of the National Building Regulations and Building Standards Act; or
 - ii. a bath fitted with a waste pipe;
- The facilities referred to in subparagraphs (i) and (ii) must be designated for the different genders;
- 7.6. An accommodation establishment must be provided with sanitary fixtures as prescribed in the National Building Regulations and Building Standards Act and such fixtures must be designated for the different genders;
- 7.7. An accommodation establishment must be provided with an adequate supply of hot and cold running potable water;
- 7.8. All rooms and passages must be provided with adequate ventilation and lighting as prescribed in the National Building Regulations and Building Standards Act;
- 7.9. Openings such as doors, windows or fanlights may not be obstructed in a manner that interferes with the lighting or cross ventilation they provide;
- 7.10. A separate area with metal bins or canvas laundry bags must be provided for the storage of dirty articles used in connection with an accommodation establishment, pending removal to be laundered and if articles used in connection with an accommodation establishment are cleaned on the premises, facilities for the washing, drying and ironing must be provided.
- 7.11. An area for the storage of furniture and equipment and an area for the storage of clean bed and other linen, towels, blankets, pillows and other articles used in connection with an accommodation establishment, must be provided;
- 7.12. All –
- i. walls and ceilings must have a smooth finish and be painted with a washable paint, or have some other approved finish;
 - ii. floor surfaces of the kitchen, scullery, laundry, bathroom, shower, ablution room, toilet and sluice room must be constructed of concrete or some other durable, impervious material brought to a smooth finish; and

- iii. floor surfaces of every habitable room must be constructed of an approved material;
- 7.13. The following facilities must be provided for people who are employed and also reside on the premises:
- i. Sleeping quarters equipped with a bed, mattress and locker which comply with the provisions of paragraphs 7.1 to 7.3 for each employee; and
 - ii. if employees are not provided with meals in the accommodation establishment, food preparation and dining facilities that comply with the provisions of paragraph 7.4.
- 7.14. Adequate changing facilities must be provided for non-resident employees;
- 7.15. Adequate ablution and sanitary facilities, which comply with the provisions of paragraphs 7.5 and 7.6, must be provided for resident and non-resident employees;
- 7.16. An adequate refuse holding area must be provided, including a refuse receptacle with a close-fitting lid in every room used for sleeping and an approved refuse removal system must be maintained;
- 7.17. All walls, floors and roofs must be constructed in a manner which prevents wind or rain entering an accommodation establishment or dampness entering the interior surfaces of any wall or floor;
- 7.18. All accesses to an accommodation establishment must have a door which when closed, prevents the wind or rain entering the premises; and
- 7.19. All windows must be constructed in a manner that prevents rain entering the accommodation establishment when the windows are closed and prevents the diminishing of the natural illumination of the room.

8. Duties of operators of accommodation establishments

Every person who conducts an accommodation establishment must –

- 8.1. keep the premises and all furniture, fittings, appliances, equipment, containers, curtains, covers, hangings and other soft furnishings, table linen, bed linen, and other bedding, towels and cloths of whatever nature used in connection with the accommodation establishment, in a clean, hygienic and good condition at all times;
- 8.2. clean and wash any bed linen, towel, bath mat or face cloth after each use by a different person;

- 8.3. take adequate measures to eradicate pests on the premises;
- 8.4. provide a container made of a durable and impervious material, equipped with a close-fitting lid, in every toilet used by females;
- 8.5. provide towel rails or hooks in every bathroom and in every room in which there is a wash-hand basin or shower;
- 8.6. store all dirty linen, blankets, clothing, curtains and other articles used in connection with an accommodation establishment in the manner provided in paragraph 7.10;
- 8.7. store all clean linen, towels, blankets, pillows and other articles used in connection with the accommodation establishment in the manner provided in paragraph 7.11;
- 8.8. keep all sanitary, ablution and water supply fittings in good working order;
- 8.9. keep every wall, surface and ceiling, unless constructed of materials not intended to be painted, painted at the intervals to ensure that the area painted, remains clean and in a good state of repair; and
- 8.10. handle refuse in the manner provided in paragraph 7.16.
- 8.11. ensure that he or she has waste storage facilities which comply with the By-Laws on Waste Management.

9. Requirements relating to water and sanitation

A landlord or landlady must –

- 9.1. Provide to persons using the accommodation –
 - i. a regular supply of potable water which is sufficient for their use; and
 - ii. latrines which are sufficient in number and capacity;
- 9.2. Ensure the proper removal and disposal of household refuse at least once a week;
- 9.3. Ensure the proper storage, removal and disposal of faecal matter, except where pit latrines or a method for the adequate treatment of such matter by enzymatic or chemical process;
- 9.4. Ensure that bathrooms contains a shower or bath and a hand basin, fitted with taps that provide hot and cold running potable water at all times;

10. Preparation and serving of food

- 10.1. A landlord or landlady who prepares or serves food on the premises for consumption by guests, irrespective of whether it is paid for separately or included in the cost of the accommodation, must comply with the provisions of the Regulations Governing General Hygiene Requirements for Food Premises and the Transport of Food published under Government Notice No. R.918 of 30 July 1999, as amended by Government Notice No. R.1125 of 8 August 2003, made in terms of section 35 read together with section 40 of the Health Act, 1977 (Act 63 of 1977).
- 10.2. A landlord or landlady may only prepare or serve food on the premises if he/she is in possession of a certificate of acceptability issued by the Council in terms of the regulations referred to in paragraph 10.1 above.
- 10.3. A landlord or landlady who wants to apply for a certificate of acceptability referred to in paragraph 10.2 above, must apply for it on an application form as set out in Schedule 2.
- 10.4. The completed application form must be submitted to the office of the Municipal Manager.
- 10.5. If the Council grants the certificate of acceptability to the landlord or landlady, it must issue to that person a certificate similar to that contained in Schedule 3.

11. Appointment, responsibility and powers of officials

- 11.1. Without limiting the application of any other law or a person responsible for carrying out the provisions of such law, the person or persons responsible for carrying out the provisions of these By-laws within the Emakhazeni Local Municipality are the Building Inspector, Environmental Practitioner, Health Officer and/ or any other person appointed by the Council in terms of sections 22, 24 or 25 of the Health Act, 1977.
- 11.2. The persons referred to in paragraph 11.1 have such powers and duties as set out in the Act and regulations made in terms of the Act.

12. Offences and Penalties

If a person -

- a) Contravenes section 57 of the Health Act, 1977, then said section will apply;
- b) Contravenes the Regulations, then the penalties as prescribed in the Regulations will apply.
- c) Contravenes paragraph 6(1) of these By-Laws or supplies false or misleading information to the Council, he or she commits an offence and is, on conviction, liable to a fine or in default of payment, to imprisonment for a period not exceeding 6 months, or to such imprisonment without the option of a fine, or to both such fine and 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 for a period not exceeding 6 months.

13. Notice of compliance

- 13.1. If a person fails to comply with the requirements contained in paragraphs 7, 8 or 9, the Council may serve a notice of compliance on that person.
- 13.2. The notice of compliance must state the following –
 - i. The name and residential or postal address of the affected person;
 - ii. The requirement which has not been complied with;
 - iii. The measures required to remedy the situation;
 - iv. That the person must, within a specified period, take the measures to comply with the notice and complete the measures before a specified date;
 - v. The person may, within 14 days from the date of the notice, make written representations in the form of a sworn statement or affirmation to the Council at a specified place.
- 13.3. When Council considers measures or periods envisaged in paragraph 13.2 (iii) or (iv), it must have regard to the principles and objects of these by-laws, the nature of the non-compliance, and other relevant factors.
- 13.4. If a person does not make representations in terms of paragraph 13.2 (v) and the person fails to take the measures before the date contemplated in

paragraph 13.2 (iv), he or she commits an offence and the Council may, irrespective of any fines which may be imposed in terms of paragraph 12, also act in terms of paragraph 13.6.

13.4.1. If representations are not lodged within the time contemplated in terms of paragraph 13.2 (v), it will not be considered, except if the person has shown good reason and the Council condones the late lodging of the representations.

13.4.2. Council must consider timely representations and any response thereto by an official.

13.4.3. The Council may, by its own choice, conduct further investigations to verify facts and the results of such investigation must be made available to the permit holder, who must be given an opportunity to make a further response if he or she so wishes and the Council must also consider the further response.

13.4.4. After considering the representations and any responses and further responses, the Council must make an order in writing and serve a copy of it on the person.

13.4.5. The order referred to in paragraph 13.5.4, must confirm, alter or set aside the notice of compliance and where such notice is confirmed or altered, Council must inform the person that he or she must, within the period specified in the order, discharge the obligations set out in the order and that failure to do so constitutes an offence.

13.4.6. If a person fails to discharge the obligations in paragraph 13.5.5, he or she commits an offence and the Council may, irrespective of any fines which may be imposed, also act in terms of paragraph 13.6.

13.5. Council may take such measures as it deems necessary to remedy the situation and the cost thereof must be paid to Council in accordance with paragraph 15.

13.6. If a landlord or landlady fails to comply with a compliance notice, the Council may immediately withdraw the permit.

14. Costs

14.1. If a person fails to take the measures required of him or her by a notice of compliance contemplated in paragraph 13, the Council may, subject to paragraph 14.3 recover as a debt, all costs incurred as a result of Council acting in terms of paragraph 13.6, from that person and any or all of the following persons:

- i. the owner of the land, building or premises; or
- ii. the person or occupier in control of the land, building or premises or any person who has or had a right to use the land at the time when the situation came about.

14.2. 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 paragraph 13.6.

14.3. 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 the required measures.

15. Authentication and service of notices and other documents

15.1. A notice issued by the Council in terms of these by-laws is deemed to be duly issued if it is signed by an official authorized by Council.

15.2. Any notice or other document that is served on a person in terms of these By-Laws is regarded as having been duly served –

- i. when it has been delivered to that person personally;
- ii. 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;
- iii. 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;

- iv. if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs 15.2 (i), (ii) or (iii);
- v. 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;
- vi. in the event of a body corporate, when it has been delivered at the registered office of the business premises of such body corporate;
- vii. when it has been delivered, at the request of that person, to his or her e-mail address.

15.3. Service of a copy is deemed to be service of the original.

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

16. Appeal

16.1. a person whose rights are affected by a decision of an 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.

16.2. The appeal authority contemplated in paragraph 16.3 must consider the appeal, and vary, confirm or revoke the decision, but no such variation or revocation of a decision may detract from any right that may have accrued as a result of the decision.

16.3. When the appeal is against a decision taken by –

- i. a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority;
- ii. the Municipal Manager, the Executive Mayor is the appeal authority; or
- iii. a political structure or political office bearer or a Councillor, the Council is the appeal authority.

- 16.4. 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.

17. Saving and transitional provision

A person who, at the date of commencement of these By-Laws, owns or operates an accommodation establishment without a permit, must, within a period of six months, comply with the provisions of these By-Laws.

18. Repeal of By-Laws

The provisions of any by-laws previously promulgated by the Council or by any of the disestablished municipalities now incorporated in the Emakhazeni Local Municipality, are hereby repealed as far as they relate to matters provided for in these By-laws, and insofar as it has been made applicable to the municipality by the authorization for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.

19. Short title

These By-Laws are called the Emakhazeni By-Laws on Accommodation Establishments.

SCHEDULE 1
Paragraph 6.2

APPLICATION FOR PERMIT FOR ACCOMMODATION ESTABLISHMENT

Person in charge: _____

Telephone number: _____

ID number: _____

The nature of the services to be rendered: _____

The number of people that can be accommodated: _____

The area within the municipality in which the accommodation establishment is to be operated: _____

The address of the accommodation establishment (street name and number): _____

The number of employees employed on the premises: _____

Will food be prepared or served on the premises? (Circle the applicable answer)

Yes

No

Particulars regarding the preparation of food: _____

Particulars regarding the disposal of waste: _____

Signature

Date

SCHEDULE 2**Paragraph 6.2****APPLICATION FORM FOR A CERTIFICATE OF ACCEPTABILITY FOR FOOD
PREMISES OF ACCOMMODATION ESTABLISHMENT****A. PERSON IN CHARGE**

Surname and first names of person in whose name the certificate of acceptability must be issued _____

ID number: _____

Address: Postal address: _____

Residential address: _____

Telephone number: Business _____ Residential _____

B. PARTICULARS OF FOOD PREMISES

Name of food premises (if any) _____

Erf no (if applicable) _____

Address where the food premises can be inspected _____

C. FOOD CATEGORY

List and describe the food items or the nature or type of food involved: _____

D. NATURE OF HANDLING

List and describe what your activities will entail (e.g. preparation or packing and processing) _____

E. STAFF

Number of persons employed or to be employed

Men _____ Women _____

F. PARTICULARS OF EXEMPTION BEING APPLIED FOR (Regulation 15(1) of the Regulations) _____

G. PARTICULARS OF APPLICANT

Name: _____

Capacity (e.g. owner, managing director, secretary, manager) _____

Postal address _____

Telephone number _____

Date of application _____

Signature _____

SCHEDULE 3
Paragraph 10.5

**CERTIFICATE OF ACCEPTABILITY FOR FOOD PREMISES OF ACCOMMODATION
ESTABLISHMENT**

A. ISSUING LOCAL AUTHORITY: _____

CERTIFICATE NUMBER: _____

NAME _____ **TELEPHONE NUMBER** _____

_____ **OFFICIAL DATE STAMP**

B. FOOD PREMISES

Name (if any) _____

Address (location, erf no.) _____

C. PERSON IN CHARGE

Name: _____

ID number: _____

D. CERTIFICATION AND RESTRICTION

It is hereby certified that the above-mentioned food premises comply with the provisions of regulation 5 and 6 of the Regulations published by Government Notice No. R918 of 30 July 1999 in respect of the handling of food in the manner specified.

Restriction, conditions or stipulation in terms of regulation 3(1)(b):

E. SIGNATURE OF INSPECTOR**DATE**

Name of inspector: _____

Official designation: _____

F. EXEMPTIONS**DATE****SIGNATURE OF INSPECTOR**

In terms of regulation 15

EMAKHAZENI LOCAL MUNICIPALITY**DRAFT BYLAWS ON CREDIT MANAGEMENT****TABLE OF CONTENTS**

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1. Title

These by-laws are entitled the By-Laws on Credit Management for Emakhazeni Local Municipality.

2. Definitions

Unless it is clear that the context shows otherwise, in these by-laws –

“accounting officer” is the Municipal Manager of the Municipality;

“annual report” is the report that every municipality must prepare for each financial year;

“approved budget” is the annual budget approved by the Municipal Council;

“Auditor-General” is the person appointed in that position in terms of the Constitution and includes persons acting in that position, persons delegated to act by the Auditor-General and persons designated to perform a duty by the Auditor-General;

“basic municipal service” is a municipal service that is necessary to ensure an acceptable and reasonable quality of life and which, if it is not provided, will endanger public health or safety or the environment;

“chief financial officer” means the official designated by the Municipal Manager;

“council” means the Council of Emakhazeni established in terms of Local Government Structures Act, Act 117 of 1998.

“councillor” is a member of the Council;

“debt” is a monetary obligation created by an agreement;

“fruitless and wasteful expenditure” is expenditure made in vain and that could have been avoided if reasonable care was exercised;

“Executive Mayor” is the councillor elected as Executive Mayor in terms of the Local Government: Municipal Structures Act 117 of 1998;

“MEC for Local Government” is the Member of the Executive Council responsible for local government in the province;

“month” is one of the 12 months of a calendar year;

“Municipality” is either the body referred to in Section 2 of the Local Government: Municipal Systems Act 32 of 2000, or the area determined in terms of the Local Government: Municipal Demarcation Act 27 of 1998;

“Municipal Manager” is the person appointed in terms of Section 82 of the Local Government: Municipal Structures Act 117 of 1998;

“National Treasury” is the body established in terms of Section 5 of the Public Finance Management Act 1 of 1999;

“official” is an employee of a Municipality or a person seconded to work as member of staff of a Municipality or a person contracted to work as member of staff of a Municipality other than an employee;

“political structure” is the council of a Municipality or any committee of a Municipality elected, appointed or designated in terms of the Local Government: Municipal Structures Act 117 of 1998;

“Provincial Treasury” is a treasurer established in terms of Section 17 of the Public Finance Management Act 1 of 1999;

“service delivery and budget implementation plan” is a detailed plan approved by the Mayor in terms of the Local Government: Municipal Finance Management Act 56 of 2003, for implementing the Municipality’s delivery of municipal services and its annual budget;

“supervisory authority” is a body constituted by Council to ensure compliance with these by-laws;

“staff member” is an employee of the Municipality, including the Municipal Manager;

3. Objects

The objects of these by-laws are to –

- (a) enable the Municipality to collect -
 - rates
 - fees
 - surcharges on fees

- charges
- tariffs
- interest that accrued on money due in respect of any of the above and
- collection charges,

that are due to the Municipality, in a prompt and efficient way;

(b) set realistic targets for the collection of money due to the Municipality, consistent with

—

(i) generally accepted practices and ratios; and

(ii) the income estimates set out in the annual budget of the Municipality

and taking into account an acceptable provision for bad debts;

(c) ensure that all new consumers conclude a service agreement with the Municipality before services are rendered to them;

(d) create an environment that induces consumers to pay for the services rendered to them;

(e) enable the Municipality to take action against all forms of non-performance;

(f) ensure that consumer management and credit management is cost-effective and efficient;

(g) ensure that the rights and responsibilities of both the consumers and the Municipality are respected and protected; and

(h) ensure that the Municipal Manager and the Chief Financial Officer are held responsible for the implementation of credit control measures and for reporting to the Council on all its relevant aspects.

4. Non-discrimination

4.1 These by-laws are applied in such a way as not to discriminate between persons on the grounds of race.

4.2 These by-laws are applied in such a way as to recognise all people's right to have their dignity, their privacy and their right to access to social assistance respected and protected.

5. Application of By-laws

These by-laws apply to all residents living in the jurisdiction of the Emakhazeni Municipality and who are consumers of municipal services, as well as to all businesses and government organizations situated in the Municipality and who consume municipal services, regardless of whether any of the consumers concluded a consumer's agreement with the Municipality or not.

6. Metering of Services

6.1 The Municipality must have a metering system to determine the amount or the level of services consumed.

6.2 The Municipality may use one of two metering systems -

- (a) The kind of meters used to take consumption readings monthly; or
- (b) Pre-paid electricity meters.

6.3 Technology may be used to download the meter readings referred to in subsection 6.2(a) electronically.

6.4.1 In order to decrease her/his consumption, a consumer has the right to request the Municipality to –

- (a) Install a pre-paid meter; or
- (b) Disconnect metered services;

6.4.2 The consumer must pay the cost of the installation of a pre-paid meter or disconnection of metered services as referred to in subsections 6.4.1(a) and (b).

6.5 If a consumer is registered as indigent, the Municipality may, at its own cost, install a pre-paid meter.

7. Billing of Services

7.1 The Municipality must compile a statement in the form of an account, indicating –

- (a) The quantity of services consumed over a specific period; and
- (b) The related cost to the consumer,

and have the accounts delivered to its consumers.

7.2 The fact that a consumer does not receive an account, does not exempt that consumer from the obligation to pay the account by the due date.

8. Consumer Agreements

8.1 Consumers must conclude a service agreement with the Municipality before services can be rendered to them.

8.2 The requirements for a valid service agreement are as follows:

- 8.2.1 The consumer must produce valid identification;
- 8.2.2 The consumer must agree to an Information Trust Corporation (ITC) check on her/his credit record and, depending on the associated risk, a possible additional deposit may have to be paid;
- 8.2.3 The consumer must pay a service deposit, which is calculated on the basis of the maximum electricity consumption for two consecutive months, provided that the amount is not less than is prescribed in the electricity tariff;
- 8.2.4 The deposit is payable in cash and/or any other monetary form commonly accepted in business and may be paid off over a maximum period of six months;
- 8.2.5 If the estimated monthly electricity account is at least R1 500, a guarantee may be accepted instead of a deposit;
- 8.2.6 Government organizations and other designated consumers are exempt from paying a deposit;
- 8.2.7 If, at any time, the deposit is found to be inadequate, the Municipality may require the consumer to increase the deposit within 30 days and if the consumer fails to do so, the Municipality may, after hearing an appeal in terms of Section 62 of the Systems Act, terminate the supply of services;
- 8.2.8 The deposits of businesses and industrial consumers must be re-assessed three months after the initial deposit was paid;
- 8.2.9 The deposit does not earn interest with the Municipality;
- 8.2.10 The deposit will be repaid to the consumer within 60 days after the termination of the consumer's agreement;

8.2.11 Before the deposit is repaid to the consumer, the Municipality has the right to deduct any amounts due by the consumer to the Municipality;

8.2.3 If a consumer does not conclude a consumer's agreement with the Municipality, the Municipality must give written notice to that consumer to enter into an agreement, failing which the electricity supply may be terminated without further notice.

9. Payment Procedure

9.1 Consumers must pay their accounts before or on the 10th day of each month;

9.2 Interest is charged on all accounts that are in arrears for longer than 60 days;

9.3 Pre-paid electricity may only be sold to consumers if their accounts are paid up to date;

9.4.1 The Municipality may, with the consent of the consumer, enter into an agreement with that consumer's employer, to deduct from his/her salary:

(a) Outstanding amounts due by that consumer to the Municipality, or;

(b) Regular monthly amounts as agreed upon.

9.4.2 The Municipality may provide special incentives for employers to enter into such an agreement and for employees to consent to such an agreement;

9.5 The Municipality allocates the payment received for services to those different services.

10. Debt Collection

If a consumer fails to pay her/his account by the due date, the following procedure will be followed with regard to the supply of water and electricity:

10.1 The services will not be suspended immediately, but the consumer will be notified with the following month's account that –

(a) The previous month's account is in arrears; and

(b) Interest will be charged on the arrear amount;

10.2 If an account remains outstanding for longer than 60 days, the services will be disconnected, *excluding* the provision of water;

10.3 The account will then be debited with the cost of the disconnection and also the cost of a reconnection, if it takes place;

10.4 For the services to be restored, the consumer must pay the outstanding account in full, plus the costs of disconnection and reconnection mentioned in subsection 10.3;

10.5 If a consumer is unable to settle the outstanding amount on her/his account in full, it is possible to make an arrangement with the Municipality for settling of the outstanding amount in monthly installments over an extended period of time, subject to the following conditions –

- (a) The period for payment in terms of the arrangement may be negotiated between the consumer and the Municipality and should strike a balance between the interests of both parties;
- (b) The minimum monthly installment in terms of an arrangement is R50;
- (c) The first payment must be made within 30 days after the date of the arrangement;
- (d) Only one arrangement per consumer *per annum* is allowed in the settling of arrear accounts;
- (e) An acknowledgment of debt and a consent to judgment forms part of the agreement and as part of the arrangement, debit orders may be completed for the monthly repayment of arrears; and
- (f) The Municipality does not charge interest on the arrear amount that are repayable in terms of the arrangement, provided that the arrangement is honored;

10.6 If this arrangement is dishonored, the services, with the exception of water, are discontinued and the full balance is payable immediately;

10.7 If the services are disconnected and there is no reaction from the consumer, representatives from the Municipality visit the premises after 14 days to see if the services are still discontinued. If the electricity is illegally reconnected, it is again disconnected, this time more tamperproof and at the cost of the consumer, alternatively, a prepaid meter is installed, also at the cost of the consumer;

10.8 A notice is also served on the consumer within 14 days from the date that the arrangement was dishonored, to inform him/her that a restriction will be placed on the consumption of water;

10.9 If, after the Municipality took the steps referred to in subsections 10.2, 10.3 and 10.4 and the outstanding amount is still not paid or the consumer does not honor an arrangement made in terms of subsection 10.5, the Municipality may take legal action;

10.10 In terms of this legal action, a letter of final demand is delivered to the debtor, for which the debtor must bear the cost;

10.11 If there is no response to the letter of demand within 14 days, the account is handed over to attorneys or debt collectors, who will take further legal action;

10.12 The consumer is still obliged to pay her/his current accounts to the Municipality;

10.13 When a consumer's account is handed over to debt collectors or attorneys, no further interest accrues on the outstanding amount older than 90 days;

10.14 When an account is handed over to attorneys or debt collectors for legal action, the debtor concludes arrangements for repayment with them and no longer with the Municipality;

10.15 If a debtor makes diligent payments as agreed upon with the attorney or debt collectors, the supply of electricity may be restored on appeal made to the supervisory authority;

10.16 If a repayment agreement with an attorney or debt collector referred to in subsection 10.14 is breached, services are disconnected again and legal action instituted for the collection of the arrears;

10.17 The legal action referred to in subsection 10.16 is held in abeyance if all repayments are done as well as the unpaid current accounts;

10.18 A consumer has the right to request extension for the payment of a current account, due to exceptional circumstances and it may only be granted for one month's account and then only until the end of that particular month;

10.19 As far as businesses are concerned, they will also be notified that their accounts are in arrears, but no arrangements for payment of outstanding amounts are made with them and once their accounts are 60 days in arrears, all services, except water, are suspended immediately;

10.20 If a consumer pays her/his account with a cheque or debit order and it is returned marked "Refer to Drawer", the full balance is payable immediately;

10.21 The supply of electricity to a consumer referred to in subsection 10.20 is disconnected until the full amount is paid, this time in the form of cash, or a bank guaranteed cheque and the consumer is liable for the bank costs;

10.22 If a consumer referred to in subsection 10.20 paid with a cheque, no further cheques are accepted from her/him, unless they are bank guaranteed;

10.23 A consumer may not nominate money paid by her/him to cover specific services, and the Municipality allocates money received from consumers as follows:

- Sundry debtors, including arrangements for payment of arrears
- Assessment Rates
- Refuse
- Interest
- Electricity
- VAT
- Deposit Charges
- Rental Housing
- Erf Installments
- Government House Installments
- Legal costs
- Money not allocated;
- Sewerage
- Water

10.24 The same debt collection procedures as set out above, apply to accounts on properties that are not metered;

10.25 As part of the payment campaign, ward councilors are furnished monthly with a list of the people in their wards who do not pay their consumer accounts, in order that the councilors may assist in recovering the outstanding amounts;

11. Indigent Consumers

11.1 A Municipality shall, within the confines of its capacity and its financial means, conduct a socio-economic study of its jurisdiction in order to categorize its constituency;

11.2 Indigent consumers have the right to be provided for in this policy, subject to the Municipality's human resource capacity and its financial means;

11.3 In relation to indigent consumers, the Municipality shall, within the confines of its human resource capacity and financial means –

- (a) Provide 6 free kilolitres of water per month;
- (b) Grant indigent status to those households who qualify in terms of the criteria;
- (c) Install pre-paid meters to those households who qualify as indigent; and
- (d) Provide free education to indigent consumers on how to repair water leaks.

11.4 The criteria for a consumer to be granted indigent status are –

- (a) She/he must be a resident of the Municipality and must show a valid South African identity document;
- (b) She/he must submit a Governmental Grant Form and must re-apply every 12 months to have the indigent status re-confirmed; and
- (c) Her/his household's total gross monthly income may not exceed *two* state old aged pensions;

11.5 The procedure for a consumer to be granted indigent status is as follows –

- (a) The applicant's identification is verified;
- (b) A screening and monitoring committee conducts an interview with the applicant to assess the application in accordance with the approved questionnaire;
- (c) The screening and monitoring committee has as its members the following office-bearers:
 - (i) The Accounting Officer, who also acts as Chairperson;
 - (ii) The Manager of Finance; and
 - (iii) Two Officials from the Finance Department;
- (d) The supervisory authority oversees and monitors the assessment;

11.6 In the period it takes to grant approval to an application for indigency, the applicant remains subject to the normal sanctions for non-payment;

11.7 All applications for indigent status received on or before the 15th of each month and which are approved, receive the grant in the same month;

11.8 Once a consumer is registered as indigent, a pre-paid meter may be installed for her/him, at the cost of the Municipality;

11.9 When indigent status is granted to a consumer, the subsidy is implemented as follows -

- (a) Provision of 6 free kilolitres of water per month;
- (b) Provision of 50 free kilowatts of electricity consumption per month;
- (c) The consumer pays the lowest tariff on the sliding scale for sewerage services, depending on the size of the property;
- (d) The consumer pays the full charge for refuse removal; and
- (e) The consumer pays the full charge for property rates;

11.10 When indigent status is granted to a consumer, she/he remains liable for all consumption in excess of the subsidized amount;

11.11 If a consumer who was granted indigent status, does not pay her/his account for consumption in excess of the subsidized amount, the same sanctions as for other consumers as set out in section 10 above, applies;

11.12 If a consumer is granted indigent status and she/he tampers with, or damages the pre-paid meter, the normal sanctions apply;

11.13 If a person was granted indigent status and abuses the system and proof of this is submitted, that person is not considered indigent for the purposes of this policy for a period of six months after the proof was submitted.

12. Appeals Procedure

12.1 A consumer whose rights are affected by a decision taken by –

- (a) A political structure;
- (b) A political office-bearer;
- (c) A councilor; or

(d) A staff member

of a Municipality in terms of a power or duty delegated to it/them, may appeal against that decision;

12.2 The appeal is lodged by giving written notice of the appeal and the reasons to the Municipal Manager within 21 days after the date of notification of the decision;

12.3 If the decision against which the appeal is lodged, was taken by –

(a) A staff member other than the Municipal Manager, then the Municipal Manager is the appeal authority;

(b) The Municipal Manager, then the Executive Committee or Executive Mayor is the appeal authority.

(c) A political structure or political office-bearer or a councilor, then the Council is the appeal authority.

12.4 The Municipal Manager must promptly submit the appeal to the appropriate appeal authority as set out in subsection 12.3;

12.5 The appeal authority must consider the appeal and may confirm or vary or revoke the decision that was taken, but it may not detract from any rights that accrued as a result of the decision; and

12.6 An appeal authority must start with an appeal within six weeks and take a decision within a reasonable period.

13. Incentive Schemes

In order to create a culture of payment for services, the Municipality introduces the following incentives:

13.1 A monthly draw is held for all consumers whose accounts have been paid up to date for at least 6 months and the winning consumer's account will be credited with **R 120.00**;

13.2 If a consumer's current account as well as all arrears not older than 6 months are fully paid, 5% of all other debt is written off.

14. Clearance Certificates

Property within the jurisdiction of the Municipality may not be transferred until the Municipality produces a clearance certificate, confirming that all amounts due to the Municipality in connection with that property during the 2 years before the date of application for the certificate, is fully paid.

15. Responsibility for Credit Management

15.1 The Executive Mayor of the Municipality or Executive Committee -

- (a) Must provide political guidance over the fiscal and financial affairs of the Municipality;
- (b) May monitor and oversee the exercise of responsibilities assigned to the Accounting Officer and the Chief Financial Officer, but may not interfere in the discharge of these responsibilities;
- (c) Must take all reasonable steps to ensure that the Municipality delivers on its Constitutional and statutory mandate within the limits of the approved budget;
- (d) Must, within 30 days of the end of each quarter, prepare and submit a report to the Council on budget implementation and the Municipality's state of financial affairs;
- (e) Must provide general political guidance over the priorities for the budget's preparation;
- (f) Coordinate the annual revision of the Integrated Development Plan and the preparation of the budget;
- (g) Must ensure that he/she approves the Municipality's service delivery and budget implementation plan within 28 days after the approval of the budget;
- (h) Must ensure that the performance agreements of the Municipal Manager and senior management are linked to the performance objectives and to the service delivery and budget implementation plan;
- (i) Must ensure that the revenue and expenditure projections for each month and the service delivery targets and performance indicators for each quarter, as set out in the

service delivery and budget implementation plan, are made public within 14 days after its approval;

- (j) Must ensure that the performance agreements of the Municipal Manager and senior management are made public within 14 days after approval of the service delivery and budget implementation plan;
- (k) May set up a facility for residents to report abuse of the indigency provisions, theft, illegal connections of services, damaging of and tampering with instruments installed to deliver services to the community, coupled with –
 - (i) A reward for such information; and
 - (ii) Protection of the identity of the person/s reporting such incidents.

15.2 The Municipal Manager –

- (a) Is the accounting officer of the Municipality;
- (b) Must act with integrity, honesty, fidelity and in the Municipality's best interests in managing its financial affairs;
- (c) Must disclose all material facts which are available and which might influence decisions or actions of the Executive Mayor or Council;
- (d) Must seek, within the sphere of her/his influence, to prevent any prejudice to the financial interests of the Municipality;
- (e) May not act in a way that is inconsistent with duties assigned to accounting officers in terms of national legislation;
- (f) May not abuse the position of privilege or of confidential information obtained for personal gain or to improperly benefit another person;
- (g) Must take all reasonable steps to ensure that the Municipality has effective revenue collection systems and a proper credit control and debt collection policy;
- (h) Must ensure that revenue due to the Municipality is calculated on a monthly basis;
- (i) Must ensure that accounts for municipal tax and charges for municipal services are prepared on a monthly basis or a shorter period, where monthly accounts are uneconomical;
- (j) Must ensure that all money received, is deposited in the Municipality's primary bank account;

- (k) Must ensure that the Municipality has and maintains a management, accounting and information system which:
 - (i) Recognizes revenue when it is earned;
 - (ii) Accounts for debtors; and
 - (iii) Accounts for receipts of revenue;
- (l) Must ensure that the Municipality has and maintains a system of internal control in respect of debtors and revenue;
- (m) Must ensure that the Generally Accepted Municipal Accounting Practices (GAMAP) are adhered to;
- (n) Must ensure that the Municipality charges interest on arrears, except where the Council has granted exemptions in accordance with its budget-related policies and within a prescribed framework;
- (o) Must ensure that all revenue received by the Municipality, including revenue received by any collecting agency on its behalf, is reconciled on a weekly basis;
- (p) Must immediately inform National Treasury of any payments due by any organ of state in respect of municipal tax or services, if such payments are regularly in arrears for periods of more than 30 days;
- (q) Must ensure that any funds collected by the Municipality on behalf of another organ of state is transferred to that organ at least on a weekly basis and that such funds are not used for municipal expenditure;
- (r) Must ensure that the Municipality has and maintains a system of internal control in respect of creditors and payments;
- (s) Must ensure that the Municipality's available working capital is managed effectively and economically in terms of the prescribed cash management and investment framework;
- (t) Must ensure that all financial accounts are closed at the end of each month and reconciled with its records;
- (u) Must ensure that the spending of funds is in accordance with the budget and is reduced as necessary when revenue is anticipated to be less than projected in the budget or in the service delivery and budget implementation plan;

- (v) Must ensure that revenue and expenditure are properly monitored;
- (w) Must, when necessary, prepare an adjustment budget and submit it to the Mayor for consideration and tabling in Council;
- (x) Must, within 14 days after approval of the annual budget, submit to the Executive Mayor:
 - (i) A draft service delivery and budget implementation plan for the budget year; and
 - (ii) Draft annual performance agreements for him/herself and all senior managers;
- (y) Must, by no later than 10 working days after month end, submit to the Mayor and Provincial Treasury a statement in prescribed format on the state of the Municipality's budget, month to month and month to year, reflecting -
 - (i) Actual revenue per revenue source;
 - (ii) Actual borrowings;
 - (iii) Actual expenditure per vote;
 - (iv) Actual capital expenditure per vote;
 - (v) The amount of any allocations received;
 - (vi) Actual expenditure on those allocations;
 - (vii) When necessary, an explanation of:
 - 1. Any material variances from the Municipality's projected revenue by source, and from the Municipality's expenditure projections per vote;
 - 2. Any material variances from the service delivery and budget implementation plan; and
 - 3. Any remedial or corrective steps taken or to be taken to ensure that projected revenue and expenditure remains within budget;
- (z) Must provide a statement which must include a projection of relevant revenue and expenditure for the rest of the financial year, and any revision from initial projections;
- (aa) Must submit to National Treasury, Provincial Treasury, and the Department for Local Government in the Province or the Auditor-General such information, returns, documents, explanations and motivations as may be prescribed or required;

(bb) Must, if she/he is unable to comply with any of the responsibilities in terms of national municipal financial legislation, promptly report the inability, together with reasons, to the Executive Mayor and the Provincial Treasury;

(cc) Must place on the Municipality's website, the following documents:

- (i) The annual and adjustment budgets and all budget-related documents;
- (ii) All budget-related policies;
- (iii) The annual report;
- (iv) Her/his own performance agreement as well as those of senior management;
- (v) All service delivery agreements;
- (vi) All long-term borrowing contracts;
- (vii) All supply-chain management contracts above a prescribed value;
- (viii) An information statement containing a list of assets over a prescribed value that have been disposed of during the previous quarter;
- (ix) Contracts having future budgetary implications;
- (x) Public-Private Partnership agreements; and
- (xi) All quarterly reports tabled in the Council in terms of this policy; and

(dd) Must place all such documents on the website not later than 5 working days after its tabling in the Council or on the date on which it must be made public, whichever occurs first.

15.3 The Chief Financial Officer -

- (a) Is administratively in charge of the budget and the treasury office;
- (b) Must advise the Municipal Manager on the exercise of powers and duties assigned to him;
- (c) Must assist the Municipal Manager in the administration of the bank accounts and in the preparation and implementation of the Municipality's Budget;
- (d) Must advise senior managers and other senior officials in the exercise of powers and duties assigned to them in terms of national municipal financial legislation; and

- (e) Must perform such budgeting, accounting, analyses, financial reporting, cash management, debt management, supply-chain management, financial management, review and other duties as may be delegated by the Municipal Manager to her/him.

16. Financial Reporting

(a) Annual Report

The Municipality must prepare and adopt an annual report for each financial year and this report must include:

- (i) An assessment by the Municipal Manager of any arrears on municipal taxes and service charges;
- (ii) An assessment by the Municipal Manager of the Municipality's performance against the performance objectives for revenue collection from each revenue source and for each vote in the Municipality's approved budget for the relevant financial year; and
- (iii) Particulars of any corrective action taken or to be taken in response to issues raised in the Auditor-General's report.

(b) Financial Recovery Plan

The Municipal Manager may propose to Council a financial recovery plan, if the need arises, aimed at securing the Municipality's ability to meet its obligations to provide basic services or its financial commitments. Such a plan -

- (i) Must identify the financial problems of the Municipality;
- (ii) Must be designed to place the Municipality in a sound and sustainable financial position as soon as possible;
- (iii) Must state the principal strategic objectives of the plan and how to achieve them;
- (iv) Must set out a remedial strategy for addressing the causes of the Municipality's financial problems, which should include steps to reduce unnecessary expenditure and increase the collection of revenue;

- (v) Must identify the human and financial resources needed to assist in resolving the problems;
- (vi) Must provide details of the anticipated time-frame for the financial recovery, and milestones to be achieved;
- (vii) Must identify the actions necessary for the implementation of the plan, separating steps to be taken by the Municipality and those to be taken by other parties;
- (viii) May provide for the liquidation of specific assets, excluding those needed for the provision of the minimum level of basic municipal services;
- (ix) May provide for debt restructuring or debt relief in terms of national municipal financial legislation;
- (x) May provide for special measures to prevent unauthorized, irregular, fruitless, wasteful expenditure and other losses;
- (xi) May identify any actual or potential revenue sources;
- (xii) May suggest for adoption by the Council –
 - (1) Spending limits and revenue targets;
 - (2) Budget parameters for a specified period or until stated conditions have been met; and
 - (3) Specific revenue raising measures that are necessary for financial recovery.

The recovery plan must first be approved by the Member of the Executive Council for Local Government in the Province, with or without amendments, prior to its implementation.

(c) Internal Audit Unit

The Municipality must establish an Internal Audit Unit, either internally or by way of outsourcing and this unit must –

- (i) Prepare a risk-based audit plan and an internal audit program for each financial year;
- (ii) Advise the Municipal Manager and report to the Audit Committee on the implementation of the Internal Audit Plan and matters relating to:
 - (1) Internal audits;
 - (2) Internal controls;

- (3) Accounting procedures and practices;
- (4) Risk and risk management;
- (5) Performance management;
- (6) Loss control;
- (7) Compliance with all applicable financial legislation.
- (d) Financial Misconduct
 - (i) The Municipal Manager commits an act of financial misconduct if he/she -
 - (1) Contravenes this policy;
 - (2) Fails to comply with a duty imposed by this policy;
 - (3) Makes or permits or instruct another official of the Municipality to make an unauthorized, irregular or fruitless and wasteful expenditure; and
 - (4) Provides incorrect or misleading information in any document which in terms of this policy must be submitted to the elected leadership of the Municipality, the Auditor-General, the Provincial Treasury, the National Treasury, other organs of state or made public.
 - (ii) A member of senior management or other official of the Municipality exercising financial management responsibilities and to whom a power or duty was delegated, commits an act of financial misconduct if he/she deliberately or negligently fails to carry out the delegated duty or commits any of the acts as set out in (1) to (4) above;

17. Offences and Penalties

If a person -

- (a) Contravenes any of the provisions of these by-laws;
- (b) Contravenes any conditions attached to a decision taken in terms of these by-laws;
- (c) Fails to comply with the terms of a notice served on her/him in terms of these by-laws; or

she/he is guilty of an offence for which the penalties are provided for in the Local Government Ordinance 1939 (Ordinance 17 of 1939).

18. Repeal of By-laws

..... (title of current
by-laws) published in terms of (number and date of
Provincial Gazette) is hereby repealed with effect from the date of promulgation of these
by-laws.

EMAKHAZENI LOCAL MUNICIPALITY

DRAFT BY-LAWS ON OUTDOOR

ADVERTISING AND SIGNAGE

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CHAPTER I: APPLICATIONS AND PROCEDURAL SECTIONS

1. DEFINITIONS

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

“advance sign” means a sign indicating the direction or distance to a facility, locality, activity, service or enterprise.

“advertisement” means any visible representation of a word, logo, name, letter, figure, object, mark, symbol, abbreviation, light or any combination thereof with the object of transferring information which is visible from any street or public place, but does not include a road traffic sign.

“advertisement for sale of goods or livestock” means an advertisement announcing such a sale on land or premises not normally used for commercial purposes and may include an advertisement announcing auctions of household goods on residential properties, or livestock or game on farms. This class will also include the display of an advertisement announcing the proposed sale of property or land by means of a public auction to be advertised within the road reserve.

“advertiser” means the person or organization, whose product or service is being advertised, or whose name or image is mentioned or promoted in an advertisement.

“advertising” means the act or process of notifying, warning, informing, making known or any other act of transferring information in a visible manner.

“advertising impact assessment (AIA)” means a report requested by the Emakhazeni Local Municipality from the applicant wherein the impact of the advertising sign is discussed. This report should address aspects such as, but will not be limited to, the environmental impact, visual impact, illumination of the advertising sign, and road safety impact of an advertising sign.

“advertising structure” means any screen, fence, wall or other physical structure or object erected to display an advertisement or which is in itself an advertisement or used to display an advertisement.

“advertising sign or sign” means any advertising structure built or erected to display an advertisement, together with an advertisement displayed on the structure.

“aerial sign” means any sign attached to or displayed on a balloon or similar device or which is in itself an advertising sign which is suspended in the air and over any part of the area.

“affix” means to firmly secure, which includes “painting” onto “and “affixed” shall have a corresponding meaning.

“animation” means a process whereby an advertisement’s visibility or message is enhanced by means of moving units or pictures, flashing lights or similar devices, or an advertisement containing a variable message.

“approved” means approved by the Emakhazeni Local Municipality and “approval” has a corresponding meaning.

“arcade” means a covered pedestrian thoroughfare not vested in the Emakhazeni Local Municipality, whether or not located at ground level passing wholly or partly through a building and to which the public normally has regular and unrestricted access.

“area of advertisement” means the total area of that which constitutes the advertisement.

“area of control” refers to the degree of advertising control to be applied in a specific area, i.e. maximum, partial or minimum control as determined by the Emakhazeni Local Municipality from time to time.

“area of jurisdiction” means the area under the control of the Emakhazeni Local Municipality according to the legally determined and declared boundaries of the Emakhazeni Local Municipality

“arterial road” means a road, which, in the opinion of the road authority, functions as a main carrier of traffic within an urban area.

“backlight unit (backlit)” means advertising structures or devices which house illumination in a box to throw light through translucent printed on plastic or heavy-duty paper for higher visibility and extended night viewing.

“balcony” means a platform projecting from a wall, enclosed by a railing, balustrade or similar structure, supported by columns or cantilevered out and accessible from an upper-floor door or window.

“banner” means a piece of cloth or similar material upon which an advertisement is displayed in such a manner as to be fully legible in windless conditions, attached to one or more ropes, poles or flagstaff projecting vertically, horizontally or at an angle, or attached to buildings or to specific structures, but excludes banners carried as part of a procession.

“basic landscape sensitivity” means the visual or aesthetic sensitivity of the landscape with regard to outdoor advertisements and signs in terms of three basic landscape types, which are, in order of sensitivity, natural, rural and urban landscapes.

"billboard" means any screen or board larger than 4.5m², supported by a structure, which is to be used or intended to be used for the purpose of posting, displaying or exhibiting a third-party advertisement and can be classified as a small, large or super billboard. This can be attached to a structure manufactured specifically for advertising, or to a structure of any other form, used to attach the advertisement to, which can also include towers, bridges and pylons.

"bit of information" means to the basic unit for measuring the length of advertising messages and may consist of letters, digits, symbols, logos, abbreviations or graphics of any nature.

"blind" means a vertical screen attached to shop windows or verandahs in order to keep sun and rain from shop fronts and sidewalks, and which may be rolled up when not in use.

"building" means any structure whatsoever with or without walls, with a roof or canopy and a means of ingress and egress underneath such roof or canopy.

"building control officer" means any person who has been appointed by the Emakhazeni Local Municipality in terms of the National Building Regulations and Building Standards, 1977, or his delegated officials.

"bus shelter displays" means posters positioned as an integral part of a freestanding covered structure at a bus stop or mini taxi rank or lay-bye.

"by-law" means the Emakhazeni Local Municipality by-law regarding advertising signs.

"candela" is the standard SI unit of luminance intensity relating to the illuminating power of a light source in a given direction.

"canopy" means a structure in the nature of a roof projecting from the façade of a building and cantilevered from the building or anchored otherwise than by columns or posts.

"centre of economic activity" means an enterprise or group of enterprises outside of urban areas and which may include farm stalls, roadside service areas, accommodation facilities, food services, industries and cottage industries as well as shops and other commercial facilities OR means an urban area of high economic activity and includes all business districts, regional and neighborhood shopping centres.

"centre point of intersection" means the point of contact between the centre lines of two roads.

"charge" means the appropriate monetary charge, tariff or fee determined by the Emakhazeni Local Municipality

“clear height” means the minimum vertical distance from the ground, as the case may be, to the bottom of the advertisement and / or to the advertising sign, whichever is the highest.

“combination sign” means an advertisement comprising a number of smaller, individual advertisements, usually displaying different products or services, placed next to each other on a single free standing advertising structure specially designed to accommodate more than one advertisement presented on an on-premises business sign.

“commercial advertising” means any words, letters, object, mark, logos, figures, symbols, pictures relating to the name of a business, a trade, a partnership or an individual or any information, recommendation or exhortation in respect of any particular goods manufactured or sold or any particular services rendered or offered.

“composite sign” means a sign linked to a standardized background of a specific size similar to a poster-board on which logo-related information can be attached.

“copy” means the complete advertising message to be displayed on the advertising structure.

“council” means the Emakhazeni Local Municipality and includes the Mayoral Committee or any officer employed by the Emakhazeni Local Municipality, acting by virtue of any power vested in the Emakhazeni Local Municipality in connection with this by-law and delegated to him/her.

“council land” means any portion of land including road, street, thoroughfare, bridge, subway, footpath, sidewalk, land, square, open space, garden, park or enclosed place, erf, site etc. vested in the Emakhazeni Local Municipality. **“custom-made billboard”** means a billboard which could feature special effects such as internal or external illumination, special character cut-outs and three-dimensional representations, or rotating or scrolling panels that provide a number of messages in succession, excluding animation.

“cut-outs” means letters, packages, figures or mechanical devices attached to the face of an outdoor advertising sign, which might extend beyond the rectangular area for greater attention value, can provide a three-dimensional effect and are also commonly known as add-ons or embellishments.

“DEAT” means the Department of Environmental Affairs and Tourism.

“deemed consent (permitted with)” means an advertising sign, which is deemed approved without the Emakhazeni Local Municipality having to provide specific consent.

“degree of landscape sensitivity” means a refinement of basic landscape sensitivity, which may include, apart from a refined visual sensitivity, traffic safety conditions as criteria for sensitivity rating. Degree of landscape sensitivity is expressed in terms of area of control, i.e. areas of minimum, partial and maximum control, which are superimposed onto the three.

“density of residential area” refers to both population density (number of people per hectare) and intensity of land use or visual density (number of units per hectare and the nature of the units, e.g. high-rise, low-rise or detached, as well as to the presence of non-residential functions).

“department” means the Department of Roads and Transport of Mpumalanga, responsible for road traffic regulation.

“development advertisement” means an advertisement which could describe the type of development being carried out on a construction site, including a pictorial representation, and containing the contact details of the developer or his agent.

“device” means any physical device which is used to display an advertisement or which is in itself an advertisement.

“directional sign” means a type of guidance sign provided under the South African Road Traffic Sign System and used to indicate to the road user the direction to be taken in order that they may reach their intended destination.

“displaying” means exhibiting, affixing or attaching of an advertisement or sign and the erecting of any structure if such structure is intended solely or primarily for the support of such advertisement or sign and an attempt to do any of aforesaid and the word “display” has a similar meaning.

“display period” means the exposure time during which the individual advertising message is on display.

“election” means either the National Government, Provincial Government or Municipal elections and by-elections inclusive of the registration process and referendum held from time to time.

“electronic advertising sign” means an advertising sign which has an electronically controlled, illuminated display surface, which allows all or a portion of the advertisement to be changed, animated or illuminated in different ways.

“engineer” means an engineer registered in terms of the Engineering Profession Act, 2000 (Act 46 of 2000) or as amended from time to time.

“entertainment area” means an area the main purpose of which is to be used as a park, sports field, barbeque area or for other recreational purposes.

“erf” means an erf, stand, lot, plot, agricultural holding or similar land entity registered in a deeds registry.

“estate agent’s board” means an advertisement that is temporarily displayed to advertise the fact that land, premises, development or other forms of fixed property are for sale, to let or on show.

“existing sign” means a sign, which has been previously approved by the Emakhazeni Local Municipality, whether erected or not.

“façade” means the principal front or fronts of a building.

“flag” means a material upon which an advertisement is displayed and which is attached to a single rope, pole or flagstaff projecting vertically, horizontally or at an angle from a building or property.

“flashing sign” means a sign in which a symbol, figure, message or illustration intermittently appears and/or disappears and/or illuminated with varying colour or intensity.

“flat sign” means any advertisement affixed to any external wall of a building used for commercial, office, industrial or entertainment purposes, but excluding a parapet wall, balustrade or railing of a verandah or balcony, which at no point projects more than 300mm from the surface of such a wall and which may consist of a panel or sheet or of individual numbers, letters or symbols.

“fly poster” means any poster, which is pasted by means of an adhesive directly onto a surface.

“forecourt” means an outdoor area forming a functional part of a building housing an enterprise, and may include the area of a filling station where the pumps are situated, or a terrace in front of a restaurant, enclosing fences, walls, screens or similar structures, excluding sidewalk areas in front of business premises intended for pedestrian circulation.

“forecourt advertisement” means an advertisement on a forecourt of a business premises, being an advertisement displayed in such forecourt to draw attention to commercial services, goods for sale or other services available at the premises, but does not include a combination advertisement at a filling station or roadside service.

“free-standing sign” means any immobile sign, which is not attached to a building or to any structure or object not intended to be used for the primary purpose of advertising.

“freeway” means a road or section of a road designated as a freeway by the MEC by an appropriate road traffic sign in terms of section 11(6) of the Act or deemed to be a freeway under section 11(7) thereof.

“functional public advertisement” means an advertisement displayed only for announcement or direction of the functions of municipalities or parastatal bodies that cannot be displayed under any other class of advertisement.

“gantry” means a structure that spans over the entire width of road surface, erected onto a surface.

“gateway” means a prominent entrance to or exit from an urban area or a specific part of an urban area, consisting of man-made or natural features and creating a strong sense of arrival or departure.

“gore” means the area immediately beyond the divergence or before the merge of two roadways, bounded by the edges of those roadways.

“ground sign” means any sign detached from a building, other than an aerial sign, billboard or advertising structure.

“height of an advertising sign” means the maximum vertical distance from the ground, or where the foundation of the sign starts or is visible above natural ground level, as the case may be, to the top of the advertisement and / or the advertising sign, whichever is the highest.

“he/him” refers to any person/body, being it a male or female.

“human living environment” refers to all human settlements such as villages, towns or cities, which may consist of various components such as residential, employment and recreation areas and which require environmental management to provide services such as water, public spaces and waste removal and to protect the quality of the environment.

“illegal sign” means any sign or poster, painted, affixed, displayed, exhibited, posted or erected without approval by the Emakhazeni Local Municipality.

“illuminated” in relation to an advertisement means the installation of electrical equipment or other power for the purpose of illuminating the copy message at night, either continuously or intermittently.

“illuminated advertising sign” means an advertising sign which has been installed with electrical or other power for the purpose of external or internal illumination, either continuously or intermittently of the advertisement displayed on such a sign.

“inflatable sign” means any advertising sign erected and maintained by means of air or gas used for the purpose of posting or displaying any advertisement.

“information sign” means any sign or structure, inter alia, containing information relevant to the municipal area.

“landscape sensitivity” refers to the visual or aesthetic sensitivity of the landscape with regard to outdoor advertising and signs, is expressed in terms of basic landscape sensitivity and degree of landscape sensitivity and may also take traffic safety conditions into account.

“large billboard” means any billboard between (and including) 18m² and 40m² in area of advertisement.

“large poster” means an advertisement on a self-supporting structure of between 1.5m² and 2.2m² in area.

“laser sign” means any advertisement caused by or developed with laser lights or any similar device.

“light not intended for illumination” means a flashing, flickering or continuous light source, beam of light or a number of such sources or beams, aimed or moved in such a manner as to attract attention, without being primarily for the purpose of illuminating an area or object.

“limited use area” means an area 50 meters outside the road reserve boundary of a freeway to which the same restrictions apply as the actual freeway reserve but where consent is given under certain circumstances for the display of specific sign types in order to indicating enterprises situated in such a limited use area.

“locality-bound sign” means a sign displayed on a specific site, premises or building and which refers to an activity, product, service or attraction located, rendered, sold or provided on that premises or site or inside that building.

“location sign” means a type of guidance sign provided under the South African Road Traffic Sign System and used to identify places or locations, which either provide reassurance during a journey or identify destinations such as towns, suburbs or streets near the end of a journey.

“luminance” is a measure of how bright an illuminated area appears to the human eye and is measured in candela/m².

“M or m” means meter.

“mm” means millimetre.

“main roof of building” means any roof of a building other than the roof of a verandah or balcony.

“main wall of building” means any external wall of such building, but does not include a parapet wall, balustrade or railing of a verandah or a balcony.

“maximum height” means the distance from ground or where the foundation of the sign starts or is visible above natural ground level, as the case may be, to the utmost top point of the advertisement and / or the advertising sign top of the advertisement and / or the advertising sign, whichever is the highest.

“mobile or transit sign” means an advertisement attached to or displayed on a vehicle, vessel or craft on land, on water or in the air.

“movable temporary sign” means a sign not permanently fixed and not intended to remain fixed in one position, but does not include any moving part in a fixed permanent sign.

“municipal owned land” see “council land”.

“national road traffic act” means the National Road Traffic Act, 1996 (Act 93 of 1996) as amended from time to time.

“natural area” means an area of the rural or non-urban environment which is in an unspoilt natural state or is of high scenic value, and includes, but is not limited to, national parks, game reserves, nature reserves, marine reserves, wilderness areas, areas of extensive agriculture and scenic areas.

“natural landscape” means relatively unspoilt areas outside urban areas such as national parks, game reserves, marine reserves, wilderness areas, extensive agriculture, scenic corridors nature reserves and scenic landscapes.

“non-locality bound sign” means a sign displayed on a site, premises or building and which refers to an activity, product, service or attraction which is not located, rendered or provided on that premises or site or inside that building.

“non-profit body” means a body established to promote a social goal without the personal financial gain of any individual or profit making commercial organization involved and which submits adequate proof to the satisfaction of the Emakhazeni Local Municipality of its non-profit status.

“on-premises business advertisement / advertising sign” means an advertisement aimed at identifying and locating business enterprises and industries, and excludes a residential or community advertisement.

“outdoor advertising” means the act or process of notifying, warning, informing, making known or any other act of transferring information in a visible manner and which takes place out of doors.

“overhang” means the physical part of sign hanging or projecting over a boundary.

“owner of the advertisement” means the person who owns the advertisement which is displayed on the advertising sign, or any person who has a right to or shares in the ownership of the advertisement.

“owner of the advertising structure” means the person who owns the advertising structure, or will own the structure once it has been erected, or any person who has a right to or share in the ownership of the advertising structure.

“owner of the land” means the person who owns the land or property on which the advertising sign is, or will be erected, or any person who has a right to or share in the ownership of the land.

“permanent sign” means signs erected for a period of more than 30 days.

“perpendicular” means with a 90° angle to the existing building or road at the position of the advertisement or advertising sign.

“person” means both natural and juristic persons.

“person who displays a sign” means –

- (a) the owner of the sign;
- (b) the owner and occupier of the land or structure on which the sign is displayed;
- (c) the person to whose goods, trade, business or other concerns publicity is given by the sign;
- (d) the person who causes the sign to be displayed or who undertakes to maintain the sign; and
- (e) a body corporate.

“poster (or notice)” any placard announcing or attracting public attention to any meeting, event, function, activity or undertaking, or to the candidature of any person nominated for election to parliament, local government or any similar body, or to a referendum, or any placard advertising any product or service or announcing the sale of any goods, livestock or property.

“primary right advertising” means any advertising displayed which is appropriate to business being conducted on or in the property on which the sign is to be erected or to which the sign is to be affixed.

“product replicas and three-dimensional advertisements” means a replica or device used for advertising that may be free-standing or attached to a structure and includes an inflatable object that is not an aerial advertisement.

“prohibited sign” means a sign, which does not conform to advertising by-laws and by-law documentation and can thus not be approved.

“project board” means an advertisement displaying information with regard to the relevant contractor(s) and / or consultant(s) involved in the construction project and displayed on the construction site.

“projected sign” means any sign projected by cinematography or other apparatus, but does not include a sign projected onto the audience’s side of a drive-in cinema screen during a performance.

“projecting sign” means any sign, whether stationary or actuated, attached to and protruding from a building which is used for commercial, office, industrial or entertainment purposes and which projects more than 300mm from the surface of the main wall and is affixed at a right angle to the street line.

“property” means any piece of land registered in a deeds registry as an erf, lot, plot, farm, stand or agricultural holding.

“public body” means any authority or any statutory body acting on behalf of the government.

“public place” means any road, street, thoroughfare, bridge, subway, foot pavement, footpath, sidewalk, lane, square, open space, garden, park or enclosed space vested in the Emakhazeni Local Municipality.

“public road” means a road which the public has the right to use.

“pylon sign” means any sign, whether stationary or actuated, displayed on or forming an integral part of a pylon or mast of similar structure other than a building.

“residential purposes” means the use of a building as a dwelling house, two or more dwelling units, a hostel, a boarding house and a residential club.

“road” means a public road which includes the shoulder, the land of which the road consists or over which the road extends, and anything on that land forming part of, connected with, or belonging to the road.

“road authority” means the authority having the control and jurisdiction over a specific road, being it a national, provincial, metropolitan or local road.

“road island” means an area demarcated on a roadway by means of painted lines, stones, kerbs or by other means with the intention of preventing vehicles from standing or being operated in that area.

“road median” means the area separating traffic lanes on a roadway.

“road reserve” means the full width of a public road, including roadways, shoulders, sidewalks, the air space above it and all other areas from boundary to boundary.

“road reserve boundary” means the proclaimed boundary forming the outer edge of the road reserve.

“roadside service area” means an area with direct access from a municipal or provincial road in which facilities and services such as petrol and diesel sales, restaurants, fast food outlets, toilets, playgrounds and picnic spots may be provided for motorists.

“road traffic sign” means any road traffic sign as defined in the Road Traffic Act, 1989 (Act 29 of 1989) as amended from time to time.

“roadway” means the portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic which is between the edges of the traveled way.

“roof sign” means a sign on the main roof of a building lower than fifteen floors and which building is used or partly used for commercial, office, industrial or entertainment purposes.

“rotating sign” means a sign, which rotates on any axis.

“running light sign” means a sign or portion of a sign in the form of an illuminated strip, the illumination of which varies periodically in such a way as to convey the impression of a pattern of lights moving steadily along such strip.

“rural area / landscape” means areas of transition between developed urban areas and relatively unspoiled natural areas and includes intensive agriculture, subsistence agriculture, rural small holdings, unproclaimed township areas and areas outside the urban edge.

“security advertisements” means an outdoor advertisement for neighborhood watch, farm watch, security schemes and other similar schemes, and includes an advertisement containing the name, address and telephone number of a security company contracted to protect the premises on which the advertisements is displayed.

“service facility advertisement” means an advertisement at a filling station or roadside rest and service area referring to the types of services provided at such facility.

“shelter display” means posters positioned as an integral part of a freestanding covered structure.

“shoulder” means the outer portion of the roadway which, whether surfaced or not, does not normally constitute part of the traveled way.

“sidewalk” means that portion of a verge intended for the exclusive use of pedestrians.

“sign” means –

- (a) an advertisement;
- (b) an object, structure or device which is in itself an advertisement or which is used to display an advertisement; or
- (c) an object, structure or device which is not in itself an advertisement or which is not necessarily or solely used to display an advertisement.

“sign alley” means a section of road where advertising structures have been permitted at less than prescribed distances but in such a manner that no advertising structure shall obstruct another in any way.

“skyscraper” means a building which exceeds 15 storeys.

“sky sign” means an advertising sign between 75m² to 300m² on top of a skyscraper in a metropolitan area which may also include any sign consisting of a single line of free-standing, individual, cut-out, silhouetted letters, symbols or emblems which may form an important landmark.

“small billboard” means a billboard smaller than 18m² in area of advertisement.

“specific consent (permitted with)” means the written approval of the Emakhazeni Local Municipality after reviewing of the by-law for outdoor advertising.

“spectacular” (an industry term) means a custom-made billboard, which incorporates special effects such as internal illumination, cut outs and three-dimensional representations.

“static billboard” means a billboard displaying a fixed advertisement face, where the face is not changeable within seconds or minutes, but where a change of face have to be re-erected and affixed to the structure.

“storey” means the space within a building, which is situated between one floor level and the next floor level next above, or if there are no clearly defined storeys, the height of a storey shall be taken as 4,5m.

“street” means any street, road or thoroughfare shown on the general plan of a township, agricultural holding or any other division of land in respect of which the public have acquired a prescriptive or other right of way and which vests in the Emakhazeni Local Municipality.

“street furniture” means public facilities and structures which are not intended primarily for advertising and includes seating benches, planters, sidewalk litter bins, pole mounted bins, bus shelters, sidewalk clocks and drinking fountains, but excludes road signs, traffic lights, street lights or any other road-related structures.

“street furniture advertisement” means advertisement on public facilities and structures which are not intended primarily for advertising and includes seating benches, planters, sidewalk litter bins, pole mounted bins, bus shelters, sidewalk clocks and drinking fountains, but excludes road traffic signs, traffic lights, street lights or any other road related structures.

“street name sign” means of a pole-mounted, double sided, and internally illuminated advertisement displayed in combination with an illuminated street name sign.

“street number sign” means signs erected on kerbstones to indicate the street number and may include a small advertisement.

“suburban name sign advertisement” means a pole mounted advertisement at the entrance to a town or suburb that carries an advertisement beneath the road traffic sign bearing the name of the town or suburb.

“super billboard” means a billboard larger than 40m² up to 81m² in area of advertisement.

“sustainable development” means development that delivers basic environmental, economic and social services to all without threatening the viability of natural built and social systems upon which such services depend.

“teardrop flag” means a sign in the shape of a feather or inverted teardrop which consists of a light-weight, flexible or rigid frame covered with material, and which is normally planted into the ground.

“temporary advertisement / advertising sign” means an advertisement / advertising sign displayed for a maximum period of 30 days or less as determined by the Emakhazeni Local Municipality.

“temporary window sign” means a sign which is temporarily painted or attached to the window-glass of a building used for commercial, entertainment, office or industrial purposes or any temporary sign which is displayed within two meters of any window or other external opening through which it can be seen from the outside.

“third party advertisement” means any advertisement/advertising sign displayed by an advertiser not being in physical occupation of the property on which the advertisement/advertising sign is to be erected or to which the sign is to be affixed.

“tourism sign” means a road traffic sign being mostly trapezoidal shaped, white on brown colour, the main objective being to inform and guide tourists in the final stages of their journeys.

“tower advertising sign” means a structure used for third-party advertising in a parking area of a shopping centre and at an important transport node such as an airport, railway station or bus or taxi station with a total advertisement area which does not exceed 36m².

“tower, bridge and pylon advertisement” means a billboard advertisement affixed to or painted on a tower, bridge or pylon that is not erected or used primarily for advertising purposes.

“township” means an area divided into erven or plots, whether with or without public open spaces, and into streets bounded by the erven, plot or open spaces, and established or recognized as a township under any law.

“trailer advertising” means a sign mounted on a trailer, bicycle or vehicle, which is mobile at all times, with the sole purpose of advertising.

“tri-vision” (Industry Name) means a display embellished which, through use of a triangular louver construction, permits the display of three different copy messages in a predetermined sequence.

“unauthorized sign” means a sign, the display of which is subject to specific consent and which is displayed without such consent.

“under awning sign” means a sign suspended below the roof of a verandah or balcony.

“urban area / landscape” means a built-up area within the Emakhazeni Municipal area.

“urban area of maximum control” means an area which is deemed sensitive to visual disturbance and includes, but not limited to natural open spaces in urban areas, urban conservation areas, interface of natural landscape with built-up areas, gateways, residential areas, bodies of water and rivers, ridges, forests, open recreational area, architectural and historical sites, characteristic vistas, heritage sites, special tourist areas and skylines.

“urban area of minimum control” includes, but not limited to areas seen as centres, areas and nodes of concentrated economic activity where the dominant concern and motivation is to conduct business and to sell products and services, such as areas of concentrated economic activity, commercial districts, shopping centers, office precincts, commercial enclaves & shopping centers in industrial areas & industrial parks, entertainment districts, and prominent transport nodes.

“urban area of partial control” means areas that can be characterized by a greater degree of integration and complexity of land use, includes but are not limited to a 50m

strip between an area of minimum control and an area of maximum control, which will be measured from the edge of the area of maximum control into the area of minimum control, commercial enclaves in residential areas, suburban shopping centers & office parks, ribbon development, educational institutions, institutional premises, sports fields or stadiums, commercialized squares, government enclaves, smallholdings of an urban nature.

“vehicular advertising” means advertising on self-driven vehicles which are usually moving on land or water, including taxis, buses, trains and delivery vehicles, but exclude aircraft.

“verandah” means a structure in the nature of a roof attached to or projecting from the façade of a building and supported along its free edge by columns or posts.

“visual zone” refers to the road reserve of a public road and any area that is visible from any spot on such a road reserve, but does not include an area situated at a distance of more than 250m from the road reserve boundary of a road in an urban area.

“walking poster” means a poster or posters which is suspended from a person’s shoulders or attached to a person.

“window signs” means signs, which are permanently painted on or attached to the window-glass of a building.

1.1 If any provision in these By-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Systems Act, or any other law, been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorized by it.

2. APPLICATIONS FOR CONSIDERATION OF ADVERTISING SIGNS

2.1 A person shall not display or erect an advertisement or any sign or structure or device, without having obtained the written approval of the Emakhazeni Local Municipality. The provisions of this section shall not apply to signs deemed exempt or prohibited.

2.2 A sign displayed with the approval of the Emakhazeni Local Municipality shall not in any way be altered, moved, re-erected, nor shall any alteration be made to the electrical wiring system of such sign except for the purposes of renovating or maintenance; without the further approval of the Municipality.

2.3 An application on the prescribed form shall be submitted to the relevant office of the Emakhazeni Local Municipality duly signed by the owner of the proposed sign and by the owner of the land or building on which the proposed sign is to be erected or displayed or their agent/s authorized in writing.

2.4 The application shall be accompanied by the following:

- (a) The prescribed fee;
- (b) A locality plan and block plan of the site on which the advertising sign or advertising structure is to be erected or displayed, drawn to scale showing every building on the site and the position with dimensions of the advertising sign or advertising structure in relation to the boundaries of the site;
- (c) A drawing sufficient to enable the Emakhazeni Local Municipality to consider the appearance of the advertising sign or advertising structure and all relevant construction detail, and elevations and sections to a scale of 1:100;
- (d) A full description of the materials and finishes to be employed shall be provided on the plan, elevations and sections;
- (e) An artist's impression of the final product in its setting (i.e. a photo of the site with a superimposed structure on it – as close as possible to the correct scale and size of the sign);
- (f) An engineer, professionally registered in terms of the Professional Engineers Act (Act 18 of 1968), shall take full written responsibility for all structural work contemplated by the applicant;
- (g) Correct site information according to the Town Planning Scheme with a written approval of the registered owner of the property or his authorized agent, together with copies of the applicable Title Deed;
- (h) An approved SG diagram of the site;
- (i) Certified proof of the land-use rights in terms of the relevant Town Planning Scheme as amended from time to time;

(j) The applicant shall satisfy the Emakhazeni Local Municipality that proposals for billboards have been commented upon by the Ward Councilor.

2.5 The above technical criteria for submissions are essential in order to effectively evaluate the application in question on both environmental and technical grounds. It is the responsibility of the applicant to ensure that this application adheres to all other relevant acts, regulations and by-laws.

3. TARIFFS

Every person who applies to the Emakhazeni Local Municipality for its approval or permission shall, on making the application, pay to the Emakhazeni Local Municipality the fee determined therefore and no application shall be considered until such fee has been paid. The set of rates as drawn up by the Emakhazeni Local Municipality and revised from time to time and as appropriate, shall apply.

4. APPEAL PROCESS

4.1 An applicant who is not satisfied with the decision taken by the Emakhazeni Local Municipality may appeal against that decision by giving written notice of the appeal and reasons thereof to the Municipal Manager within 21 days of the date of the notification of the decision.

4.2 Such appeal shall be made by lodging a notice setting out the nature and grounds of the appeal within the prescribed period with the Municipal Manager of the Emakhazeni Local Municipality.

4.3 The Municipal Manager must timeously submit the appeal to the appropriate appeal authority.

4.4 The Municipal Manager or the relevant delegated appeal authority shall hear the appeal including any oral or written submissions from interested parties, and inform the applicant of its decision, which shall be final, and the reasons therefore.

4.5 The Municipal Manager or the relevant delegated appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.

5. ENFORCEMENT AND REMOVAL OF SIGNS AND STRUCTURES

5.1 If any sign is so displayed that, in the opinion of the Emakhazeni Local Municipality, is detrimental to the environment or to the amenity of the surrounding areas or is otherwise in contravention of this By-law, the Emakhazeni Local Municipality shall serve a notice on the responsible person to remove such sign or carry out such alteration thereto or do such other work as may be specified in such notice within the time specified in the notice.

5.2 If the responsible person fails to comply with an instruction contained in a notice, the Emakhazeni Local Municipality may remove and destroy such sign.

5.3 The Emakhazeni Local Municipality may issue or send a spot fine with the notice. The Emakhazeni Local Municipality will not be held responsible or be required to compensate any person in respect of removing advertising signs, where damage or loss was incurred due to its removal or destroying.

5.4 Notwithstanding the provisions of this section, If the advertisement contravenes these By-laws and is erected on, attached to, or displayed on any property of, or under the control of the Council, Council may, without serving any notice, remove any such advertising or structures from the premises, if in the opinion of the Emakhazeni Local Municipality, such an advertisement poses and immediate danger to the general public

5.5 Any costs incurred by the Emakhazeni Local Municipality in removing and storing a sign, or doing alterations or other works in terms of this section, will be recovered from the responsible person. Neither the Emakhazeni Local Municipality nor the Municipal Manager will be liable for damages of whatever nature arising from the confiscation, removal, or disposal of the sign.

6. OFFENCES AND PENALTIES

Any person who –

- (a) contravenes any of the provisions of these By-Laws;
- (b) contravenes or fails to comply with any of the requirements as set out in a notice issued and served on him in terms of these By-Laws;
- (c) contravenes or fails to comply with any conditions imposed in terms of these By-Laws;
- (d) knowingly makes a false statement in respect of any application in terms of this by-law,

shall be guilty of an offence and shall on conviction be liable to a fine as decided by Council not exceeding R50 000-00 (Fifty Thousand Rand), in addition to this in the case of a continuing offence or, in default of payment, to imprisonment for a period not exceeding twelve months, and in the case of a continuing offence to a fine not exceeding R500-00 (Five Hundred Rand) for every day during the continuance of such offence after a written notice has been served by the Council requiring discontinuance of such offence. For a second or subsequent offence the guilty party or offender shall be liable on conviction to a fine not exceeding R50 000-00 (Fifty Thousand Rand) or in default of payment, to imprisonment for a period not exceeding twelve months.

7. PENALTY COSTS

7.1 No person shall display any advertisement in the Emakhazeni Local Municipality without the written approval of the local authority and any person who contravenes the provisions of this by-law shall be guilty of an offence and shall be liable to a fine as follows:

- (a) Any movable advertising device (trailer, car, caravan) parked anywhere in the Emakhazeni Local Municipality - R2 000.00 (Two Thousand Rand) per sign;
- (b) The erection of large and super billboards anywhere in the Emakhazeni Local Municipality - R50 000.00 (Fifty Thousand Rand) per sign;
- (c) The displaying of flags, banners and posters anywhere in the Emakhazeni Local Municipality - R500, 00 (Five Hundred Rand) per sign per day;

- (d) The erection of signs less than 1m² anywhere in the Emakhazeni Local Municipality - R1 000.00 (One Thousand Rand) per sign per day;
- (e) The erection of small billboards in the Emakhazeni Local Municipality - R10 000.00 (Ten Thousand Rand) per sign;

7.2 This determination is applicable to all areas within the jurisdiction of the Emakhazeni Local Municipality and is effective from the date of promulgation of these By-Laws. This determination replaces all previous determinations.

7.3 Any penalty or fee recoverable in terms of these By-Laws and which remains unpaid will be recovered from the owner of the land on which the advertisement is displayed and will be included in the municipal accounts in respect of the property in question.

8. INDEMNITY

The Council may refuse any application submitted or grant its approval subject to any condition which it may deem expedient, including a condition that the owner of any sign or the owner of the land or building on which such sign is to erected or displayed, or both such owners, indemnify the Council to its satisfaction against any consequence flowing from the erection, display or mere presence of such sign.

9. DAMAGES TO MUNICIPAL PROPERTY

9.1 No person shall intentionally or negligently, in the course of erecting or removing any sign, advertising structure, poster or banner cause damage to the environment including any tree, or electric standard or service or other Council installation or property.

9.2 The cost for any repairs necessarily incurred by Council to effect repairs to any tree, environment electric standard or service so damaged shall be for the account of the responsible person.

10. ENTRY AND INSPECTION

The Council shall be entitled, through its duly authorized officers or agents, to enter into and upon any premises, at any reasonable time for the purpose of carrying out any inspection necessary for the proper administration and enforcement of these By-Laws.

11. RESPONSIBLE PERSON

If any person is charged with an offence relating to advertising signs:

- (a) it shall be deemed that such person either displayed the advertising sign or caused or allowed it to be displayed;
- (b) the owner of any land or building on which any advertising sign was displayed, shall be deemed to have displayed such a sign, advertising structure or poster, or caused or allowed it to be displayed;
- (c) any person who was either individually or jointly, with any other person responsible for organizing, or is in control, of any meeting function or event to which a sign or poster relates, shall be deemed to have displayed every sign or poster displayed in connection with such meeting, function or event or to have caused or allowed it to be displayed; and
- (d) any person whose name appears on a sign, advertising structure or poster or to have caused or allowed it to be displayed, unless the contrary is proved.

12. SERVING OF NOTICE

Where any notice or other document is required by these By-Laws to be served on any person, it shall be deemed to have been properly served if served personally on him or any member of his household apparently over the age of sixteen years or at his place of residence or on any person employed by him at his place of business, or if sent by registered post to such persons residential or business address as it appears in the records of the Council, or if such person is a company, if served on an officer of that company at its registered office or sent by registered post to such office.

13. EXEMPTED AND PROHIBITED SIGNS

13.1 Exempted signs

The following signs are exempt from the provisions of these By-Laws:

- (a) Any advertising sign displayed inside a sports stadium, which is not visible from outside the stadium.

- (b) Any sign displayed in an arcade or building which is not aimed at road users and which is not visible from a public street.
- (c) Any national flag hoisted on a suitable flag pole as long as nothing is added to the design of the flag and no advertising material added to the flag pole.
- (d) A sign which is displayed by the Emakhazeni Local Municipality;
- (e) Any Banner or flag carried through the streets as part of a procession.

13.2 Prohibited signs

No person shall erect or display any of the following signs or cause or allow any such sign to be erected or displayed:

- (a) Any sign painted on, attached to, or fixed between the columns or posts of a verandah.
- (b) Any signs to be suspended across a street, except at locations as determined by Council.
- (c) Any signs which will obscure a road traffic sign or which may be mistaken for or cause confusion with or interfere with the functioning of a road traffic sign.
- (d) Any sign which will obstruct any window or opening provided for the ventilation of a building or which obstructs any stairway or doorway or other means of exit from a building or which will prevent the movement of persons from one part of a roof to another part thereof.
- (e) Any animated or flashing sign where the frequency, or the animations or flashes, or other intermittent alterations disturbs the residents, or occupants of any building, or is a source of nuisance to the public.
- (f) Any illuminated sign where the illumination disturbs the residents or occupants of any building or is a source of nuisance to the public.
- (g) Any swinging sign, which is a sign not rigidly and permanently fixed.
- (h) Any sign displayed on land not in accordance with the relevant zoning or approved consent use as per applicable Town-planning Scheme.
- (i) Any advertisement or sign other than exempted sign, for which neither a permit nor approval has been obtained.
- (j) Any poster pasted otherwise than on an advertising structure legally erected for the purpose of accommodating such poster.
- (k) Any sign painted on a boundary wall or fence in a residential and rural area.

- (l) An advertising sign which in the opinion of Emakhazeni Local Municipality, is suggestive of anything indecent or may prejudice the public morals.
- (m) Any sign which relates to a business which is conducted on an erf or land which has not been re-zoned for that specific purpose.
- (n) Any advertisements which relates to cigarettes or other tobacco products.

14. NEW TYPE OF SIGNS

14.1 Since new types of signs are continuously being developed, and the use of existing signs may become undesirable –

- (a) a person who intends to display a sign –
 - (i) for which no provision is made in these By-laws;
 - (ii) which does not fall within any of the classes of signs provided for in these By-laws; or
 - (iii) the display of which is of such nature that it does not fall within the ambit of what is understood as 'display' in these By-laws, must, before such a sign is displayed, apply for the approval of the sign and for the display of such sign in terms of section 2, and Council may prescribe conditions applicable to such sign or the display thereof; and
- (b) Council may by notice in writing require a person who displays a sign, the display of which in the opinion of the Council is undesirable, to remove or cease the display such a sign.

14.2 A lease of land within the jurisdiction of Council does not confer the right to use the land solely for purpose of advertising.

15. PROHIBITED AREAS

No commercial signs may be displayed in prohibited areas. The Council may from time to time identify as prohibited areas. The following prohibited areas have been identified –

- (a) Council's land, other than signs controlled by advertising contracts.
- (b) Historical areas.
- (c) Heritage trail areas.

- (d) Any reserves such as nature reserves.
- (e) Any other areas as specified by Council.

16. PUBLIC TENDERS

16.1 Council must, in terms of Councils Supply Chain Management Policy and, and subject to the provisions of the Preferential Procurement Framework Act, 2000 (Act No. 5 of 2000) and the Regulations to the Act, adjudicate one successful tender, for each standard advertising type aiming to provide non-locality bound advertising space for a private sector service, product or any other message on Municipal land.

16.2 The successful tender, known as the contractor –

- (i) Will be responsible for the display of an advertising sign in terms of the provisions of these By-laws, and on the terms and conditions agreed upon in a written agreement in his or her contract with Council; and
- (ii) Will be responsible for the removal of any illegally displayed signs of the same class for which that particular contract has been awarded if so required by the Emakhazeni Local Municipality.

16.3 Should a contractor fail to comply with the above provisions in the contract conditions, Council must serve a notice on the contractor to rectify compliance with the provisions or contract conditions, and should the contractor not comply within two months after notice has been served, council has the right to relieve the contractor of his or her contract, after which the contractor has no right to signs already displayed and the council may deal with these signs.

17. TRANSITIONAL PROVISIONS

17.1 Every owner of land, including a building on land on which a sign was erected without formal approval, before the coming into operation of these By-Laws, that is prohibited by these By-Laws and which is not an advertisement or advertising sign for which the Council may grant approval, must be removed within 90 days of date of commencement.

17.2 Where an advertisement or advertising sign has been erected or displayed before the date of commencement of these By-Laws without formal approval, which in terms of these By-Laws, may not be erected or displayed without the approval of the Council, the owner of the advertisement or advertising sign must apply to the Council, for approval, within 90 days of date of commencement hereof, failing which the advertisement or advertising sign must be removed forthwith. No such application may be made in respect of an advertisement or sign contemplated in sub-section 17(1).

17.3 If approval for an advertisement or sign contemplated in sub-section 17(2) has been refused, the owner must remove it within 30 days of receipt of notification of such refusal. Where such a notification has been posted by registered post, the owner will be deemed to have received it eight days after posting thereof.

17.4 Where an advertising sign has been legally, correctly erected or displayed before the date of commencement of this by-law with a formal approval and/or contract from any former legal authority which by that time had the legal rights to give such approval and / or contract, which in terms of this by-law may not be so erected, an agreement must be reached between the Emakhazeni Local Municipality and the owner of the structure. This agreement shall address the correction, removal, relocation or replacement of the advertising sign, in what ever way, to adhere to this by-law. Proof of this prior approval and/or contract has to be submitted to the Emakhazeni Local Municipality on request. After agreement has been reached a new approval and/or contract, if applicable, shall be compiled between the Emakhazeni Local Municipality and the owner of the structure.

CHAPTER II: GENERAL PROVISIONS AND AREAS OF CONTROL

18. GENERAL REQUIREMENTS

18.1 An advertisement or advertising structure may not -

- (a) in the opinion of the Municipality constitute a danger to any person or property;
- (b) be erected without approval where such approval is required by any Act, Regulations or any other law;
- (c) be detrimental to the environment or to the amenity of a human living environment by reason of size, shape, colour, texture, intensity of illumination, quality of design or materials or for any other reason;
- (d) emit a noise, sound, smoke, smell or odours.

18.2 The Municipality may increase the minimum spacing between advertisements, or place further restrictions on the position, size and content of any advertisement if considered necessary, in the interests of road safety or environmental impact.

18.3 If an approved advertising structure does not display an advertisement or message for a period of more than 6 (six) months from date of approval or as otherwise agreed to by the Municipality, the Municipality will serve a notice on the owner requiring him, at his own cost, to remove the structure or to display an advertisement or message within a period so specified.

18.4 Signage which was not categorized and for which provision was not made in this by-law, will be addressed on an ad-hoc basis and considered by the Municipality.

19. DESIGN, CONSTRUCTION AND POSITION ON THE SITE

19.1 Any advertising sign must, in the opinion of the Municipality:

- (a) be neatly and properly constructed and executed and finished in a workmanlike manner in accordance to the National Building Regulations and Building Standards, Act 103 of 1977, as amended from time to time;

- (b) have a neat appearance and shall consist of durable materials;
- (c) be rigidly and securely attached, supported or anchored in a safe manner;
- (d) be constructed and located at a height that discourages vandalism.

19.2 An advertising sign shall, in the opinion of the Municipality, not -

- (a) be detrimental to or have a negative aesthetic impact on the urban design, streetscapes or the character of the surrounding area by way of the design of the structure or device;
- (b) be displayed in places or in such a manner that it could be detrimental to the amenity of the neighborhood or disfigure the surroundings.

19.3 Any advertiser or contractor shall:

- (a) have all exposed metalwork of any sign painted or otherwise treated to prevent corrosion and all timber treated to prevent decay;
- (b) take such measures as are necessary to prevent the entry of water and dust into and the accumulation of water, moisture or dust on or in any advertising sign or any part of its supporting framework, brackets or other members and should adhere to the Municipality approved IP rating;

19.4 An advertiser, contractor or any other person shall not -

- (a) use water-soluble adhesive, adhesive tape or similar material to display or secure any sign or advertisement elsewhere than on a billboard, board or any structure provided for this purpose.
- (b) in the course of erecting or removing any advertising sign, advertisement structure or device, cause damage to the environment, including any tree or vegetation or any electrical standard or bulk service or other public installation or property.

19.5 If an advertising sign contains glass, it must adhere to the following:

- (a) all glass used (other than glass tubing in neon and similar advertising signs) shall be safety glass at least 3 mm thick; and
- (b) glass panels used in advertising signs shall not exceed 0.900 m² in area, each panel being securely fixed in the body of the advertising sign, structure or device independently of all other panels.

19.6 Before any advertising structure is erected, the Municipality must consider, whether the advertising structure is suitably positioned and orientated.

19.7 An advertisement or advertising sign may not —

- (a) obstruct any window or view or opening provided for the ventilation of a building or obstruct any stairway or doorway or other means of exit from a building or prevent the movement of persons from one part of a roof to another part; or obstruct any fire escape or the means of egress to a fire escape;
- (b) be painted on any fence or boundary wall in an area of maximum or partial control;
- (c) be higher than the height restriction in terms of the relevant Town Planning Scheme of that specific site or the direct surrounding sites, as amended from time to time unless a relaxation has been obtained in terms of such Town Planning Scheme;
- (d) encroach on the building restriction area or any servitude unless a relaxation has been obtained in terms of the relevant Town Planning Scheme as amended from time to time;
- (e) be erected within or over any servitude, unless specific approval has been granted by the relevant authority;
- (f) exceed the minimum clearance with regard to overhead power lines as prescribed in regulations 15 of the Electrical Machinery Regulations (No R1593 in GG11458 of 12 August 1988). (Permission must be obtained from the relevant supply authority before any advertising structure may be erected close to a power line servitude); and
- (g) unreasonably obscure, partially or wholly, any advertising sign owned by another person previously legally erected and legally displayed.

19.8 On specific higher order roads, as identified by the Municipality, no free-standing advertising sign may be situated closer than:

- (a) 5 (five) metres from a road reserve boundary if on private land;
- (b) if the advertising structure exceeds 5 (five) metres in height, a distance from the road reserve boundary equal to the height of the advertising structure or at a position as indicated by the Municipality.

19.9 If required by the Municipality, the structural design of an advertising structure shall be certified by a professional structural engineer with reasonable relevant experience. The engineer shall satisfy the Municipality that the structure will be adequate to secure, fix or support any sign, advertising structure or screen to resist all loads and forces to which the sign, structure or screen may be exposed and the sufficiency of the margin of safety against failure, in compliance with the provisions of regulation B1 of the National Building Regulations published under Government Gazette No. 9613, dated 1 March 1985, and as amended from time to time.

20. MAINTENANCE

20.1 Any advertising sign as permitted shall, on a regular basis, be maintained in good repair in a safe condition and according to the highest standards as regards quality of structures, posting and sign writing.

20.2 The owner of any land or building on which an advertising sign is displayed or erected, or to which a sign is attached, and the owner of any such sign shall be jointly and severally responsible for the maintenance of the advertising sign in a safe and proper condition, maintaining the surrounding area in a neat and tidy state. Such owners will be liable for the consequences of not doing so, and must undertake at least one annual inspection of the advertisement in order to comply with the Municipality's requirements.

20.3 If, in the opinion of the Municipality, any advertising sign or structure is in a dangerous or unsafe condition or has been allowed to fall into a state of disrepair or interferes with the functioning of any road traffic sign, the Municipality may serve a notice on an owner of the advertising sign and/or owner of the land and/or owner of the advertisement, requiring him at his own cost, to remove the sign or structure or do other work specified in the notice within a period so specified. No compensation shall be payable by the Municipality to any person in consequence of such removal.

20.4 The Municipality may, instead of serving notice, itself carry out the removal of an advertisement/advertising sign or advertising structure or do other work which it may

deem necessary. In case of a private property the Municipality may recover the cost thereof from the owner of the advertising structure, owner of the land or the owner of the advertisement.

20.5 All signs shall be secured in a manner so as to not constitute a danger to the public. The landowner on whose property such sign is located shall assume all responsibility and liability, indemnifying the Municipality against any claim which may arise in connection with such sign.

20.6 Any sign displayed for advertising or giving information regarding the name of the occupier of premises or nature of the business conducted on such premises, shall be removed forthwith upon the owner of the structure ceasing to occupy the premises.

20.7 No sign shall be erected or maintained in such a manner as to impede on landscaping, causing trees and other plants to be removed or trimmed to ensure that the signs remain visible, without the consent of the Municipality.

21. ELECTRICAL AND ILLUMINATION

21.1 Every illuminated sign and every sign in which electricity is used, shall -

- (a) have power cables and conduit containing electrical conductors positioned and fixed so that they are not unsightly in the opinion of the Municipality;
- (b) be constructed of material which is not combustible;
- (c) be provided with an external switch in an accessible position and, if required, at a height of at least 3 (three) meters from the ground whereby the electricity supply to the sign may be switched off;
- (d) be wired and constructed in accordance with and subject to the provisions of the Municipality's electricity supply by-laws;
- (e) not be connected to any electricity supply without the prior written permission of the relevant electricity supply authority. It shall be in accordance with the provisions of the standard rules for the electrical wiring of premises or structures. Such proof of permission shall be submitted if requested; and
- (f) be fitted with efficient suppressers if it is likely to interfere with radio reception.

21.2 The following maximum luminance levels per square meter are applicable for all classes of advertisements is permitted (as permitted by the International Commission on Illumination):

<u>Illuminated area</u>	<u>Maximum luminance</u>
Less than 0.5 m ²	1 000 candela/m ²
From 0.5 m ² to 2 m ²	800 candela/m ²
From 2 m ² to 10 m ²	600 candela/m ²
Above more than 101 m ²	400 candela/m ²

21.3 The light source emanating from floodlights or light not meant for illumination, shall not be visible to traffic travelling in any direction.

21.4 Floodlighting shall be positioned to ensure effective distribution and minimize light wastage or "spill".

21.5 Illumination is permitted on an advertisement or advertising sign only if it does not lead to unsafe driving conditions, or does not have a detrimental effect on the surrounding area and where it is specifically not prohibited.

21.6 An advertisement or advertising sign may not be illuminated unless the road is lit by overhead lighting over the full distance within which the advertisement is visible from that road and the source of the illumination is concealed from oncoming traffic.

21.7 Before any advertising structure is erected, the Municipality must consider, whether the illumination of the advertisement or advertising sign is likely to distract drivers' attention from road traffic signs which are not illuminated.

21.8 An electronic advertisement or advertising sign may not inhibit the view of or cause discomfort to a driver or pedestrian or be in the direct line of sight of a traffic light.

21.9 An electronic advertisement must be static for at least 5 seconds per advertisement.

21.10 Light not intended for illumination may only be utilised if it is allowed for in the environmental plans of the Municipality.

21.11 No advertisement or advertising structure shall, if illuminated, be erected in such a way that it may have a detrimental effect on the amenity of a residential building on a residential zoned erf or, in the opinion of the Municipality, could be detrimental to the character or amenity of the neighborhood.

22. CONTENT, AMENITY AND DECENCY

22.1 Advertisements positioned along roads and specifically targeting the road user shall be concise and legible and shall comply with the following requirements:

(a) Bit values shall be calculated as follows per element of an advertisement -

Words of up to eight letters, inclusive	1,0 bit
Words of more than eight letters	2,0 bits
Words such as "a, the, than, and, an"	0,25 bits
Numbers of up to four digits, inclusive	0,5 bits
Numbers of five to ten digits	1,5 bits
Symbols and logos	0,5 bit
Background graphics (depending on the destructiveness of the graphic)	1,0 to 3,0 bits

(b) On any sign, the number of bits and size of the text should adhere to -

Speed of the road (km/h)	Bits allowable	Minimum size and height of letters
0 – 60	15	150mm
From 61 to 80	12	250mm
above 80	10	350mm

For all other type of advertisement signs, the text size should be a minimum of 50mm high, and should be considered by the Municipality for readability before it can be approved.

Street numbers indicating specific premises shall have a minimum size of 150 mm and a maximum size of 350 mm.

22.2 A sign shall have a neat appearance in terms of advertisement content and sign writing, and shall not contain untidy handwritten messages. This shall be done to the satisfaction of the Municipality.

22.3 No message may be spread across more than one advertisement, sign or sign panel.

22.4 Numbers longer than ten digits are not allowed.

22.5 An advertisement may not -

- (a) in the opinion of the roads authority contain an element which distracts the attention of drivers in a manner likely to lead to unsafe driving conditions; or
- (b) be erected in view of a signalised intersection which displays predominantly the colours red, yellow or green if such colours will constitute a road safety hazard.

22.6 An advertisement shall not, in the opinion of the Municipality, be in its content objectionable, indecent or suggestive of indecency or prejudicial to the public morals; or be in conflict with the guidelines or standards laid down from time to time by the Advertising Standards Authority (ASA), or any similar body recognised as representing the industry.

22.7 Before any advertisement is erected, it must be considered by the Municipality whether -

- (a) the size of the advertisement, or any portion thereof by way of its colour, letter size, symbol, logo, graphics or illumination, will result in the advertisement having a distracting effect on the attention of drivers of vehicles to the task of driving and lead to unsafe driving conditions;

- (b) the colour, or combination of colours, contained in the advertisement correspond with the colours or combinations of colours specified for road traffic signs in the regulations promulgated under the National Road Traffic Act;
- (c) the portrayal of a road traffic sign in the content of an advertisement will constitute a road safety hazard and could be mistaken to represent a road traffic sign;
- (d) the amount of information contained in the advertisement, measured in bits, is within prescribed limits.

23. POSITIONING AND SIZE CONCERNING ROAD SAFETY AND TRAFFIC CONSIDERATIONS

23.1 An advertisement or advertising structure or advertisement shall not -

- (a) in the opinion of the roads authority be so placed which distracts the attention of drivers or pedestrians in a manner likely to lead to unsafe conditions;
- (b) be so placed which cause any obstruction to a motorist's view of the roadway or its approaches, regardless of the direction the motorist is travelling;
- (c) be attached to, combined with (unless specifically provided for in the SADC Road Traffic Signs Manual (SADC RTSM)), obscure, create confusion with or interfere with the functioning of a road traffic sign or signal, or create a road safety hazard in the opinion of the roads authority;
- (d) in the opinion of the roads authority obscure a pedestrian's or driver's view of pedestrians, road or rail vehicles and features of the road, railway or pavement such as junctions, bends and changes in width;
- (e) project over a sidewalk or pedestrian circulation route, unless the clear height of such sign exceeds 2,4m and for a cycle circulation route a clear height of 3,0m;
- (f) project over a road with an overhang (if not allowed on a bridge or gantry);
- (g) in the vicinity of a signalized intersection predominantly display the colours red, amber or green if such colours will, in the opinion of the roads authority, constitute a road safety hazard.

23.2 Before any advertising structure is erected, it must be considered by the Municipality whether -

- (a) the size of the advertisement, together with other advertisements in the area, if any, will affect the conspicuousness of road traffic signs by virtue of potential visual clutter;
- (b) the number of road traffic signs and advertisements in any area constitute a driving hazard, due to the attention of drivers of vehicles being deviated from the task of driving and leading to unsafe driving conditions;
- (c) the speed limit, and the measure of the traffic's adherence thereto, the traffic volume, the average following headway and accident history of the road demand more stringent control of outdoor advertising;
- (d) the position of the advertisement or advertising sign will negatively affect the visibility of, sight distance to or efficiency of any road traffic sign, or series of such signs;
- (e) the position of an advertisement or advertising sign would disrupt the flow of information from road traffic signs to drivers who encounter a series of road traffic signs intended for traffic regulation, warning or guidance;
- (f) the position of any advertisement would potentially distract drivers' attention at places where traffic turns, negotiates curves, merges or diverges, or in the area of intersections or interchanges, or where drivers' uninterrupted attention to the driving task is important for road safety.

24. AREAS OF CONTROL

Three areas of control apply - areas of *maximum control*, areas of *partial control*, and areas of *minimum control*. These areas of control address the potential interaction between basic landscape sensitivity and sign impact. It is generally recognized, that outdoor advertising can have a detrimental effect upon the urban environment in certain locations.

All areas under the jurisdiction of the Municipality shall be classified under a specific area of control. If an area has not be designated, for whatever reason, it will be deemed to be an area of maximum control, until considered and otherwise classified by the Municipality.

The land-use categories described in the tables are generic and do not refer to a specific town planning scheme. When an application is evaluated, the approved land use rights and town planning scheme applicable to that specific erf will be consulted for specific zoning details. Notwithstanding the designation of the areas of control, the Municipality may approve the erection of an advertising sign on Municipal owned land if there is no major impact on surrounding areas, and if the surrounding land uses can accommodate that specific type of sign.

The following type of land uses shall be classified under the areas of control, as listed below:

24.1 Maximum Control

(a) Natural Landscape

National Parks

Game reserves

Nature reserves

Agriculture land / Farm land

Scenic corridors

Scenic landscapes

(b) Rural Landscape

Agriculture land

Rural smallholdings

Un-proclaimed township area

Areas outside the urban edge

(c) Urban Area of Maximum Control

Conservation areas and natural features inside the urban edge

Passive recreation areas

Scenic features and areas

Historical and architectural features and areas

Plots and urban small-holdings (which are proclaimed)

Gateways

Home undertakings within residential areas

Specifically proclaimed heritage areas and buildings

Cemeteries

24.2 Partial Control

Office blocks (three storeys or more and street front of 100m or more)

Commercial enclaves or centres in residential areas

Commercial ribbon development

Schools / Educational institutions (such as Universities, Technicons, Colleges, etc.)

Sports fields and stadia

Commercial squares

Institutional/government enclaves

24.3 Minimum Control

Central commercial districts

Commercial enclaves and shopping centres

Industrial areas or industrial parks

Entertainment districts or complexes

Transport nodes (such as taxi and bus ranks, railway stations, airports, etc.)

CHAPTER III: CRITERIA FOR DIFFERENT TYPES OF ADVERTISEMENTS

25. BILLBOARDS AND OTHER HIGH IMPACT FREE STANDING SIGNS

25.1 The following criteria on areas and roads where it should be located, size and height will apply for billboards and other high impact signs, as included in Table 1:

Table 1: Location, Size and Height

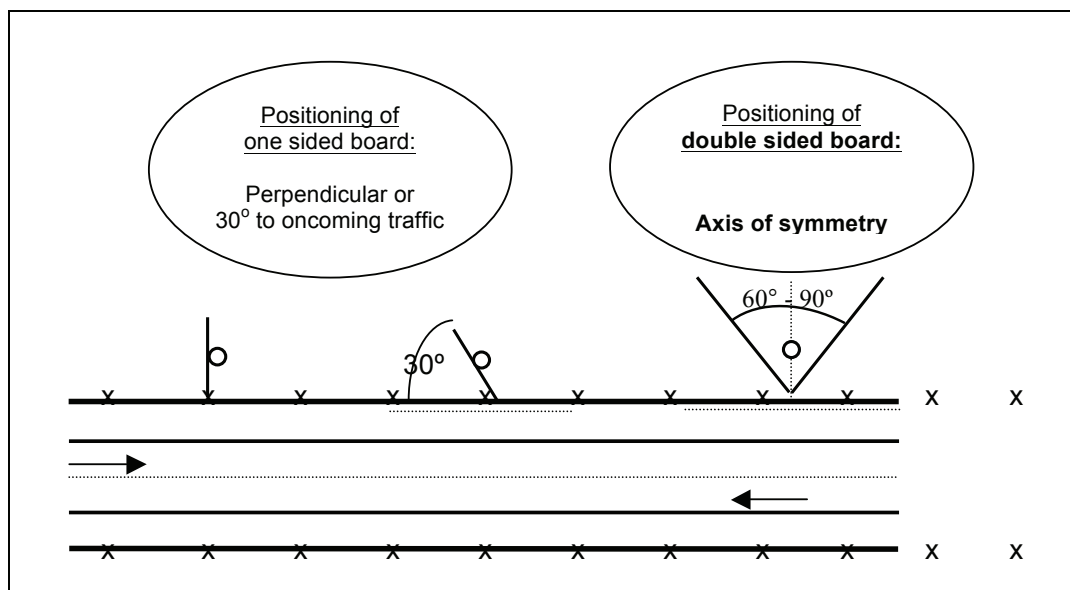
	Super Billboards	Large Billboards	Small Billboard
Area of control	Minimum / Partial	Minimum / Partial	Minimum / Partial
Size	from 40 to 81m ²	18 to 40m ²	Less 18m ²
Speed (where allowed)	Any speed	Only on roads with speed limits up to 80 km/ph	Only on roads with speed limits up to 80 km/ph
Total Height	12.5m	10.5m	10.5m
<p>1. No large or small billboard shall exceed a maximum height of 10.5m, or shall exceed the allowable height on that specific site or on the surrounding sites, as allowed for in the relevant town planning scheme or approved zoning for the site, whichever is the lesser, unless specifically approved by the Municipality.</p> <p>2. Billboards can be allowed inside metropolitan road reserve or on other Municipal owned land, with specific attention to:</p> <ul style="list-style-type: none"> ○ Road Safety (Section B7), ○ Combination and clutter of advertising, ○ Environment impact, and ○ Areas of maximum control. 			

25.2 The following criteria on the position and spacing will apply for billboards and other high impact signs, as included in Table 2 and Figure 1 below:

Table 2: Position & Spacing - Visible per direction of travel

Speed	To other billboards and high impact signs	To Road Signs	To the nearest edge of tar of the crossroad, measured from the sign, parallel along the road where the sign is located next to / Centre of Intersection / Point where lanes merge or diverge - whichever of these is the further distance
0 less than 60	250m	50m	100m
from 61 to 80	250m	100m	100m
more than 80	250m	200m	200m
<ul style="list-style-type: none"> ○ Super Billboards should be spaced at least 1 km apart on roads with a speed limit up to 80 km/ph if visible from each other. ○ Super Billboards should be spaced at least 250m apart on roads with a speed limit from 80 km/ph, if visible from each other. ○ Large Electronic Billboards (more than 18m²) should be spaced at least 2 km apart on any road. ○ Electronic Billboards of 18m² or smaller in area should be spaced at least 1.5 km apart on any road. 			

25.3 An advertising sign consisting of a single board shall be displayed perpendicular to or at an angle of 30° to the direction of oncoming traffic as indicated in Figure 1. In the case of two signs joined together the advertisement shall be displayed with the axis of symmetry perpendicular to the direction of the oncoming traffic as indicated in Figure 1.

Figure 1: Positioning of advertising signs in relation to traffic flow**26. SUPER BILL BOARDS**

This class consists of billboards larger than 40m^2 and up to 81m^2 .

- (a) General requirements, as stated in Sections 18 to 23, apply.
- (b) Approval for display shall not be granted for an indefinite period. Approval can be granted for a period of five (5) years. After this five (5) years have expired, a request for the extension of the approval period for a maximum of another five (5) years can be submitted to the Municipality, with the first right of refusal to the existing structure owner. The advertising structure shall be erected within six (6) months after approval. One further extension for the erection of the structure of six (6) months or more, in the discretion of the Municipality, can be granted in writing.
- (c) An approved structure shall display an advertisement or message within 6 (six) months after erection.
- (d) The clear height of the advertising sign shall not be less than 2.4m.
- (e) An advertising impact assessment may be required for any super billboard.
- (f) This class of advertising sign is subject to the approval of the Municipality.

27. LARGE BILL BOARDS

27.1 This class consists of billboards with a size from 18m^2 to 40m^2 .

27.2 General requirements, as stated in Sections 18 to 23, apply.

27.3 Approval for display shall not be granted for an indefinite period. Approval can be granted for a period of five (5) years. After this five (5) years have expired, a request for the extension of the approval period for a maximum of another five (5) years can be submitted to the Municipality, with the first right of refusal to the existing structure owner. The advertising structure shall be erected within six (6) months after approval. One further extension for the erection of the structure of six (6) months or more, in the discretion of the Municipality, can be granted in writing.

27.4 An approved structure shall display an advertisement or message within six (6) months after erection.

27.5 The clear height of the advertising sign shall not be less than 2.4 m.

27.6 An advertising impact assessment may be required for any large billboard.

27.7 This class of advertising structure is subject to the approval of the Municipality.

28. SMALL BILL BOARDS

28.1 This class consists of billboards smaller than 18m².

28.2 General requirements, as stated in Sections 18 to 23, apply.

28.3 Approval for display shall not be granted for an indefinite period. Approval can be granted for a period of five (5) years. After this five (5) years have expired, a request for the extension of the approval period for a maximum of another five (5) years can be submitted to the Municipality, with the first right of refusal to the existing structure owner. The advertising structure shall be erected within six (6) months after approval. One further extension for the erection of the structure of six (6) months or more, in the discretion of the Municipality, can be granted in writing.

28.4 An approved structure shall display an advertisement or message within six (6) months after erection.

28.5 The clear height of the advertising sign shall not be less than 2.4 m.

28.6 The main function of this type of sign shall not be to identify or locate specific businesses or enterprises. This function belongs to on-premises business signs.

28.7 This class is subject to the approval of the Municipality.

29. FREE-STANDING SIGNS AT EDUCATIONAL FACILITIES AND INSTITUTIONS

29.1 Free-standing signs at educational facilities and at institutions require the specific consent of the Municipality, which will be evaluated in accordance with the approved by-law as amended from time to time.

29.2 Criteria as included in Table 1 and 2 above, applies.

29.3 General requirements, as stated in Sections 18 to 23, apply.

29.4 Free-standing signs at educational facilities and at institutions may indicate the name and nature of the facility or institution and the name of a sponsor.

29.5 The top of free-standing signs at educational facilities and at institutions shall not be higher than 7.5 m.

29.6 A maximum total sign area of 36m² per street frontage is allowed, if that specific street front is longer than 100m. If this advertising area is divided, it should be divided into signs of equal size, form and construction, each of which may not exceed 18m² in sign area.

29.7 Free-standing signs at educational facilities and at institutions shall only be displayed on property boundaries adjacent to public roads.

29.8 No free-standing signs at educational facilities and at institutions shall be placed on or next to property boundaries adjacent to parks, Municipal-landscaped areas, traffic circles and other areas as determined by the Municipality.

29.9 Free-standing signs at educational facilities and institutions and supporting structures must either form an aesthetic and integral part of a substantive architectural element or must harmonize with buildings, boundary walls or nearby and other structures on the premises as far as materials, color, texture, form, style and character are concerned and be placed on the street frontage boundary to the satisfaction of the Municipality

29.10 Illumination may be considered on the successful submission of an Advertising Impact Assessment.

29.11 Free-standing signs at educational facilities and at institutions shall not, in any way detrimentally affect the residential character and amenity of the neighborhood or any other amenities of the area and/or the surroundings.

30. ADVERTISEMENTS ON STREET FURNITURE

30.1 This class will be allowed in urban areas of maximum, partial and minimum control.

30.2 The size and height of signs allowed in this class are as follows:

Size: up to 2,2m²

Height: Maximum 4m

Clear height: 2.4m (if applicable)

30.3 The position and spacing requirements for this class of signs are as follows:

- (a) Allowed inside urban road reserve (except freeways).
- (b) Not closer than 1.8m from road edge or 0.3m of cycle path, footpath or sidewalk.
- (c) Minimum of 120m apart, or at specific locations as determined by the Municipality.
- (d) Not to obstruct pedestrian movement.
- (e) May not in any way interfere with the sight distances of motorists.
- (f) These signs may only be illuminated if the street or road is illuminated and may not be animated.
- (g) This class consists of advertising on public facilities and structures which are not intended primarily for advertising but which are provided for pedestrians and

- commuters and may include seating benches, planters, pavement litter bins, pole-mounted bins, bus shelters, pavement clocks and drinking fountains.
- (h) General requirements, as stated in Sections 19 to 24, apply.
 - (i) Street furniture and advertising furniture higher than 3m shall be used only as focal points.
 - (j) It provides ample opportunity for third-party advertising along urban roads and streets inside road reserves as well as opportunities for third-party advertising in public spaces and in other pedestrian-orientated areas at shopping centers, shopping malls and at transport nodes.
 - (k) Street furniture shall not be used or positioned for the primary or sole purpose of advertising.
 - (l) This class provides opportunities for making creative and positive contributions to streetscapes.
 - (m) Bus Shelters shall be constructed in accordance to the Municipality specifications or designs approved by the Municipality.
 - (n) This class is subject to the approval of the Municipality.

31. BANNERS AND FLAGS

31.1 This class will be allowed in rural areas of control, urban areas of maximum, partial and minimum control.

31.2 The size and height of signs allowed in this class are as follows:

Size: Maximum control:	Maximum size: 5m ²
Maximum total sign area per event per street front: 10m ²	
Partial / Minimum control:	Maximum size: 6m ²
Maximum total sign area per event per street front:	12m ²

31.3 The position and spacing requirements for this class of signs are as follows:

- (a) Attached to flagstaffs, buildings or special streetscaping structures.
- (b) Maximum control: Maximum of 2 banners or flags per event per street front.
- (c) Partial and Minimum control: Maximum of 10 banners or flags per event per street front.
- (d) On the site of the function / event or on boundary fences/walls of approved sites.

- (e) Minimum distance from centre of intersection: 50m.
- (f) Minimum distance from road signs: 50m.
- (g) No advertisement shall be displayed for more than two weeks before the date of the function or event advertised and no such advertisement shall be permitted to remain in position for more than three days after the conclusion of such function or event.
- (h) No poster may be affixed to a lamp post, if it was not tested and certified by a structural engineer that the lamp post will be able to carry the poster and will be able to resist all loads and forces to which these signs may be exposed.

31.4 These signs may not be illuminated or animated, unless approved by the Emakhazeni Local Municipality.

31.5 This class consists of advertisements in the form of banners and flags. Flags are attached to a single flagstaff projecting vertically from a premises or projecting vertically, horizontally or at an angle from a building. Banners may be attached to buildings or to special streetscaping structures provided for this purpose, or boundary fences / walls on approved sites.

31.6 General requirements, as stated in sections 18 to 23, apply.

31.7 Banners and flags shall be used only for the following purposes:

- (a) Advertising functions and events conducted for religious, educational, social, welfare, animal welfare, sporting, civic or cultural purpose, or functions or events relating to municipal, provincial or parliamentary elections, referenda or registration process.
- (b) Displaying the name, corporate symbol and nature of enterprises.
- (c) Streetscaping urban areas such as pedestrian malls, gateways and at pre-defined positions within the road reserve.

31.8 Only locality-bound banners and flags shall be used for advertising enterprises, except when incorporated in a streetscaping project. These banners may be displayed against boundary fences / walls following approval by Municipality.

31.9 Banners and flags shall not be used for advertising sales promotions or commercial products or events.

31.10 National flags of any country are excluded from this class and may therefore be displayed in all areas of control provided they do not carry any advertisement or subject matter additional to the design of the flag or flagstaff.

31.11 Banners and flags carried through the streets as a part of a procession are not included in this class.

31.12 Every banner or flag shall be attached to or suspended between poles or other supports on the site or against the building where the function or event is to be held or where the enterprise is located or on such other site as may allowed.

31.13 Banners and flags are permitted within all urban road reserves other than freeways, but banners shall only be suspended across a road or street as part of an urban streetscaping project.

31.14 Banner shall be placed in positions within the road reserve as determined by the Municipality.

31.15 Banners attached to buildings in urban areas of maximum control shall blend with such buildings.

31.16 Every banner or flag shall be attached so as not to interfere with or constitute a danger to passing vehicular or pedestrian traffic.

31.17 Banners and flags used for streetscaping shall form a harmonious and well-designed part of the total streetscape.

31.18 Banners advertising a function and events conducted for religious, educational, social, welfare, animal welfare, sporting, civic or cultural purposes, or functions or event relating to municipal, provincial or parliamentary elections, referenda or registration process are permitted, to be displayed against a boundary wall or fence following approval by the Municipality.

31.19 This class is subject to the approval of the Municipality.

32. SUBURB NAME SIGN ADVERTISEMENT

32.1 This class will be allowed in urban areas of maximum, partial and minimum control.

32.2 The size and height of signs allowed in this class are as follows:

Size: Not wider than suburb sign and rectangular in shape.

Should be less conspicuous than the suburban name.

Maximum height of the advertisement: 0.45m and it should be the same height as the suburb name.

32.3 The position and spacing requirements for this class of signs should be according to SADC RSTM.

32.4 These signs may not be illuminated or animated, unless approved by the Municipality.

32.5 This class consists of pole mounted location signs (road traffic signs - GL 2) at entrances to suburbs, carrying an advertising sign beneath the suburb name.

32.6 General requirements, as stated in Sections 18 to 23, apply.

32.7 Suburban ads are permitted within all urban road reserves other than freeways.

32.8 As these signs are attached to suburb name signs, which are road traffic signs, their positioning shall be dependant on the positioning of the suburb name signs. However, suburb name signs positioned on road islands, medians and within the restricted area shall not be used to carry suburban ads, except if so considered by the Municipality.

32.9 No colours that may cause confusion with road traffic signs shall be used.

32.10 The background of the advertising sign shall not be retro-reflective or fluorescent.

32.11 This class is subject to the approval of the Municipality.

33. ESTATE AGENTS' BOARDS

33.1 This class will be allowed in all areas of control.

33.2 The size and height of signs allowed in this class are as follows:

Maximum size: Non-residential vacant erf: 6m²

Size: All other signs: 0.6m x 0.45m

Height: Less than 3m high

33.3 The position and spacing requirements for this class of signs are as follows:

- (a) Placed close to a boundary fence or within boundary of erf.
- (b) Maximum one sign per agent.
- (c) Maximum three signs per erf.
- (d) Non-residential vacant erf will not be permitted in the road reserve.

33.4 These signs may not be illuminated or animated.

33.5 This class consists of signs which are temporarily displayed to advertise the fact that land, premises, development or any other form of real estate is for sale, to let or on show.

33.6 General requirements, as stated in Sections 18 to 23, apply.

33.7 All signs in this class shall contain only the words 'For Sale', 'To Let', 'Sold' or 'On Show' and the name, logo, address and telephone number of the selling agent or letting agent.

33.8 The erection of 'On Show' estate agents' boards on streets reserves shall be permitted after 12:00 on Fridays on condition that they be removed before 12:00 on the following Monday.

33.9 A sign may consist of a single sign or two duplicate signs joined at an angle of 120°.

33.10 Any estate agents board exceeding 2,8m² shall require the submission of a special application.

33.11 The signs shall be placed at or fixed to the building concerned, or attached to the boundary fence of the premises concerned, or displayed within the boundaries of such premises, or displayed on the sidewalks to a maximum of 1 meter away from the boundaries of such premises.

33.12 "On Show" estate agent's boards shall be allowed to be displayed within the road reserve in the event of the sign being a residential sign. Signs shall not be displayed on road islands or medians. "On Show" boards may be displayed from the nearest lower order road with no less than 60m intervals between the signs, and no more than 5 signs being displayed at any one time.

33.13 No sign shall project at any point more than 1.3m from the wall of the building or structure to which it is affixed.

33.14 No limitations to the colour and texture of signs.

33.15 All 'For Sale' and 'To Let' boards shall be removed no later than 3 days after completion of the sale or granting of the tenancy.

33.16 'Sold' boards may be displayed for a period not exceeding 30 days after completion of sale.

33.17 'On Show' boards for new developments may be erected for a period of 6 months where after an extension of an additional 6 months may be obtained at the discretion of the Municipality.

33.18 This class is subject to the approval of the Municipality.

34. SALE OF GOODS OR LIVESTOCK (AUCTION SALES)

34.1 This class will be allowed in all areas of control.

34.2 The size and height of signs allowed in this class are as follows:

Size: Maximum or Partial Control: 2m²

Minimum Control: 2.8m²

Height: Maximum height: 3m

34.3 The position and spacing requirements for this class of signs are as follows:

- (a) Not on road reserve or road reserve boundary of freeways.
- (b) Maximum of one sign per sale facing a road.
- (c) Only on premises / property or attached to boundary fence of property.
- (d) May be displayed 14 days prior to the event and should be taken down within 3 days after the event.

34.4 These signs may not be illuminated or animated.

34.5 This class consists of signs announcing the sale of goods or livestock on land or on premises not normally used for commercial purposes. It may include auction sales of furniture and other household goods on residential premises or an auction of livestock or game on a farm.

34.6 General requirements, as stated in Sections 18 to 23, apply.

34.7 No limitations to the colour and texture of signs.

34.8 This class is subject to the approval of the Municipality.

35. POSTERS AND NOTICES

35.1 This class will be allowed in urban areas of maximum, partial and minimum control.

35.2 This class consists of three types of posters namely:

- (a) Event and Parliament Posters: Posters erected to advertise public and charitable events, functions, occasions, meetings or campaigns of a religious, educational, cultural, political, social, sporting or recreational nature. This category includes posters erected to advertise an auction as well as public awareness and community based campaigns and notices of a public meeting. It also includes posters for parliamentary or municipal elections, by-elections, referenda and registration process.
- (b) Commercial Posters: Posters erected in this category may be used for commercial advertising on structures for which specific provision has been made for by the Municipality.
- (c) Newspaper Posters: Posters displayed in this category shall display selected news headlines of a specific edition of a newspaper.

35.3 The size and height of signs allowed in this class are as follows:

(a) Event and Parliament Posters:

Size: One direction: up to 0.54m^2
 More directions: up to 1.08m^2
 Parliament posters: $0.9\text{m} \times 0.6\text{m}$ (A1 size)
 Event posters: $1.2\text{m} \times 0.9\text{m}$ (A0 size)

Height: Minimum Height (Clearance): 2,1m
 At least 2m below light fixtures

(b) Commercial Posters:

Size: One direction: up to 1.08m^2
 More directions: up to 2.16m^2
 Typical posters: $1.2\text{m} \times 0.9\text{m}$ (A0 size)

Height: Minimum Height (Clearance): 2,4m
 At least 2m below light fixtures

(c) Newspaper Posters:

Size: One direction: up to 0.32m^2
 More directions: up to 0.64m^2
 Typical posters: $0.7\text{m} \times 0.45\text{m}$ (A2 size)

Height: Minimum Height (Clearance): 2,4m
 At least 2m below light fixtures

35.4 The position and general requirements for this class of signs is as follows:

- (a) General requirements, as stated in Sections 18 to 23, apply.
- (b) No poster may be affixed to a lamp post, if it was not tested and certified by a structural engineer that the lamp post will be able to carry the poster and will be able to resist all loads and forces to which these signs may be exposed.
- (c) Standardized pole mounted posters shall be allowed only where they will not have a negative visual impact on the streetscape and the character of an area.
- (d) Only permitted on electric light standards or other structure, which is provided for the express purpose of pasting or affixing posters and notices.
- (e) May not be attached to power line standard, power masts, road traffic sign or signal, traffic circle, traffic island or median, wall, column or post of a verandah or balcony, fencing, electricity box or sub-stations, tree or bridge.
- (f) No sign shall be mounted on a short (4,5m) streetlight pole.
- (g) Not to cover municipal markings / stripes on lampposts.
- (h) No limitations to the colour and texture of signs.
- (i) No steel or aluminum ladders shall be placed against the standards on which the posters are to be erected.
- (j) These signs may not be illuminated or animated, unless approved by the Municipality
- (k) Posters and notices shall not be displayed inside the road reserve boundaries of freeways.
- (l) Signs may not have any letters smaller than 50mm in height.
- (m) If so required by the Municipality, the content is subject to the Municipality approval.
- (n) The Municipality shall in the absence of legislative prescriptions determine the number and display format of posters in this category.
- (o) No poster or other advertisement shall be placed in a street or other public place unless the appropriate sums determined by special resolution in terms of Section 80 B of the Local Government Ordinance, 1939 has been paid to the Municipality.
- (p) Every deposit paid shall be refunded when all the posters or other advertisements to which the deposit relates, have been removed to the satisfaction of the Municipality.

- (q) Any person who, having displayed or caused to be displayed any advertisement or advertising sign, fails to remove it or cause it to be removed within the periods prescribed shall be guilty of an offence and shall, in addition to any penalty imposed upon him, forfeit the deposit relating to it or such proportionate part of that deposit as the Municipality shall assess having regard to the number of posters of advertisements not removed.
- (r) The Municipality shall be entitled, without giving notice to anyone, itself to remove and destroy any poster or advertisement displayed without its permission having been obtained or in contravention of any provision of this section of which has not been removed within the period specified of which constitutes in any respect a contravention of the provisions of this section and the person who displayed, any posters or advertisement or caused permitted or suffered it to be displayed shall be liable to refund to the Municipality the cost to be assessed and deducted by the Municipality from the deposit made, of the said removal and destruction and in addition shall be guilty of an offence.
- (s) This class is subject to the approval of the Municipality.

35.5 Conditions applicable to Event and Parliament Posters:

- (a) Posters shall be fixed to electric light standards and fixed receptacles by means of a suitable cord and no metal clamps or wire shall be used.
- (b) Shall not be used to advertise a commercial event or product or any third party advertisement.
- (c) At least 50m from the centre of an intersection.
- (d) Posters shall be erected only 14 days prior to the event, if relevant.
- (e) All posters, backing boards and cord or string shall be removed within 3 days of the passing of the event, if relevant.
- (f) A maximum of one poster per post or standard, except for parliament posts where a maximum of three posters per post or standard is allowed.
- (g) An applicant will submit a street list indicating positions of posters erected within 3 days after approval is granted.
- (h) Poster signs aimed at the road used shall not be less than 120m apart.
- (i) Every poster and notice, for which permission is granted, shall be marked with a municipal sticker and only signs marked with a reference number shall be displayed.

- (j) No posters relating to a parliamentary or municipal election, referendum or registration process shall be displayed for longer than the period extending from the beginning of the date of proclamation in the Government Gazette of an upcoming referendum or election to the end of the fourteenth day after the date of such election or referendum.
- (k) Public awareness and community-based campaigns are to be directed at the residents within a specific community aimed at indicating crime statistics and reporting of incidents.

35.6 Conditions applicable to Commercial Posters:

- (a) Posters shall be fixed to electric light standards by means of removable brackets or strapping. No drilling or welding of poles will be allowed.
- (b) At least 50m from the centre of an intersection.
- (c) A maximum of one per post or standard.
- (d) All signs may be double-sided (dependant on traffic flow or where such a need exists).
- (e) More creative and visually pleasant structures should be used for displaying large posters than standardized pole mounted structures in order to make a positive contribution to streetscaping.
- (f) The Municipality shall determine areas where posters may be displayed.
- (g) Only one larger poster facing per direction shall be displayed per post or standard, but not on the first two posts closest to the intersection.

35.7 Conditions applicable to Newspaper Posters:

- (a) Posters shall be fixed to electric light standards by means of removable brackets or strapping. No drilling or welding of poles will be allowed.
- (b) Shall not be used to advertise a commercial event.
- (c) May be displayed along specific main traffic routes with the specific consent of the Municipality.
- (d) Shall be displayed for 24 hours only.
- (e) A maximum of one per post or standard.
- (f) The Municipality shall determine the number and display format of posters in this category.

36. PROJECT BOARDS AND DEVELOPMENT ADVERTISEMENTS

36.1 This class will be allowed in all areas of control.

36.2 The size and height of signs allowed in this class are as follows:

(a) Project Boards:

- (i) Maximum size: 1.5m² per consultant.
- (ii) Total Maximum size: 9m².
- (iii) Maximum height: 3m.

(b) Development Advertisements:

- (i) Maximum size: 6m² in maximum control area.
- (ii) Maximum size: 12m² in partial and minimum control area.
- (iii) Maximum height: 3m.

36.3 The position and spacing requirements for this class of signs are as follows:

(a) Project boards:

- (i) One sign per street front per site.
- (ii) Not in road reserve.
- (iii) Only road construction sign will be allowed within the road reserve.
- (iv) Not next to a freeway.

(b) Development advertisements:

- (i) Only one advertisement per development.
- (ii) Only while relevant development is taking place.
- (iii) Not in road reserve.

36.4 Project boards may not be illuminated or animated, unless approved by the Municipality

36.5 Project boards consists of signs displaying the involvement of contractors and consultants in minor or major construction projects or alterations to existing structures or facilities and the development advertisements describes the type of development.

36.6 General requirements, as stated in Sections 18 to 23, apply.

36.7 The sign shall describe only the building or structure being erected or other work or activity being carried out during the duration of the project, and the names of the contractors or consultants concerned in such work or activity. The branches of the industry or the professions of the contractors or consultants may be listed.

36.8 Also included are signs describing the type of development being carried out on a site and giving details such as the type of accommodation being provided, floor space available and the name, address and telephone number of the developer or his agent.

36.9 Individual or single signs shall be displayed only if no other consultants or contractors are involved or if a combined project board has already been erected.

36.10 Only one advertisement per contractor or consultant shall be permitted per street frontage of a site, while in natural areas, only one advertisement per contractor or consultant per project shall be allowed.

36.11 In all cases only one sign describing the type of development shall be allowed per development.

36.12 Project boards concerning road construction may be positioned in any road reserve, including a freeway (General conditions under Section B7).

36.13 No limitations to the colour and texture of signs.

36.14 Project boards shall be displayed only during the period when the construction works are actually taking place on the site.

36.15 This class is subject to the approval of the Municipality.

37. STREET NAME ADVERTISEMENT

37.1 This class will be allowed in urban area of maximum, partial and minimum control.

37.2 The size and height of signs allowed in this class are as follows:

- (a) Size: Maximum Area: 1m²
Horizontal: 0.8m to 1m
Vertical: 1m to 1.2m
- (b) Height: Clear height: At least 2.1m and not more than 3.0m to the street name.

37.3 The position and spacing requirements for this class of signs are as follows:

- (a) Street name section below advertising section, but not closer than 200mm.
- (b) May not extend over the road surface.
- (c) Maximum two illuminated advertising signs per intersection.
- (d) Inside urban road reserve but not on freeways, road medians or islands.

37.4 These signs may be illuminated as follows:

- (a) Static illumination, if in view of a signalized intersection, the advertisement may not contain predominantly red, amber or green colours.
- (b) Static illumination not exceeding luminance of street name section.
- (c) Internal illumination only with the proviso that the degree of illumination intensity shall be equal for both parts of the sign.
- (d) Illuminated portion should be higher than the standard traffic lights.
- (e) These signs may not be animated and may not flash.

37.5 This sign class consists of pole-mounted, double-sided, internally illuminated advertisements displayed in combination with street name signs (as included in the SADC RTSM) in the urban environment.

37.6 General requirements, as stated in Sections 18 to 23, apply.

37.7 These signs will constitute an important service to both the motorist and the pedestrian in locating such facilities and functions.

37.8 The street name shall be in black letters on a white background.

37.9 Any street name on the advertising space shall be smaller and less conspicuous than the street name on the actual street name panel. The layout of the advertising panel shall be such that there shall not be any confusion with the street name on the street name panel of the sign.

37.10 This class is subject to the approval of the Municipality.

38. NEIGHBORHOOD WATCH, SECURITY SIGNS AND SIMILAR SCHEMES

38.1 This class will be allowed in all areas of control.

38.2 The size and height of signs allowed in this class are as follows:

(a) Size:

Security signs: Maximum area: 0.35m²

Neighborhood and farm watch: Maximum area 1.5m²

(b) Height:

Maximum height: 3m

38.3 The position and spacing requirements for this class of signs are as follows:

(a) Security signs: Urban area:

(i) In urban areas only one sign per street boundary of a stand or subdivision shall be permitted and such sign shall be firmly affixed to the building, boundary wall, fence or gates on the street frontage or shall be displayed within the boundaries of the stand.

(ii) Minimum spacing of one per 30m length of street boundary.

(b) Farm watch:

Farm watch signs may be displayed at the junction or intersection of a public road and private access road or at the entrance to an individual farm. Only one sign per farm shall be allowed.

(c) Neighborhood watch:

A neighborhood or farm watch sign may be erected within a road reserve other than national road, provincial road or any freeways, at the point where the watch area is entered. However, such signs shall not be positioned on a road island or road median or inside a restricted area.

Not on Road Island or median.

38.4 These signs may not be illuminated or animated.

38.5 This class consists of outdoor signs for neighborhood watch, security signs, farm watch and similar watch schemes indicating that a watch scheme/security company is in operation in the area or responsible for the security of that specific site.

38.6 General requirements, as stated in Sections 18 to 23, apply.

38.7 It also makes provision for signs containing the name, address and telephone number of a security company contracted to protect the premises on which the sign is displayed.

38.8 No limitations to colour and texture are imposed.

38.9 Signs shall refer only to the existence and operation of a commercial security service, burglar alarm system or neighborhood watch or similar system or scheme.

38.10 This class is subject to the approval of the Municipality.

39. PRODUCT REPLICAS AND THREE-DIMENSIONAL SIGNS

39.1 This class consists of product replicas and other three-dimensional devices used for the purpose of advertising and may be free-standing or attached to a building. This sign type shall be associated only with shopping centres or other commercial areas or with entertainment or industrial areas.

39.2 These signs can function as on-premises business advertisements or as third party advertisements.

39.3 If it functions as an on-premises business advertisement, it should adhere to all the criteria of on-premises business advertisements.

39.4 If it functions as a third-party advertisement, it should adhere to the criteria for Billboards in Section 26 and to the criteria for Small Billboards in Section C4. No sign in this class shall exceed the size of a small billboard in advertising space.

39.5 The size and height of signs allowed in this class are as follows:

- | | | | | |
|-----|-------------------|-------------------|-------------------|------|
| (a) | Size: | Partial Control: | Vertical Maximum: | 1.5m |
| | Diameter Maximum: | | | 1m |
| | Minimum Control: | Vertical Maximum: | | 2m |
| | Diameter Maximum: | | | 1.3m |
| (b) | Height: | Partial Control: | | 3m |
| | Minimum Control: | | | 4m |

39.6 General requirements, as stated in Sections 18 to 23 apply.

39.7 Signs attached to buildings or displayed on individual premises shall be limited to one sign per enterprise.

39.8 Signs attached to buildings shall not be displayed above the bottom edge of the second floor window and shall not extend above the level of the underside of the eaves or gutter of any building.

39.9 The above conditions on position do not apply to entertainment districts.

39.10 No limitations to colour and texture are imposed.

39.11 Product replicas shall not dominate prominent architectural features of any building with the exception of buildings in entertainment districts.

39.12 This class is subject to the approval of the Municipality.

40. SKY SIGNS

40.1 This class will be allowed in CBD areas or in other areas as determined by the Municipality.

40.2 The size and height of signs allowed in this class are as follows:

- (a) Size: 75m² – 300m² per building
- (b) Height: Depend on height of building, or to be considered by the Municipality.

40.3 The position and spacing requirements for this class of signs are as follows:

- (a) Maximum of 1 to 5 signs / CBD, or to be determined by an AIA to the satisfaction of the Municipality.
- (b) Should not project in front of a main wall of host building, so as to extend beyond the roof of such a building in any direction.
- (c) Should not obstruct the view from other buildings
- (d) Sign to be set against a screen.

40.4 These signs may be illuminated, but not animated, unless approved by the Emakhazeni Local Municipality.

40.5 This class consists of very large signs between 75m² and 300 m² on top of sky scrapers in metropolitan areas. It may also include any sign consisting of a single line of free-standing, individual, cut-out, silhouetted letters, symbols or emblems.

40.6 General requirements, as stated in Sections 18 to 23, apply.

40.7 Content change is subject to the Municipality approval.

40.8 No limitations to colour and texture are imposed.

40.9 All sky signs shall be designed by a structural engineer.

40.10 Approval for display shall not be granted for an indefinite period. Approval can be granted for a period of five (5) years. After this five (5) years have expired, a request for the extension of the approval period for a maximum of another five (5) years can be submitted to the Municipality, with the first right of refusal to the existing structure owner. The advertising structure shall be erected within six (6) months after approval. One

further extension for the erection of the structure of six (6) months or more, in the discretion of the Municipality, can be granted in writing.

40.11 An approved structure shall display an advertising sign or message within six (6) months after erection.

40.12 This class is subject to the approval of the Municipality.

41. ROOF SIGNS

41.1 This class will be allowed in urban areas of maximum, partial and minimum control.

41.2 The size of signs allowed in this class, are as follows:

- (a) Size: Maximum area if the sign is:
 - less 6m above ground: 2m²
 - from 6m to 9m above ground: 4m²
 - from 9m to 12m above ground: 8m²
 - from 12m to 18m above ground: 12m²
 - 18m more then above ground: 18m²
- Bottom of sign not more than 120mm above roof

41.3 The position and spacing requirements for this class of signs are as follows:

- (a) Only locality-bound signs.
- (b) Maximum one sign per building.
- (c) Not project in front of a main wall of host building.
- (d) In a partial control area, it should be placed below the ridges of pitched roofs and not be part of the skyline.

41.4 These signs may be illuminated, but not animated, unless approved by the Emakhazeni Local Municipality.

CONTINUES ON PAGE 130 - PART 2



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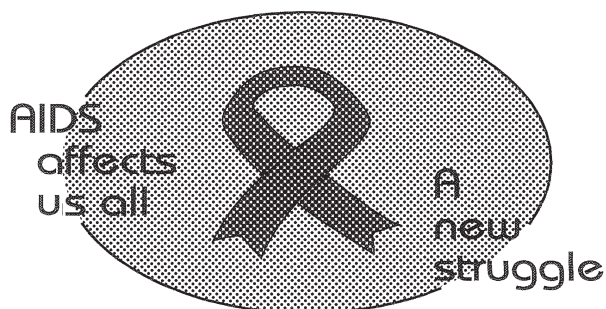
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41.5 This class consists of signs which are fixed to the roofs of buildings lower than 15 floors and used or partly used for commercial, office, industrial or entertainment purposes.

41.6 General requirements, as stated in Sections 18 to 23, apply.

41.7 Signs fixed to roofs of verandas or balconies shall not be included in this class.

41.8 The main purpose of this class is to provide an opportunity for indicating important commercial, office, industrial or entertainment functions in a more prominent manner or for indicating commercial, office, industrial or entertainment functions or enterprises where the structure of a building hinders or prohibits the application of any other appropriate sign type.

41.9 Roof signs may also include any sign consisting of a single line of free-standing, individual, cut-out, silhouetted letters, symbols or emblems.

41.10 A roof sign shall be constructed in a straight line, except in the case of a V-construction. In the case of a V-construction, the two sides forming the sides of the V shall be of equal length. Furthermore, the distance between the sides at the open end (furthestmost from the apex of the V) shall not exceed the length of the sides.

41.11 The sign shall not exceed 300 mm in thickness, except in the case of a V-construction sign.

41.12 No limitations to colour and texture are imposed.

41.13 Approval for display shall not be granted for an indefinite period. Approval can be granted for a period of five (5) years. After this five (5) years have expired, a request for the extension of the approval period for a maximum of another five (5) years can be submitted to the Municipality, with the first right of refusal to the existing structure owner. The advertising structure shall be erected within six (6) months after approval. One further extension for the erection of the structure of six (6) months or more, in the discretion of the Municipality, can be granted in writing.

41.14 An approved structure shall display an advertisement or message within six (6) months after erection.

41.15 This class is subject to the approval of the Municipality.

42. FLAT SIGNS

42.1 This class will be allowed in the following areas of control:

- (a) Natural and rural areas, and Urban area of maximum control: Only centers of economic activity, then only on commercial, office, industrial and entertainment buildings, only locality-bound;
- (b) Urban area of partial control;
- (c) Urban area of minimum control.

42.2 The size of signs allowed in this class, are as follows:

- (a) Size: Locality-bound:

Maximum control: Area: less than 20% of ground floor façade.

Partial & Minimum control: Area: less than 30% of ground floor façade.

Shopping centres: Area: less than 30% of specific façade.

Third-party: Area: less than 72m² or a maximum of 50% of the wall area, whichever is the lesser

42.3 The position and spacing requirements and some general conditions for this class of signs are as follows:

- (a) Locality-bound: Front walls of buildings, or any other wall.
- (b) Third-party: Only to side and back walls of buildings with maximum one per wall, not above lower edge of a visible second-floor window.
- (c) Maximum control: One per enterprise.
- (d) Partial & minimum control: Two per enterprise.
- (e) Not to extend above top / beyond either end of wall.
- (f) Where third-party flat signs are erected, it should adhere to the criteria for billboards, as in Section 26.

42.4 These signs may be illuminated but not animated, unless approved by the Emakhazeni Local Municipality.

42.5 This class consists of signs which are affixed to any external or main wall of a building used for commercial, office, industrial or entertainment purposes, excluding a parapet wall, balustrade or railing of a verandah or balcony of such a building.

42.6 General requirements, as stated in Sections 18 to 23, apply.

42.7 Such signs shall at no point project more than 300 mm from the surface of the main wall.

42.8 A flat sign may consist of a panel/sheet or of individual numbers, letters or symbols.

42.9 A distinction can be drawn between:

- (a) Locality-bound flat signs which are attached to the front walls of buildings but which may also be attached to side and back walls.
- (b) Third-party flat signs which may be much larger and shall be attached only to the side and back walls of buildings which do not fulfill the function of a building facade.

42.10 This sign type shall not be applicable to buildings used for residential purposes or for community services or community institutions, small enterprises and practices on residential premises, or small scale residential-oriented accommodation.

42.11 In areas of minimum and partial control flat signs may be allowed rather freely at ground and first floor level in accordance with the commercial, industrial or entertainment character of such areas. Necessary control shall be applied with regard to third-party flat signs and flat signs above first-floor level.

42.12 An advertising impact assessment may be required for any flat sign in excess of 36m².

42.13 The maximum projection of any part of a flat sign over footway or ground level shall be 75mm where such sign is less than 2,4m above the sidewalk or ground level immediately below such sign and 300mm where such sign is more than 2,4m above such footway or ground level.

42.14 The above conditions on position do not apply to entertainment areas.

42.15 No limitations to colour and texture are imposed.

42.16 Wall units to display flat signs at shopping centres shall be designed in such way as to form a structural and architectural whole with such buildings.

42.17 Approval for display shall not be granted for an indefinite period. Approval can be granted for a period of five (5) years. After this five (5) years have expired, a request for the extension of the approval period for a maximum of another five (5) years can be submitted to the Municipality, with the first right of refusal to the existing structure owner. The advertising structure shall be erected within six (6) months after approval. One further extension for the erection of the structure of six (6) months or more, in the discretion of the Municipality, can be granted in writing.

42.18 This class is subject to the approval of the Municipality.

43. PROJECTING SIGNS

43.1 This class will be allowed in the following areas of control:

- (a) Natural and rural areas, and urban areas of maximum control (only centers of economic activity, buildings utilized for commercial, office, industrial, entertainment, accommodation).
- (b) Urban areas of partial control.
- (c) Urban areas of minimum control.

43.2 The size and height of signs allowed in this class are as follows:

AREAS OF MAXIMUM CONTROL		
	Clear height of sign	
	Below 6m	Above 6m
Maximum size	1,2m ²	4,0m ²
Maximum horizontal dimension	1,0m	1,5m
Maximum vertical dimension	1,5m	3,0m
AREAS OF PARTIAL AND MINIMUM CONTROL		
	Clear height of sign	
	Below 6m	Above 6m
Maximum size	2,4m ²	8,0m ²
Maximum horizontal dimension	1,5m	2,0m
Maximum vertical dimension	3,0m	5,0m

43.3 The position and spacing requirements for this class of signs are as follows:

- (a) Only one per enterprise façade.
- (b) Right angles to street line.
- (c) Vertical distance between sidewalk and sign should be more than 0.46m from vertically projected kerbline.

43.4 These signs may be illuminated.

43.5 This class consists of signs which are affixed to an external or main wall of a building used for commercial, office, industrial or entertainment purposes and which projects more than 300mm from the surface of the main wall and which is affixed at right angles to the street line.

43.6 General requirements, as stated in Sections 18 to 23, apply.

43.7 This sign type shall not be applicable to buildings used for residential purposes or for community services of community institutions, small enterprises and practices on residential premises, or small-scale residential-oriented accommodation.

43.8 Only locality-bound projecting signs shall be allowed in all areas with the exception of entertainment areas.

43.9 A projecting sign shall not be fixed at a clear height of less than 2.4m nor exceed 300mm in thickness.

43.10 In areas of minimum and partial control projecting signs may be allowed rather freely below the lower edge of visible second-floor windows in accordance with the commercial, industrial or entertainment character of such areas.

43.11 Necessary control shall be applied with regard to signs above the lower edge of visible second-floor windows.

43.12 A projecting sign shall not extend beyond the top of the main wall to which it is affixed or above the level of the top of any parapet wall, or above the level of the underside of the eaves or gutter of a building from which the sign projects.

43.13 Projecting signs may be suspended above sidewalks and therefore above urban road reserves.

43.14 A sign with a clear height of less than 6m shall not project at any point more than 1 800mm from the surface of the main wall to which it is affixed, or more than one half of the width of the sidewalk immediately below such sign, whichever is the smaller dimension.

43.15 The sign shall not be fixed in any way other than the top and the bottom of the sign being in the same vertical plane.

43.16 No limitations to colour and texture are imposed.

43.17 Signs supports shall, be neatly constructed as an integral part of the design of the sign or otherwise it shall be concealed from view.

43.18 Structural drawings shall be submitted for all projecting signs with a clear height of more than 6m.

43.19 This class is subject to the approval of the Municipality.

44. VERANDAH, BALCONY, CANOPY AND UNDERAWNING SIGNS

44.1 This class will be allowed in the following areas of control:

- (a) Natural and Rural areas, and Urban areas of maximum control (only centers of economic activity).
- (b) Urban areas of partial control.
- (c) Urban areas of minimum control.

44.2 The size and height of signs allowed in this class are as follows:

- (a) Maximum vertical dimensions: 0.75m
- (b) Maximum horizontal dimensions: 2.4m
- (c) Projection: 100mm from surface
- (d) Under awning signs:
Clear height: Min 2.4m

Maximum horizontal dimensions: 2m
Maximum sign area: 1m² per face
Maximum total area: 2m²
- (e) Signs on top of verandah roofs:
Maximum area: 1m²
- (f) Signs on pillar / column / post:
At filling station:
Maximum sign area: 1m² per face
Maximum total area: 2m²
Projecting: less than 50mm
- (g) Under verandahs, canopy OR on verandahs, canopy over street:
Clear height: Min 2.4m
Top of sign: less than 1m below top of canopy / verandah
Maximum horizontal dimensions: 1m
- (h) Verandahs and canopies over street:
Maximum horizontal dimensions: 0.6m

44.3 The position and spacing requirements for this class of signs are as follows:

- (a) Only on commercial, office, industrial or entertainment premises.
- (b) Not to extend beyond any extremity of wall, balustrade, railing, beam, fascia.
- (c) One sign per enterprise.
- (d) For an enterprise with a facade exceeding 20m in length, more than one sign may be allowed but such signs shall be spaced at a minimum of 6m intervals and the sign length (horizontal dimension) per enterprise facade shall be limited to 4m.
- (e) May be suspended above sidewalks.
- (f) Balcony signs: Not above lower edge of 2nd floor window.
- (g) Underawning signs: Aimed at pedestrians.
- (h) Signs on top of verandah roofs: Aligned with signs on adjacent buildings, parallel to end of verandah, not cover window / obstruct view
- (i) Under verandahs, canopy OR on verandahs, canopy over street: Not to extend beyond outer edge of verandah or canopy.

44.4 These signs may be illuminated as follows:

- (a) Illuminated only if the clear height at street intersection is from 6m
- (b) Verandahs and canopies over street: No illumination at intersections for canopies over street.

44.5 This class consists of:

- (a) Signs affixed flat onto or painted on a parapet wall, balustrade or railing of a verandah or balcony.
- (b) Signs affixed flat onto or painted on the fascia of a verandah or beam over verandah columns.
- (c) Signs affixed flat onto or painted on the fascia of a roof structure without walls such as a roof covering petrol pumps at a filling station.
- (d) Signs suspended below the roof of a verandah or balcony (underawning signs).
- (e) Signs placed on top of the roof of a verandah.
- (f) Signs affixed to or painted on a pillar, column or post supporting a verandah, balcony or a roof structure without walls.
- (g) Signs painted or printed on the fabric of a canopy or blind.

44.6 General requirements, as stated in Sections 18 to 23, apply.

44.7 Only verandas, balconies and canopies which form part of buildings used for commercial, office, industrial or entertainment purposes or roofed structures without walls which are situated on premises used for such purpose shall be of relevance to this class.

44.8 The following shall be relevant with regard to signs affixed flat onto or painted on a parapet wall, balustrade or railing of a verandah or balcony; affixed flat onto or painted on the fascia of a verandah or beam over verandah columns or affixed flat onto or painted on a fascia of a roof structure without walls.

44.9 No sign shall extend above or below or beyond any of the extremities of a parapet wall, balustrade, railing, beam or fascia.

44.10 No more than one sign per enterprise facade shall be allowed.

44.11 Signs on balconies shall not be displayed above the lower edge of any visible second-floor window.

44.12 The following shall be applicable with regard to signs on top of verandah roofs:

- (a) Signs shall be placed on top of verandah roofs only where such a verandah does not have an appropriate parapet wall, balustrade, railing, fascia or beam on which a sign may be affixed.
- (b) Signs on adjacent buildings shall be aligned with each other in order to form a straight line.
- (c) Signs shall be set parallel to the end of the verandah that faces the street or as near thereto as the configuration of the verandah roof will permit.
- (d) Signs shall not exceed beyond the extremities of the verandah roof nor project beyond the rear of any verandah roof gutter.
- (e) A sign shall not cover any window or obstruct the view from any such window.
- (f) Only one sign per enterprise facade shall be allowed.

44.13 The following shall be applicable with regard to supporting columns, pillars or posts:

- (a) All signs shall be painted on or affixed flat onto the supporting column, pillar or post. Projecting signs shall be affixed only to columns, pillars or posts supporting a roof over fuel pumps at a filling station or roadside service area.
- (b) No sign affixed flat onto a supporting column, pillar or post shall project more than 50mm from the surface to which it is affixed.
- (c) No sign affixed flat onto a supporting column, pillar or post shall extend beyond any of the extremities of such column, pillar or post. Signs affixed flat onto non-rectangular supporting structures shall be curved to fit the form of such a structure.
- (d) Only one sign per pillar, post or column shall be allowed, including signs projecting from pillars, posts or columns supporting a roof at fuel pumps.
- (e) No posters or placards shall be pasted onto any supporting column, pillar or post.

44.14 The following shall be applicable with regard to canopy signs:

- (a) The advertisement shall form an integral part of the canopy or blind without domination of the canopy structure or blind.
- (b) Any canopy shall complement the architecture and visual appearance of the building to which it is affixed and shall not dominate such building.

44.15 Signs may be suspended above sidewalks and therefore above urban road reserves.

44.16 No limitations to colour and texture are imposed.

44.17 No illuminated sign or sign designed to reflect light shall be attached to or displayed on any splayed or rounded corner of a verandah, canopy or balcony at a street intersection, unless the bottom of such sign is a minimum of 6m above the street immediately below.

44.18 This class is subject to the approval of the Municipality.

45. SIGNS PAINTED ON WALLS AND ROOFS AND MURAL ADVERTISEMENTS

45.1 This class will be allowed in urban areas of partial and minimum control.

45.2 The size and height of signs allowed in this class, are as follows:

Size: Area: less than 20 % of ground floor façade of the enterprise

Area: On side or back walls: less than 36 m²

45.3 The position and spacing requirements and some general conditions for this class of signs are as follows:

- (a) Painted on walls of building used for commercial, office, industrial or entertainment purposes and only on roofs of industrial buildings.

Locality bound:

One sign per enterprise.

Allowed on facade walls, roofs, side and back walls.

On facade: Below lower edge of second floor window.

Third-party sign:

One per wall.

Only on side or back walls.

45.4 These signs may not be illuminated or animated.

45.5 This class consists of signs painted directly on the main walls or roofs (only of industrial buildings) of a building used for commercial, office, industrial or entertainment purposes.

45.6 General requirements, as stated in Sections 18 to 23, apply.

45.7 Mural advertisements (artistic designed figures) can be considered by the Municipality on a merit basis and can at the most include a logo of a third party, of which the size should be limited to no more than 20% of the total area of the advertisement. No illumination or animation will be allowed for mural advertising.

45.8 The actual size of such sign will depend on the size of the side or back wall concerned and on factors such as the character and appearance of the building and the streetscape as a whole.

45.9 No more than one sign per enterprise shall be allowed while no more than one non-locality-bound sign per wall shall be allowed.

45.10 Third-party signs shall be limited to the side or back walls of buildings which do not fulfill the function of building facades. Third-party signs shall adhere to the criteria for billboards as in Section 26.

45.11 No limitations to the colour and texture are imposed.

45.12 In urban and natural areas of maximum control no internally illuminated sign inside a building shall be visible from outside the building.

45.13 This class is subject to the approval of the Municipality.

46. WINDOW SIGNS

46.1 This class will be allowed in the following areas of control:

- (a) Natural and Rural areas, and Urban areas of maximum control (only centers of economic activity, only on ground floor windows);
- (b) Urban areas of partial control;
- (c) Urban areas of minimum control.

46.2 The size and height of signs allowed in this class, are as follows:

- (a) Natural and maximum control:
Area: less than 10% of ground floor window area.
- (b) Rural and Partial control:
Area: less than 25% of ground floor window area.
- (c) Minimum control:
Area: less than 50% of ground floor window area.

46.3 The position and spacing requirements for this class of signs are as follows:

- (a) The building should be used for commercial, entertainment, office, or industrial purposes.
- (b) No signs allowed above ground-floor level.

46.4 In natural areas and urban areas of maximum control, no internally illuminated signs inside the building should be visible from outside the building.

46.5 This class consists of signs which are permanently painted on or attached to the window-glass of a building used for commercial, entertainment, office or industrial purposes or any other permanent sign which is displayed within two meters of any window or other external opening through which it can be seen from outside such a building. These signs are used mainly for sales promotions and other advertisements which are aimed at attracting the attention of both road users and pedestrians. Non locality bound products, activities and services may also be included in this class. Price tickets on items inside such buildings which are smaller than 0,01m² shall be excluded from this class.

46.6 General requirements, as stated in Sections 18 to 23, apply.

46.7 Signs in this class shall not be allowed above ground-floor level.

46.8 Colours shall be in harmony with the rest of the building and the general streetscape in urban areas of maximum control.

46.9 This class is subject to the approval of the Municipality.

47. SIGNS INCORPORATED IN THE FABRIC OF A BUILDING

47.1 This class will be allowed in all areas of control.

47.2 These signs may be illuminated if allowed by the Municipality, but not animated.

47.3 This class consists of advertisement incorporated in and forming an integral part of the fabric of a building.

47.4 General requirements, as stated in Sections 18 to 23, apply.

47.5 Some general conditions for this class of signs are as follows:

- (a) Mostly historical buildings, but may also apply to modern buildings.
- (b) Building, structure / external face of building should not be used principally for display of signage.

47.6 An advertisement fixed to or painted on a building is not included in this class.

47.7 This class applies mostly to historical buildings but may also apply to modern buildings and structures such as farm gates.

47.8 No specific limitations are set provided the building or structure or any external face of it is not used principally for the display of advertisements.

47.9 Such advertisements shall also be in balance with the scale of the building and shall be visually and architecturally integrated in the building or structure.

47.10 No sign displayed shall, in the opinion of the roads authority, distract the attention of a driver in a manner likely to lead to unsafe driving conditions.

47.11 No sign shall, in the opinion of the Municipality, be displayed in such a manner as to be detrimental or have a negative aesthetic impact on the urban design, streetscape or character of the environment.

47.12 All signs shall be maintained properly.

47.13 This class is subject to the approval of the Municipality.

48. ADVERTISEMENTS ON FORECOURTS OF BUSINESS PREMISES AND ON SIDEWALKS DIRECTLY IN FRONT OF BUSINESS PREMISES

48.1 This class will be allowed in the following areas of control:

- (a) Natural and Rural areas and Urban areas of maximum control (only centers of economic activity);
- (b) Urban areas of partial control;
- (c) Urban areas of minimum control.

48.2 The size and height of signs allowed in this class, are as follows:

- (a) Size:

Maximum area: Single sided: 0.75m²

Double sided: 1.5m²

Maximum total area per forecourt frontage / premises: 3m²

Filling stations & roadside service areas:

Maximum total area per forecourt frontage / premises: 8m²

48.3 The position and spacing requirements and some general conditions for this class of signs are as follows:

- (a) In forecourts (outdoor area as functional part of a building) of businesses.
- (b) Free-standing.
- (c) A forecourt sign shall, in the opinion of the Municipality, not be positioned in such a way as to interfere with pedestrian circulation.
- (d) Forecourt signs shall be aimed at passing pedestrians and the users of the forecourt space concerned and shall not be aimed at passing motorists.

48.4 These signs may be illuminated but not animated.

48.5 This class consists of notices, signs and advertisements displayed in forecourts of business and on sidewalks in front of business premises to draw attention to any commercial services, goods for sale, or other services available at the premises.

48.6 General requirements, as stated in Sections 18 to 23, apply.

48.7 A forecourt is an outdoor area which forms a functional part of a building, housing an enterprise and may include the area at a filling station where the pumps are situated, a terrace in front of a restaurant or café, a sidewalk café, etc.

48.8 Any enclosing fence, wall, screen or similar structure will form part of a forecourt.

48.9 Signs complying with the guidelines given below may be displayed on forecourts in urban areas and on forecourts in centres of economic activity in natural and rural areas and on sidewalks directly in front of business.

48.10 Provision may also be made for additional non-free-standing signs at filling stations and service areas attached to fuel pumps, vending machines and similar non-advertising structures which shall have a maximum size of 0,15 m² per sign.

48.11 A maximum of one sidewalk sign is permitted per business during business hours only and complies with the same specifications of that of a forecourt sign.

48.12 As this class permits advertisement on the forecourts of business premises and sidewalks, signs or advertisements shall be free-standing with the exception of additional signs at filling stations and roadside service areas attached to fuel pumps and similar non-advertising structures.

48.13 No limitations to the colour and texture are imposed.

48.14 Hand-written messages are allowed on boards provided for this purpose.

48.15 This class is subject to the approval of the Municipality.

49. MISCELLANEOUS SIGNS FOR RESIDENTIAL ORIENTED LAND USE AND COMMUNITY SERVICES

49.1 This class consists of a variety of smaller notices and signs to be displayed on buildings or premises utilised for residential-oriented purposes and community services. This class is aimed primarily at urban residential areas and community services but it includes places of residence in natural and rural environments such as farms and smallholdings and community services such as farm schools.

49.2 This class will be allowed in all areas of control for home undertakings and community institutions.

49.3 The size and height of signs allowed in this class, are as follows:

Size:

(i) Direction/warning sign:

Area: 0.5m²

- More entrances to premises: Area: 0.5m^2 per frontage
Max area: 1m^2
- (ii) Name of enterprise/practice/ accommodation / partner:
Area: 1.5m^2
More entrances:
Max area: 1.5m^2 for 2 ads
- (iii) Solid structure for above 2 types:
Area: 3m^2 , 50% usage of area
- (iv) Combination ad:
Area: 1m^2 per farm/enterprise
- (v) Name of institution & other community facilities:
Max area: 3m^2 / enterprise
More entrances:
Max area: 3m^2 for 2 ads
- (vi) Solid structure for above type:
Area: 6m^2 , 50% usage of area
Combination ad:
Area: 2m^2 per institution
- (vii) Street numbers:
Letter size: larger than 150mm but less than 350mm
- (viii) Free standing signs:
Max height: 3m
Max height: Combination sign: 4m
- (ix) Name / logo of Sponsor:
Only on name of farm/ smallholding: less than $\frac{1}{3}$ of area

49.4 The position and spacing requirements and some general conditions for this class of signs are as follows:

- (a) Only on premises referred to, on boundary wall, fence, and gates.
- (b) Farm/small holdings signs: Next to entrance of access road or on gate of entrance.
- (c) Freestanding only when not possible to fix to building / wall / boundary fence.
- (d) Not in road reserve.
- (e) One per street frontage.
- (f) Home undertakings:

- (i) Must form integral part of architecture of wall on street frontage.
- (ii) Sign mainly to indicate name.
- (iii) Less than 30% to indicate nature of undertaking.
- (g) Community Institutions / facilities:
 - (i) No product ads / sales ads.
 - (ii) Less than 20% name / logo of sponsor.
 - (iii) Not painted on boundary walls.

49.5 These signs may not be illuminated in natural and rural areas of control. These signs may not be animated.

49.6 General requirements, as stated in Sections 18 to 23, apply.

49.7 This class shall be limited to the following:

- (a) Identification, direction and warning with regard to place or residence, e.g.:
 - (i) Street numbers and names of houses, flat complexes, farms and smallholdings.
 - (ii) Notices and signs such as "Beware of the dog", "No parking please", "Close the gate", and "No entrance".
 - (iii) Nature of farms/smallholding and main activity on farm smallholdings.
- (b) Small business, enterprises and practices on urban residential premises (including urban smallholdings but excluding rural smallholdings) or in buildings that were originally constructed and used for residential purposes or for community services (i.e. residential areas where office and commercial encroachment has taken place.)
The name and nature of the business, practice or enterprise. The name(s) of the owner, practitioner or partners.
- (c) Small-scale urban accommodation facilities with a residential and neighborhood character such as guesthouses, bed and breakfast facilities, boarding houses and smaller hotels. Name and nature of the facility/enterprise. Name(s) of the proprietor or partners.
- (d) Community services and institutions such as religious, educational; cultural, recreational and certain medical and similar institutions.
 - (i) Name and nature of institution.
 - (ii) Name(s) of practitioner(s).
 - (iii) Nature and extent of service, opening times, etc.

49.8 A variety of signs, which differ in appearance and character, may be used in this class, such as:

- (a) Signs affixed flat onto or painted on a building and other existing structures such as boundary walls, gates and gate structures.
- (b) Pole-mounted signs.
- (c) Signs which include more solid and elaborate supporting structures that form a visual border around the sign panel.

49.9 It may be necessary to have building plans approved for certain supporting structures.

49.10 Direction and warning signs and notices such as “Beware of the dog” and “Close the gate” shall not exceed a total area of 0,5m² per premises, but if there is more than one entrance to the premises on different road frontages, a total sign area of 1 m² may be displayed (with not more than 0,5m² per frontage).

49.11 Name and nature of enterprise, practice, accommodation facility and place of residence as well as name of proprietor, partner or practitioner.

49.12 In cases where more than one farm or smallholding share the same unnumbered or private access route or more than one enterprise share the same premises, a combination sign or collective board shall be provided which will allow for 1 m² per farm, smallholding or enterprise.

49.13 Where several smallholdings are sharing the same access road a smaller sign indicating the property numbers in question only should be considered instead of a larger combination sign indicating property names and names of owners.

49.14 Signs on buildings used for residential purposes other than dwelling-houses.

49.15 A sign containing the name only of any building used for residential purposes other than a dwelling-house, and a sign consisting of a 600mm x 400mm brass or other

metal plate displaying the name of the company owning or managing such building, its logo and telephone number, may be displayed.

49.16 Street numbers: One sign per road frontage of each premise is allowed with a minimum letter size of 150mm and a maximum letter size of 350mm.

49.17 The name or logo of the sponsor of a sign shall be allowed only on the name signs of farms and smallholdings and shall not occupy more than one third of the total area of the sign.

49.18 All signs in this class shall be allowed only on the premises to which they specifically refer or on the boundary wall or fence or gate of such premises.

49.19 Farm or smallholding name signs shall be displayed next to the entrance of the access road to the homestead or alternatively it shall be affixed to the gate at the entrance of such access road.

49.20 If any official traffic sign bearing a destination or route number is displayed at the entrance to such access road, no farm/smallholding name signs shall be allowed.

49.21 Free standing signs in this class shall be allowed only when it is not practical or visually acceptable to attach a sign to a building, boundary wall, boundary fence, gate or gate structure.

49.22 No animation shall be allowed in natural and rural areas.

49.23 Signs and, especially, supporting structures should harmonise with the buildings and other structures on the premises as to materials, colour, texture, form, style and character, wherever possible.

49.24 A standardized name sign (colour, form and letter type) for all smallholdings in a specific area, indicating, the name of the smallholding, the name of the owner as well as the property number, is preferable.

49.25 This class is subject to the approval of the Municipality.

50. ON PREMISES BUSINESS SIGNS

50.1 This class will be allowed in all areas of control.

50.2 The size and height of signs allowed in this class, are as follows:

(a) Size:

Maximum control: Maximum area: 6m²

Partial / Minimum control: Maximum area: 12m²

(b) Height:

Maximum control: Maximum height: 7m

Partial / Minimum control: Maximum height: 7.5m (may be increased to 10m if allowed in town planning scheme)

(c) Sponsor name/logo: Maximum of 1/3 of total sign area

50.3 The position and spacing requirements for this class of signs are as follows:

(a) Only locality bound ads.

(b) Individual free-standing on business premises only for specific conditions.

(c) One sign / one panel per enterprise, or one per entrance (max two).

(d) Placed close to enterprise or if not close or visible from road, then at entrance road.

50.4 Preference will be given to combination signs.

50.5 These signs may be illuminated but not animated.

50.6 This class consists of locality-bound signs which are aimed at identifying and locating businesses, enterprises and industries in urban areas, businesses and enterprises at centres of economic activity in natural and rural areas, including farm stalls and other enterprises on farms and smallholdings.

50.7 General requirements, as stated in Sections 18 to 23, apply.

50.8 This sign type shall include only the following:

- (a) Individual free-standing signs on specific business premises.
- (b) Signs on appropriate structures on specific premises, such as boundary walls, gates and gate structures.
- (c) Combination signs which indicate several businesses or enterprises and which are provided at shopping centres, industrial areas and parking areas shared by several enterprises. In this case the concept of locality-bound is broadened so that premises include the shopping centre or industrial estate as a whole for a communal parking area, together with related enterprises.

50.9 This class shall not include small businesses on urban residential sites or in buildings that were originally constructed for residential or community purposes.

50.10 This class shall not cater for all business, but shall only be provided in the following instances.

- (a) Where the building housing an enterprise is situated relatively far back from the road or street onto which it faces and passing motorists or pedestrians may have difficulty in noticing any signs affixed to such a building.
- (b) In cases where it is not structurally possible or visually feasible to affix appropriate signs.
- (c) Where such a sign is needed to locate the entrance to business premises or the private access road to a business.
- (d) Where a free-standing combination sign may prevent the proliferation of signs.

50.11 In rural and natural areas the need for on-premises business signs may be reduced by making use of brown *tourism signs*.

50.12 Only one sign or advertising panel on a combination sign shall be allowed per enterprise.

50.13 If there is more than one entrance to premises on different road frontages, two signs or advertising panels may be allowed per enterprise, each on a different road frontage.

50.14 No sign shall extend above or beyond any of the extremities of the structure to which it is affixed.

50.15 Signs shall not have in their design any letters, figure, symbols or similar features over 0,75m in height in areas of partial and minimum control, and over 0,35m in areas of maximum control.

50.16 A sign permitted by this class shall not serve as an advance sign and shall be displayed only on the premises where the business is conducted.

50.17 Where a business or enterprise such as a stall or guest house is situated on a large property such as a farm the sign shall be placed in the immediate vicinity of the enterprise where such an enterprise is adjacent to or visible from a public road; if the enterprise is not adjacent to or visible from a public road the sign shall be placed at the entrance of the private access road to the enterprise.

50.18 Signs indicating roadside enterprises such as farm stalls or roadside cafés shall not be closer than 5m from the road reserve fence. Such enterprises shall have direct access to the public road.

50.19 Combination signs at shopping centres and industrial estates which contains large amount of information, shall be designed and located so as not to create a traffic safety hazard resulting from an information overload in the opinion of the roads authority.

50.20 No sign shall obstruct the view from any adjacent building.

50.21 No limitations to the colour and texture are imposed.

50.22 Internal and external illumination are permitted in areas of minimum and partial control, while only external illumination shall be permitted in areas of maximum control.

50.23 Signs in this class shall refer only to the name and nature of the business or enterprise on the premises; the brand name and nature of the goods for sale or goods produced; the nature of services provided; and the name of the person(s) or firm who own(s) the business or provide(s) the goods or services at the premises.

50.24 In order to prevent the proliferation of signs at shopping centres or at other premises or access roads housing or leading to several enterprises, individual on-premises business signs shall be incorporated in combination signs. The design of such combination signs shall be of a high standard and shall, in the opinion of the Municipality, harmonize with the architecture of the shopping centre or other buildings or structures such as entrance gates. Messages on the individual panels or boards of combination signs shall be as concise and legible as possible.

50.25 On-premises business signs at access roads to farms or smallholdings shall be co-coordinated with signs indicating farm/smallholding names in order to form a single combination sign. The necessary harmony shall be obtained by using the same form, letter type and colour for the various parts of the combination sign.

50.26 This class is subject to the approval of the Municipality.

51. ADVERTISING ON TOWERS, BRIDGES AND PYLONS

51.1 This class consists of signs affixed to or painted on towers and bridges not used primarily for advertising purposes. Included here are signs on cellular telephone base station towers, water towers, radio towers, silos, pylons and similar structures.

51.2 This class will be allowed in urban areas of partial and minimum control.

51.3 The size and height of signs allowed in this class, are as follows:

- a) Size: Maximum total area: 36m² per structure
- b) Height:
 - (i) Pylon sign: Wholly within a notional vertical cylindrical figure; Diameter: 6m, Height: 12m
 - (ii) Clear height: 2.4m (if sign is protruding from pylon)
 - (iii) Clear height: Bridge sign: 5.2m

51.4 Some general conditions for this class of signs are as follows:

- (a) A maximum of 2 signs / tower, bridge, pylon shall be permitted.

- (b) May not extend beyond top of tower, or above, below or beyond extremities of bridge.
- (c) Not projecting more than 0.3m from main wall of tower / bridge.
- (d) Also included: cellular telephone base stations, water towers, radio towers, silos, pylons, masts.
- (e) No sign will be allowed on any electrical transmission pylon.
- (f) Illumination is only allowed if the road along where this large billboard is located or focused on, is illuminated, and only if it does not constitute a road safety hazard or cause undue disturbance.

51.5 General requirements, as stated in Sections 18 to 23, apply. Third-party signs shall adhere to the criteria for billboards as in Section 25.

51.6 An AIA may be required for an advertisement of 18m² or larger.

51.7 No limitations to the colour and texture are imposed.

51.8 Any sign permitted by this class shall be affixed to the tower, pylon or bridge in a manner which has been designed and erected to the satisfaction of the Municipality. The Municipality may require an Engineering Certificate and building plans.

51.9 Every pylon shall be independently supported and, for this purpose, properly secured to an adequate foundation in the ground and entirely self supporting without the aid of guys, stays, brackets or other restraining devices.

51.10 No sign shall be affixed to any electrical transmission pylon.

51.11 Approval for display shall not be granted for an indefinite period. Approval can be granted for a period of five (5) years. After this five (5) years have expired, a request for the extension of the approval period for a maximum of another five (5) years can be submitted to the Municipality, with the first right of refusal to the existing structure owner. The advertising structure shall be erected within six (6) months after approval. One further extension for the erection of the structure of six (6) months or more, in the discretion of the Municipality, can be granted in writing.

51.12 An approved structure shall display an advertisement or message within six (6) months after erection.

51.13 This class is subject to the approval of the Municipality.

52. ADVERTISEMENTS ON CONSTRUCTION SITE BOUNDARY WALLS, FENCES AND CONSTRUCTION BUILDINGS

52.1 This class will be allowed in urban areas of partial and minimum control. If along a national road and if the sign is smaller than 6 m², approval is only needed from the Municipality and not from the South African National Road Agency.

52.2 The size and height of signs allowed in this class shall be considered by the Municipality, depending on the type of construction taking place, surrounding environment and the type of sign to be erected. If such sign reach the size and have the same impact as a billboard, it should be considered under the same criteria as for billboards.

52.3 The position and spacing requirements and some general conditions for this class of signs are as follows:

- (a) Not on top of fence or wall.
- (b) Not project more than 0.1m to front of wall or fence.
- (c) Only for duration of construction.
- (d) Not allowed along or on freeways.
- (e) May not be painted / pasted directly on site boundary wall.

52.4 These signs may not be illuminated or animated.

52.5 The class consists of signs fixed flat against or on top of any fence or wall where such fence or wall forms the boundary of a site where construction work is being carried out. Walls of buildings are excluded from this class.

52.6 General requirements, as stated in Sections 18 to 23, apply.

52.7 These signs can be erected on condition that such signs will conceal an unsightly condition arising out of the use to which the property is lawfully being put, and on condition that such signs shall be making a positive contribution to the visual environment.

52.8 The sign shall not be placed on the top of a fence or wall if it is not positioned to rest directly thereon.

52.9 No limitations to the colour and texture are imposed.

52.10 Poster signs in this class shall be enclosed with definite panels, which shall be uniform in size and level.

52.11 Signs and fence or wall shall be treated as a visual unity. Wherever possible, project boards should also be incorporated in this unified design.

52.12 Construction site signs should always make a positive contribution to a particular streetscape.

52.13 These signs shall be erected only for the duration of the construction work.

52.14 This class is subject to the approval of the Municipality.

53. SPONSORED ROAD TRAFFIC PROJECTS

53.1 This class will be allowed in all areas of control.

53.2 The size and height of signs allowed in this class are as follows:

(a) Size:

Natural, rural, urban areas of maximum control: Maximum area: 0,5m²

Urban areas of partial and minimum control: Maximum area: 4.5 m²

- (b) Height: Maximum height: 3 m
- (c) Name / logo of sponsor: less than 1/3 of total sign area.
- (d) SOS call boxes: less than 0.04m² on each side.
- (e) Content: Name of project, name or logo of sponsor.

53.3 The position and spacing requirements for this class of signs are as follows:

- (a) Inside all metropolitan road reserves, but not on road island or median.
- (b) Spacing if on same side of road: 1km.
- (c) Not combined with or attached to road traffic sign.
- (d) No road traffic sign or symbol used in any road traffic sign may be used.

53.4 These signs may not be illuminated or animated.

53.5 This class consists of signs relating to the sponsoring of projects specifically intended for road users aimed at the provision of road services, the promotion of road safety or the management and conservation of road side environments.

53.6 General requirements, as stated in Sections 18 to 23, apply.

53.7 This class also includes logos or brand names to be displayed on the sides of SOS telephones by sponsors.

53.8 Signs shall refer only to the name of the project and the name or logo of the sponsor.

53.9 In the case of advertisements on SOS call boxes, duplicate advertisements can be attached to each side of the call box. Sizes shall be limited to 0,04m² on each side of the call box.

53.10 No limitations to the colour and texture are imposed.

53.11 This class is subject to the approval of the Municipality.

54. SERVICE FACILITY SIGNS

54.1 This class will be allowed in all areas of control.

54.2 The size and height of signs allowed in this class, are as follows:

Speed	Maximum Height	Maximum Width
0 to 60	7m	2m
from 61 to 80	10m	3m
more than 80	15m	6m

Maximum: 8 panels/combination sign

One business or enterprise per panel will be allowed.

54.3 The position and spacing requirements for this class of signs are as follows:

- (a) Only at service facilities adjacent and directly accessible from road where sign is.
- (b) One combination sign per site.
- (c) Located according to requirements of roads authority.
- (d) Only one per direction of traffic flow.
- (e) Not in road median or on island.
- (f) If the sign cannot be located on the site and have to be located in the road reserve, specific approval should be obtained both from the Municipality and the relevant roads authority. It should then be located as close as possible to the access and in front of the service facility site.

54.4 These signs may be illuminated only if the facility is open 24 hours or during business hours of the specific service. No animation is allowed.

54.5 This class consists of combination signs displayed at filling stations and roadside service areas (rest and service areas) which may provide a variety of services such as fuel pumps, workshops, restrooms, car washes, shops, accommodation facilities, restaurants, fast food outlets and auto tellers.

54.6 General requirements, as stated in Sections 18 to 23, apply.

54.7 Advertisements on such combination signs shall refer only to the name or logo of a business, company or person providing a service or shall indicate the type of service provided. Only signs for locality-bound services shall be allowed.

54.8 Signs in this class shall be limited to service facilities adjacent to and directly accessible from the public road at which such a sign is directed.

54.9 Signs in this class shall be positioned in strict accordance with the requirements of the Municipality or roads authority responsible for the road adjacent to the service facility.

54.10 No limitations to the colour and texture are imposed.

54.11 Supplementary signs at roadside service areas, which do not form part of a combination sign permitted under this class, shall be used for internal direction and orientation only and shall not be aimed at passing motorists.

54.12 Sufficient landscaping shall be undertaken to screen rest and service areas from freeways.

54.13 Internal rest and service “totem” signs, which form part of *tourism signs* under the South African Road Traffic Signing System, could play an important role with regard to internal direction and orientation at such roadside service areas.

54.14 No sky canons may be displayed without the approvals from the relevant roads authority.

54.15 This class is subject to the approval of the Municipality.

55. FUNCTIONAL ADVERTISEMENTS BY PUBLIC BODIES

55.1 This class will be allowed in all areas of control.

55.2 The size and height of signs allowed in this class are as follows:

(a) Size:

Maximum area: less than 0.55m²

Larger signs may be allowed by the Municipality

Letter sizes: more than 0.2m in height

55.3 These signs will be allowed inside all road reserves other than freeways or provincial roads.

55.4 These signs may be illuminated if needed to be read after dark.

55.5 This class consists of functional signs of local authorities and other statutory undertakers such as utilities and public transport operators, displayed wholly for the purpose of announcement or direction in relation to any of the functions of the Municipality or to the operation of a statutory undertaking which is reasonably required to be displayed for the safe or efficient performance of those functions or operation of that undertaking, and cannot be displayed under any other class.

55.6 General requirements, as stated in Sections 18 to 23, apply.

55.7 These signs may include a notice board at a municipal swimming pool, a bus or rail timetable, a warning notice at an electricity substation, and the display of by-laws for recreation grounds or open space.

55.8 Signs in this class shall not be misused for the purpose of commercial and competitive advertising.

55.9 No limitations to the colour and texture are imposed.

55.10 This class of advertising sign is subject to the approval of the Municipality.

56. AERIAL SIGNS

56.1 This class will be allowed in urban areas of partial and minimum control.

56.2 The size and height of signs allowed in this class, are as follows:

- (a) Size: No shape or size restrictions.
- (b) Height: up to 45m (except if approved by Commissioner of Civil Aviation).

56.3 The position and spacing requirements for this class of signs are as follows:

- (a) Not closer than 5 nautical miles from the aerodrome reference point of an aerodrome.
- (b) Not above a public road (except if towed behind a vehicle).
- (c) Advertisements on captive balloon or other captive craft may not be displayed within visual zone along freeway.
- (d) Displayed in daylight hours only.
- (e) Display period not exceeding two weeks.

56.4 These signs may not be illuminated or animated. A moored airship may be illuminated.

56.5 This class consists of aerial signs painted on, attached to or produced by an aircraft, such as a captive balloon, a kite, an unmanned free balloon, a manned free balloon, an airship (moored), an airplane (banner towing or smoke signals), a craft for parasailing, a hang-glider, a model- or radio-controlled aircraft, and a aircraft towed behind a vehicle or vessel for the purpose of flight.

56.6 General requirements, as stated in Sections 18 to 23, apply.

56.7 Except with the written permission of the Commissioner of Civil Aviation, no captive balloon, craft for parasailing, kite, hang-glider, model or radio-controlled aircraft or any aircraft towed behind a vehicle or vessel for the purpose of flight shall be flown:

- (a) closer than the distance as specified by the Commissioner of Civil Aviation from the aerodrome reference point of an aerodrome;

- (b) above a public road and in the case of an aircraft towed behind a vehicle or vessel such aircraft shall not take off from or land on a public road.

56.8 No colour or texture limitations are imposed for aerial signs.

56.9 With the exception of moored airships, aerial signs shall be displayed in daylight hours only.

56.10 No captive or unmanned free balloon shall be flown without the special written permission of the Commissioner of Civil Aviation.

56.11 Approval for flying a captive balloon will be considered by the Commissioner only after permission by the Municipality including the safety and security department has been granted.

56.12 Manned free balloons have to meet certain conditions before they may be flown within controlled airspace.

56.13 Airplanes and airships shall not be flown below a certain minimum height, as stipulated by aviation regulations, without special permission.

56.14 This class is subject to the approval of the Municipality.

57. VEHICULAR ADVERTISING

57.1 This class will be allowed in all areas of control.

57.2 These signs may not extend from the edges of the vehicle.

57.3 The position and spacing requirements and some general conditions for this class of signs are as follows:

- (a) Vehicle may not be used for sole purpose of advertising.
- (b) Should be mobile at all times.
- (c) May not be parked for third party advertising.
- (d) If parked, may not be visible from a street.

57.4 These signs may be illuminated internally. No animation is allowed. Illumination of advertisements or signs shall be limited to the following:

- (a) An internally illuminated sign which indicates that a taxi is for hire.
- (b) Retro-reflective signs with the colours red to the back, yellow to the side and white to the front of a vehicle.
- (c) No other specific performance requirements are prescribed.

57.5 This class consists of advertisements on self-driven vehicles which are normally moving on land or water, including taxis, buses, trains and delivery vehicles, but excluding aircraft.

57.6 General requirements, as stated in Sections 18 to 23, apply.

57.7 This class is subject to the approval of the Municipality.

58. TRAILER ADVERTISING

58.1 This class will only be allowed if trailers are mobile at all times, at an average operating speed, without obstructing the traffic.

58.2 The size and height of signs allowed in this class are as follows:

- (a) Size:
 - Maximum vertical dimensions: 3m
 - Maximum horizontal dimensions: 6m

58.3 General requirements, as stated in Sections 18 to 23, apply.

58.4 This class subject to the approval of the Municipality.

LOCAL AUTHORITY NOTICE 61 OF 2016

EMAKHAZENI LOCAL MUNICIPALITY



WATER SUPPLY AND SANITATION SERVICES BY-LAWS

Under the provisions of sections 3(1) of the Water Services Act, 1997 (Act 108 of 1997), and sections 27 (1) (b) and 152 (1)(b) and 156 of the Constitution of the republic of South Africa, 1996 (Act 108 of 1996), the Emakhazeni Local Municipality, enacts as follows:-

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1. Definitions

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

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

“**account**” means an account rendered for municipal services provided;

“**Act**” means the Water Services Act, 1997 (Act 108 of 1997), as amended from time to time;

“**agreement**” means the contractual relationship between the Council’s Customer Care and Revenue management By-laws, 2005;

“**approved**” means approved by the Council in writing;

“**area of supply**” means any area within or party within the area of jurisdiction of the Council to which water services are provided;

“**authorized agent**” means –

- (a) any person authorized by the Council to perform any act, function or duty in terms of, or exercise any power under these bylaws;
- (b) any person whom the Council has delegated the performance of certain rights, duties and obligations in respect of providing water supply service; or

(c) any person appointed by the Council in terms of written contract as a service provide water services to customs on its behalf, to the extent authorized in such contract;

"average consumption" means the average consumption of a customer of a municipal service during a specific period, which consumption is calculated by the dividing the total measured consumption of that municipal service by that of the customer over the preceding three months by three;

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

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

"Building Regulations" means the National Building Regulations made in terms of the National Building Regulations and Building Standard Act, 1997 (Act 103 of 1977) as amended;

"charges" means the rate, charge, tariff, flat rate or subsidy determined by the municipal council;

"cleaning eye" means any access opening to the interior of a discharge pipe or trap provided for the purposes of internal cleaning;

"combined installation" means a water installation used for fire-fighting and domestic, commercial or industrial purposes;

"commercial customer" means any customer other than domestic consumer and indigent customers, including, without limitation, business, industrial, government and institutional customers;

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

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

"connection" means the point at which a customer gains access to water services;

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

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

"conservancy tank" means a cored tank used for the reception and temporary reception of sewage and which requires emptying at intervals;

"Council" means the Highlands Municipal Council, and includes –

- (a) the municipal manager of the Council in respect of the performance of these bylaws; and
- (b) an authorized agent of the Council;

"customer" means a person whom the Council has concluded has an agreement for the provision a municipal service as provided for in the Council's Customer Care and Revenue Management By-laws, 2005;

"delivery system" means a water delivery mechanism, which delivers a predetermined quantity of water to a customer on agreed terms;

"determined" means determined by the Council from time to time;

"domestic consumer" means a customer using water for domestic purposes;

"domestic purposes" in relation to the supply of water supplied for drinking, ablution and culinary purposes to premises used predominantly purposes;

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

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

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

"duly qualified sampler" means a person who is authorized to take samples for analysis from the sewage disposal system, and storm water disposal system, from public waters, bulk water supply, water treatment works, water reticulation systems and natural water sources and who has been certified to do so by an authorized agent;

"dwelling unit" means an interconnection suite of rooms, including a kitchen or scullery, designed for occupation by a single family, irrespective of whether the dwelling units is a single building or forms part of a building containing two or more dwelling units;

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

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

"**environment costs**" means the cost of all measures necessary to restore the environment to its condition prior to the damaging incident;

"**estimated consumption**" means the deemed consumption by customer whose consumption is not measured during a specific period, which estimated consumption is rationally determined taking into account at least the consumption of water supply services for a level of service during a specific period in the area of supply of the Council;

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

"**fixed charge**" means the fixed cost associated with providing water services in a continuous, effective and efficient manner;

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

"**flood level (1 in 50)**" means that level reached by flood waters of a frequency of 1 in 50 years

"**flood level area (1 in 50)**" means the area subject to inundation by flood waters, of a frequency of 1 in 50 years;

"**fire installation**" means a potable water installation that conveys water for fire-fighting purposes only;

"**French drain**" means a solid soak pit for the disposal of sewage and effluent from septic tank;

"**high strength sewage**" means industrial sewage with a strength or quality greater than standard domestic effluent in respect of which a specific charge as calculated in accordance with Schedule C may be charged;

"**household**" means a traditional family unit, as determined by the Council from time to time taking into account the number of persons comprising a household, the relationship between the members of a household, the age of the persons who are members of the household and any other relevant factor;

"**illegal connection**" means connection to any systems through which water services are provided that is not authorized or approved by the Council;

"illegal connection" means connection to any system through which water services are provided that is not authorized or approved by the Council;

"industrial effluent" means effluent emanating from the use of water for industrial purposes of these bylaws any effluent other than standard domestic effluent or storm water;

"industrial purposes" in relation to the supply of supply of water means water supplied to any premises which constitutes a factory as defined in the General Administrative Regulations, published in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993);

"**installation work**" means any work done in respect of water installation, including the construction, rehabilitation, improvement, maintenance thereof;

"**JASWIC**" means the Joint Acceptance Scheme for Water Installation Components;

"**Local Municipality**" means a local municipality within the area of the Council;

"**manhole**" means any access chamber to the interior of the sewer provided for the purpose of maintenance and internal cleaning;

"**main**" and "mains" means a pipe, other than a connection pipe, of which the ownership vests in the Council and which is used by it for the purpose of conveying water to customers;

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

"**meter**" means a water meter as defined by the Regulations published in terms of the Trade Metrology Act, 1973 (Act 77 of 1973) or, in the case of water meters of size greater than 100 mm, a device which measures the quantity of water passing through it, including a pre-paid water meter;

"**municipal manager**" means the person appointed as the municipal manager of the Council by in terms of section 82 of the Local Government Municipal Structures Act, 1998 (Act 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 By-laws, the supply of water and sanitation services provided by the Council including and rates or any one of the above;

"**occupier**" includes any person occupying land or premises without regard to title under which he or she 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, her or its own account or as an agent for any person entitled thereto or interested therein;

"on-site sanitation services" means any sanitation services other than water borne sewerage disposal through a sewerage disposal system;

"owner" means:

- (a) the person in whose name the ownership of the premises is registered from time to time;
- (b) in case where the person in whom the ownership of the premises is vested is insolvent or deceased, or who 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, judicial manager, liquidator or other legal representative;
- (c) in any case where the Council is unable to determine the identity of such a person, a person who has a legal right in to the benefit of the use of such premises or building or building thereon;
- (d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;
- (e) in relation to:
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986), the developer or the body corporate in respect of the common property; or
 - (ii) a section as defined in such Act, the person in whose name such section is regarded under a sectional title deed and includes the lawfully appointed agent of such person;
- (f) a person occupying land under a register held by a tribal authority or in accordance with a sworn affidavit made by tribal authority;

"person" means any person, where natural or juristic and includes, but is not limited to any local government body, a company or close corporation incorporated or not, a stator body, voluntary association or trust;

"plumber" means a person who has passed a qualifying Trade Test in Plumbing or has been issued with a certificate of proficiency in terms of the Manpower Training Act, 1981 (Act 56 of 1981) or such other qualification as may be required under national legislation;

"pollution" means the introduction of any substance into the water supply system, a water installation or a water resource that may make the water harmful to health or environment or impair its qualify for the use for which it is normally intended;

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

- (a) a general plan or diagram registered in terms of the Land Survey Act, 1927 (Act 9 of 1927), or in terms of the Deeds Registries

1937 (Act 47 of 1973);

- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 95 of 1986); or
- (c) a register held by the tribal authority or in accordance with a sworn affidavit made by a tribal authority;

"prescribed tariff" means a charge prescribed by the Council;

"professional Engineer" means a person registered in terms of the Engineering Profession Act, 2000 (Act 46 of 2000) as a professional engineer,

"public notice" means publication in appropriate media 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 any local news papers circulating in the area of supply Of the Council;
 - (ii) in the newspaper or newspapers circulating in the area of supply of The Council determined by the municipal council as a newspaper of record; or
 - (iii) by means of a radio broadcasts covering the area of supply of the Council; or
- (b) displaying a notice at appropriate offices and pay points of the Council; or
- (c) communication with customers through public meetings and ward committee meetings;

"public water" means any river, watercourse, bay, estuary, the sea and any

Other water to which the public has the right of use or to which the public has the right of access;

"sanitation services" has the same meaning assigned to in terms of the

Act and includes for purposes of these bylaws the disposal of industrial effluent;

"sanitation system" means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system

And treatment plant under the control of the Council and which may be used by it in connection with the disposal sewage treatment plant under the control of the Council and which may be used by it in connection with the disposal of sewage;

"septic tank" means a water tight tank designed to receive sewage and to effect the adequate decomposition of organic matter in sewage by bacterial action;

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

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

"sewage disposal system" means the structures, pipes, valves, pumps, meter or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the Council or its authorized agent and which may be used by it in connection with the disposal of sewage;

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

"shared consumption" means the consumption is calculated by dividing the total metered consumption of that municipal service within the supply zone within which a customer's is situated for the same period by the number of customers within that supply zone, during the same period;

"standpipe" means a connection through which water supply services are supplied to more than one person;

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

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

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

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

"trap" means pipe fitting or portion of a sanitary appliance designed to retain a water seal which serves as barrier against the flow of foul air or gas, in position;

"unauthorized services" means receipt, use or consumption of any water services which is not in terms of agreement or authorized or approved by the Council;

"waste water" means waste resulting from the supply of water to a household, office, shops or any other premises other than industrial premises;

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

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

"water services" means water supply services and sanitation services;

"water services intermediaries" has the same meaning assigned to it in terms of the Act;

"water supply services" has the same meaning assigned to it in terms of the Act and includes for purposes of these bylaws water for industrial purposes and fire extinguishing services

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

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

(2) Unless the context indicates otherwise, any word or expression use in these By-laws to which meaning has been assigned in:

- (a) The Act, will bear that meaning; and
- (b) where applicable, the National Building Regulations Standards Act, 1977, will bear that meaning.

2. Principles and objectives

The Council adopts the following principles:

- (a) The council recognizes that all customers have right of access to basic water supply and basic sanitation in the area of jurisdiction of the council within an environment not harmful to health or well being in line with the goals of the National Government;
- (b) the Council acknowledges that the it has the authority to administer water supply service and sanitation services and arising there from a concomitant duty to ensure the supply of water and sanitation services of an acceptable qualify within its area of jurisdiction in an efficient, affordable, economical activity;
- (c) the Council recognizes that, in striving to provide water and sanitation services it, together with all role-players in the sector and spheres of government, must observe and adhere to the principle of co-operative government its jurisdiction;
- (d) the Council acknowledges the requirement to draft and promulgate by-laws to govern the provision of water services to its area of jurisdiction;
- (e) the Council recognizes that, in the supply of water and sanitation services, the interests of the customers and the broader goals of public policy must be promoted;
- (f) the Council acknowledges that there is a duty upon it to prepare and adopt a water services development plan for its area of jurisdiction after thorough consultation with all stakeholders and thereafter to update, manage and report thereon on an annual basics;
- (g) the Council recognizes that the provision of water supply service and sanitation services, although an activity distinct from the overall management of water resources, must be undertaken in a manner consistent with the broader goals of water resource management; and
- (h) the Council confirms its duty to provide access to water services in an orderly manner to the nation's water resources, and therefore, the Council, in these By-laws strives to –
 - (i) provide for the rights of access to basic water supply and sanitation within its area of jurisdiction, as contemplated in section 27 (1)(b) of the Constitution of the republic of South Africa;
 - (ii) provide for the establishment of a regulatory framework within which to deliver water services;
 - (iii) provide for the setting of terms and conditions to ensure compliance with the statutes, legislation and regulations applicable to the water sector;
 - (iv) provide for the monitoring of water services within its area of jurisdiction, and intervention by it, being the Water Services Authority and Provider as provided for in

terms of the Eater Services Act, 1997, within its area of jurisdiction, where necessary, to provide for –

- (aa) the gathering of information within its area of jurisdiction;
 - (bb) the collection thereof to a central data base, and role-players; and
 - (cc) the distribution of information to all stakeholders and role- player; and
- (v) provide for matters related to the supply of water services within its area of jurisdiction.

3. Application

These By-laws apply to all owners and customers to whom water and sanitation services are supplied, or who make use of water and sanitation services, within the area under the jurisdiction of then Council

CHAPTER 1: APPLICATION, PAYMENT AND TERMINATION

4. Customer Care and Revenue Management By-laws apply

The provision of the Council's Customer Care and Revenue Management By-law, 2005, apply to all relating to and incidental to –

- (a) the supply of municipal services and the application for supply of municipal services;
- (b) service agreements;
- (c) the payment and non-payment of a municipal account; an
- (d) the limitation and termination a of water services.,

CHAPTER 2: SERVICE LEVELS

5. Service Levels

(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, determine the service levels it is able to provide to customers.

(2) The Council may, in determining services levels, differentiate between types of customers, domestic customers, geographical areas and socio-economic areas.

(3) The following levels of services may, subject to sub-section (1), be provided by the Council on the promulgation of these Bylaws –

- (a) Communal water supply services and on-site sanitation services –
 - (i) constituting the minimum level of service by the Council;
 - (ii) consisting of reticular standpipes or stationery water tank serviced either through a network pipe or a water tanker located within a reasonable walking distance from any household with a Ventilated Improved Pit latrine located on each premises with premises meaning the lowest order of visibly demarcated area on which some sort of informal dwelling has been erected;
 - (iii) installed free of charge;
 - (iv) provided free of any charge to consumers; and maintained by the Council;
 - (v) maintained by the Council;
- (b) a yard connection not connected to any water installation and an individual connection to the Council's sanitation system –
 - (i) consisting of an un-metered standpipe on a premises not connected to any water installation and a pour-flush toilet pan, wash-trough and suitable toilet top structure connected to the Council's sanitation system;
 - (ii) installed free of charge;
 - (iii) provided free of any charge to consumers; and
 - (iv) maintained by the Council; and

- (c) a metered pressured water connection with an individual connection to the Council's sanitation system -
 - (i) installed against payment of the relevant connection charges;
 - (ii) provided against payment of prescribed charges; and
 - (iii) with the water and drainage installations maintained by the customer.

CHAPTER 3: CONDITIONS FOR WATER SUPPLY SERVICES

Part 1: connection to water supply systems

7. Provision of connection pipe

- (1) if an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner must apply on the prescribed form and pay the prescribed charge for the installation of such a pipe.
- (2) If an application is made for water supply services which is of an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the Council may agree to the extension subject to such conditions as it may impose.
- (3) Only the Council may install a connection pipe, but the owner or customer may connect the water installation to the connection pipe.
- (4) No person may commence any development on any premises unless the Council has installed a connection pipe and meter.

7. Location of connection pipe

- (1) A connection pipe provided and installed by the Council must –
 - (a) be located in a position agreed to between the owner and the Council and be of suitable size as determined by the Council;
 - (b) terminate at –
 - (i) the boundary of the land owned by or vested in the Council, or over which the Council has a servitude or other right;
 - (ii) the outlet of the water meter if it is situated on the premises; or
 - (iii) the isolating valve if it is situated on the premises.
- (2) In reaching agreement with an owner concerning the location of a connection pipe, the Council must ensure that the owner is aware of –

- (a) practical restriction that may exist regarding the location of a connection pipe;
- (b) the cost implications of the various possible locations of the connection pipe;
- (c) whether or not the Council requires the owner to indicate the location of the connection pipe by providing a portion of his or her water installation at or outside the boundary of his or her premises where the connection is required, for the Council to connect to such installation.

(3) The Council may at the request of any person agree, subject to such conditions as it may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises, however the applicant is responsible for any extension of the water installation to the connection point designated by the Council and for obtaining at his or her cost, such servitudes over other premises as may be necessary.

(4) An owner must pay the prescribed connection charge in advance before a water connection can be effected.

8. Provision of single water connection for supply to several customers on some premises

(1) Notwithstanding the provisions of section 7, only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units of customers located on such premises.

(2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situate, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the Council, in its discretion, provide and install either –

- (a) a single measuring device in respect of the premises as a whole or any number of such accommodation units; or
- (b) a separate measuring device for each accommodation unit or any number thereof.

(3) Where the Council has installed a single measuring device as contemplated in subsection (2) (a), the owner or the person having the charge or management of the premises, as the case may be –

- (a) must, if the Council so requires, install and maintain on each branch pipe extending from the connection pipe to the different accommodation units –
 - (i) a separate measuring device, and
 - (ii) an isolating valve; and

- (b) is liable to the premises through such a single measuring device, irrespective of the different quantities consumed by the different customers served by such measuring device.
- (4) Notwithstanding subsection (1), the Council may authorize that more than one connection pipe be provided on the water supply system for the supply water to any premises –
 - (a) comprising sectional title units; or
 - (b) if undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.
- (5) Where the provision of more than one connection pipe is authorized by the Council under subsection (4), the tariffs and charges for the provision of a connection pipe is payable in respect of each water connection so provided.
- (6) Where a premises is supplied by a number of connection pipes, the Council may require the owner to reduce the number of connection points and alter his or her water installation accordingly.

9. Interconnection between premises or water installations

- (1) An owner of premise must ensure that no interconnection exists between –
 - (a) the water installation on his or premises and the water installation on other premises; or
 - (b) where several accommodation units are situated on the same premises, between the water installations of the accommodation units,
- (2) Interconnection may exist only if he or she –
 - (a) has obtained the prior written consent of the Council; and
 - (b) complies with any conditions that it may have imposed.

10. Disconnection of water installation from connection pipe

The Council may disconnect a water installation from the connection pipe and removed the connection pipe if –

- (a) the agreement for supply has been terminated in terms of section 6 and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or
- (b) the building on the premises concerned has been demolished.

11. Communal water services works and provision of a water service work for water supply to several customers

The Council may install a communal water services work for the provision of water services to several customers at a location that the Council deems appropriate, provided that the customers to whom water services will be provided though that water services work have been consulted in respect of –

- (a) the level of service;
- (b) the tariff that will be payable;
- (c) and the location of the work.

12. Temporary supply and water supplied from a water supply system

(1) The Council may authorize a temporary supply of water to be taken from one or more water supply system specified by it, subject to such conditions and period as it may prescribe.

(2) A person who desires a temporary supply of water referred to in subsection (1) or the use of a portable water meter in terms of subsection (4) or both a supply and meter, must apply to the Council for such service.

(3) Supply of water in terms of subsection (1) must be measured.

(4) The Council may for purpose of measuring provide a portable water meter portable returned to the Council on termination of the temporary supply, and the portable meter and all other fittings and apparatus used for connection of the portable water meter to the system –

- (a) remain the property of the Council; and
- (b) may be provided subject to any conditions imposed by the Council.

Part 2: Standards and conditions of supply**13. Quantity, quality and pressure**

Water supply service provided by the Council must comply with the minimum standards set for the provision of water supply service in terms of section 9 of the Act.

14. General conditions of supply

(1) The Council may specify the maximum height to which water will be supplied from the water supply system but where a customer requires water to be supplied at a greater height or pressure the customer will be responsible for the costs.

(2) The Council may, in an emergency,, interrupt the supply of water to any premises without prior notice.

(3) If the consumption of water by a customer adversely affects the supply of water to another customer, the Council –

- (a) may apply restrictions to the supply of water to the first mentioned customer in order to ensure a reasonably supply of water to the other customer; and
- (b) must inform the first mentioned customer of the restrictions.

15. Testing of pressure in water supply system

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

16. Pollution of Council's water supply

(1) No person may –

- (a) unless the person is specifically authorized to do so in writing by the Council on application; and
- (b) if the water is used by it in connection with the water supply, in any manner pollute –
 - (i) water in a reservoir or other place –
 - (aa) which is either in whole or in part vested in the Council, or
 - (bb) which the Council owns or controls, either in whole or in part; and
 - (ii) water or the environment in the jurisdiction of the Council, including but not restricted to all water sources such as streams, rivers, and dams.

(2) (a) No person may deposit or discharge rubbish, night-soil, industrial waste or other matter which may cause pollution of any nature on a portion of a catchment area, which has been designated by notice boards as an area where such acts are prohibited, relating to the Council's water supply.

- (b) A person may deposit or discharge rubbish, night-soil, industrial waste or other matter at places designated by notice boards or in receptacles as are provided by the Council.

(3) If a person contravenes subsection (1) or (2) (a), the Council may –

- (a) by written notice require the person immediately to stop the prohibited act and to take specified action within the specified period; or
- (b) if the situation is a matter of urgency, without prior notice take such action as the Council may deem necessary and recover the cost from the person.

17 Owner to prevent pollution of water

(1) An owner must provide and maintain measures, approved by the Council, to prevent the entry into –

- (a) the water supply system; and
- (b) any part of the water installation on his or her premises, of a substance which may be a danger to health or adversely affect the possibility of water or affect its fitness for use.

(2) If an owner fails to comply with subsection (1) and pollution occurs, the Council may serve of notice of compliance on the person.

18. Water restrictions

(1) The Council may –

- (a) for the purposes of water conservation;
- (b) where drought conditions prevail or are imminent;
- (c) to prevent the wasteful use of water or;
- (d) in the event of water shortage, drought or flood, by public notice –
 - (i) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction in general or for –
 - (aa) specified purposes;
 - (bb) during specified hours of the day or on specified days; and
 - (cc) in a specified manner; and
 - (ii) determined and impose –
 - (aa) a limit on the quantity of water that may
 - (bb) charges additional to those determined charges in respect of supply or water in excess of limit contemplated in subsection (1)(i)(aa); and

- (ccc) a general surcharge on the determined charges in respect of the supply of water; and
- (iii) Imposed restrictions or prohibitions on –
 - (aa) the use or manner of use or disposition of an appliance by means of which water is used or consumed; or
 - (bb) the connection of such appliances to the water installation.
- (3) A public notice contemplated in terms of subsections (1) must, except in the event of flood or other disaster necessitating the immediate restriction or prohibition of the consumption of water, set out the date and time when such restrictions shall become effective, being not less than 3 days after the date of publication of the public notice .
- (4) The Council may
 - (a) limits the application of the provisions of a notice contemplated by subsection (1) to specified areas and categories of customers, premises and activities; and
 - (b) permit deviation and exemptions from, and the relaxation of, any of the provisions on reasonable grounds.
- (5) The Council may –
 - (a) take measure, or by written notice require a customer at his or her own expense to take measures, including the installation of measurement devices and devices restricting the flow of water, as may be necessary to ensure compliance with a notice published in terms of subsection (1); or
 - (b) for such period as it may deem fit limit the supply of water to any premises in the event of –
 - (i) a contravention on such premises; or
 - (ii) failure to comply with the terms of notice published charge for reconnecting the supply has been paid.
- (6) The provisions of this section also apply in respect of water directly by the Council to customers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in terms of subsection (1).

19. Specific conditions of supply

- (1) Notwithstanding the undertaking in section 13, the granting of a supply of water by the Council does not constitute an undertaking by it to maintain at any time or any point in its water supply system –

- (a) an uninterrupted supply, subject to the provisions of regulations 4 and 14 of Regulation 22355 promulgated in terms of the Act on 8 June 2003; or
 - (b) a specific pressure or rate of flow in such supply other than required in terms of regulation 15(2) of Regulation 22355 promulgated in terms of the Act on 8 June 2003
- (2) The Council may, subject to the provisions of subsection (1)(b), specify the maximum pressure to which water will be supplied from the water supply system.
- (3) If owner requires –
 - (a) that any of the standards referred to in subsection (1); or
 - (b) a higher standard of service than specified in section 13, be maintained on his or her premises, he or she must take the necessary steps to ensure that his or her water installation is able to meet such standards.
- (4) The Council may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (5) The Council is not liable for any damage to property caused by water flowing from any water installation left open when the water supply is re-instated, following an interruption in supply.
- (6) Every steam boiler, hospital, industry and premises which requires, for the purpose of the purpose of the work undertaken on the premises, a continuous supply of water must have storage tank where water can be stored when the continuous supply is disrupted, and the storage tank –
 - (a) must comply with the specification for water storage tank as stipulated in SABS 0250 Part 1; and
 - (b) must have with a capacity of not less than 24 hours water supply calculated as the quantity required to provide the average daily consumption.
- (7) A customer may not resell water supplied to him or her by the Council, except with the written permission of the Council, and the Council may –
 - (a) stipulate the maximum price at which the water may be resold; and
 - (b) impose such other conditions as the Council; may deem fit.

20. Measuring of quantity of water supplied

- (1) The Council will provide a measuring device designed to provide either a controlled volume of water or an uncontrolled volume of water>

- (2) The Council must measure the quantity of water supplied through a measuring device designed to provide an uncontrolled volume of water, at regular intervals.
- (3) Any measuring device (and its associated apparatus) through which water is supplied to a customer by the Council –
- (a) shall be provided and installed by the Council;
 - (b) remains the property of the Council; and
 - (c) may be changed and maintained by the Council when deemed necessary by it.
- (4) The Council may install a measuring device, and its associated apparatus, on premises at any point on the service pipe.
- (5) If the Council installs a measuring device on a service pipe in terms of subsection of pipe and associated fittings between the end of its connection pipe and the meter, and such section is deemed to form part of the water supply system.
- (6) If the Council installs a measuring device together with its associated apparatus on a service pipe in terms of subsection (3), the owner –
- (a) must provide a suitable place in which to install it;
 - (b) must ensure that unrestricted access is available at all times;
 - (c) is responsible for its protection and is liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
 - (d) must ensure that no connection is made to the pipe in which the measuring device and the connection pipe serving installation;
 - (e) must provide for the drainage of water which may be discharged, from the pipe in which the measuring device is installed, in the course of work done by the Council on the measuring device; and
 - (f) may not use or permit to be used on any water installation, any fitting, machine or appliance which causes damage or is likely to cause damage to any meter.
- (7) No person other than the Council may –
- (a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
 - (b) break a seal which the Council has placed on a meter; or
 - (c) in any other way interfere with a measuring device and its associated apparatus.

(8) If the measuring device is a meter and its size is unsuitable by reason of the quantity of water supplied to premises, the Council May –

- (a) install a meter of such size as it may deem necessary; and
- (b) recover from the owner of the premises concerned the prescribed charge for the installation of the meter.

(9) The Council may require that the owner, at his or her expense, install a measuring device to each dwelling unit, in separate occupancy on premises, for use to determine the quantity of water supplied to each unit, however, where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one unit.

21. Quantity of supplied to consumer

(1) For purposes of assessing the quantity of water measured by a measuring device installed by the Council and supplied to a customer over specific period, it will, for the purposes of these By-laws, be deemed, unless the contrary can be proved, that –

- (a) the quantity, for a meaning device designed to provide an uncontrolled volume of water, is represented by the difference between measurements taken at the beginning and end of such period;
- (b) the quantity, for a measuring device designed to provide a controlled volume of water, is represented by the volume dispensed by the measuring device;
- (c) the measuring device was accurate during such period; and
- (d) the entries in the records of the Council were correctly made,

however if water is supplied to, or taken by, a customer without it passing through a measuring device, the estimate by the Council of the quantity of such water shall a measuring device, the estimate by the Council of the quantity of such water shall be deemed to be correct.

(2) Where water supplied by the Council to any way taken by the customer without such water passing through any measuring device, provided by the Council, the Council, for the purpose of rendering an account, may estimate, in accordance with subsection (3), the quantity of water supplied to the customer during the period that water is so taken by the customer.

(3) For the purposes of subsection (2), an estimate of the quantity of water supplied to a customer is based on, as the Council may decide –

- (a) the average monthly consumption of water on the premises registered over three succeeding measuring periods after the date on which the irregularity referred to in subsection (2) was discovered and rectified; or

- (b) the average monthly consumption of water on the premises during any three consecutive measuring periods during the twelve months' Period before the date on which it was discovered that the water was taken in the manner mentioned in subsection (2).

(4) Nothing in these bylaws shall be construed as imposing on the Council an obligation to cause any measuring device installed by the Council on any premises to be measured at the end of every month or any other fixed period, and the Council may charge the customer an average consumption during the interval between successive measurements of the measuring device.

(5) Unit such time as a measuring device has installed device has been installed in respect of water supplied to a customer, the estimated or share consumption of that customer must be based on the average consumption, during specific period, of water supplied to the specific supply zone within which the customer's premises is situated.

(6) Where it is not reasonably possible or cost effective to measure water supplied to each customer within a determined supply zone, the Council may determine a tariff or charge based on the estimate or shared consumption of water supplied to that supply zone.

(7) The Council will, within 7 days –

- (a) on receipt or a written notice from the customer; and

- (b) subject to payment of the determined charge,

Measure the quantity of water supplied to the customer at a time or on a day other than that upon which it would normally be measured.

22. Special measurement

(1) If the Council requires, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may by written notice advise the owner concerned of its intention to install a measuring device at such point in the water installation as it may specify.

(2) The installation of measuring device, its removal, and the restoration of the water installation after such removal shall be carried out at the expense of Council.

(3) Sections 20 (5) and (6) apply insofar as they may be applicable in respect of a measuring device installed in terms of subsection (1).

23. No reduction of amount payable for water wasted

A customer is not entitled to a reduction of the amount payable for water wasted or water losses in a water installation.

24. Adjustment of quantity of water supplied through defective measuring device

(1) if a measuring device found to be defective in terms of these By Laws, the Council may estimate the quantity of water supplied to the customer concerned during the period in which such measuring device was defective, on the basis of the average daily quantity of water supplied to him or her over –

- (a) a period between two successive measurements subsequent to the replacement of the measuring device;
- (b) a period in the previous year corresponding to the period in which the measuring device was defective; or
- (c) the period between three successive measurements prior to the measuring device becoming defective,

Whichever it considers the most appropriate.

(2) If the quantity of water supplied to a customer during the period when his or her measuring device was defective cannot be estimated in terms of subsection (1), the Council may estimate the quantity on any basis that is available to it.

25. Sampling of water

(1) The Council must determine times and must, at those times, at its cost, take samples of water in the water supply systems for domestic purposes and cause the samples to be tested for compliance with any national standards prescribed in terms of section 9 of the Act.

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

(3) The person to whom approval was granted in terms of section 6 (1) or 7 (1) of the water for potable water for water, must pay the prescribed charge for the taking and testing of the samples referred to in subsection (1)

26. Supply of non-potable water by Council

(1) The Council may on application, and subject to such terms and conditions as the it may impose, agree to supply non-potable water to a customer.

(2) Any supply of water agreed to in terms of subsection (1) may be used for domestic or any other purposes if it may give rise to a health risk.

(3) No warranty, expressed or implied, applies to the purity of any non-potable water supplied by the Council or its suitability for which the supply was granted.

(4) The supply of non-potable water, both as to condition and used, is entirely at the risk of the customer, who is liable for any consequential damage or loss arising to himself or others arising directly there from, including the consequences of any bona fide fault of the Council or the malfunction of a *treatment plant*.

27. Pipe in streets or public places

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

Part 4: Audit

28. Water audit

(1) The Council may require a customer, within one month after the end of a financial year of the Council, to undertake an annual water audit at his or her or its own cost.

(2) A copy of the audit must be available for inspection by the officials from -

- (a) the Department of Water Affairs and Forestry; and
- (b) the Council

(3) The audit must contain details in respect of:

- (a) The amount of water used during the financial year;
- (b) the amount paid for water for the financial year;
- (c) the number of people living on the stand or premises;
- (d) the number of people permanently working on the stand or premises;
- (e) the seasonal variation in demand through monthly consumption figures;
- (g) the plans to manage their demand for water;
- (h) estimates of consumption by various components or use, and a comparison of the above factors with those reported in each of the previous three years, where available;
- (i) the current initiatives to manage demand for water;
- (j) a comparison of the above factors with those reported in each of the previous 3 years (where available); and

- (k) a comparison of the above factors with those reported in each of the previous 3 years, where available.

Part 5: Installation work

29. Approval of installation work

(1) If an owner wishes to have installation work done, he or she must first obtained the Council's written approval, however the approval is not required –

- (a) in the case of water installations in dwelling units or installations where no fire installation is required in terms of SABS Code 0400; or
- (b) for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.

(2) Application for the approval referred to in subsection (1) must be made on the prescribed form and must be accompanied by –

- (a) the prescribed charge, if applicable;
- (b) copies of the drawings as prescribed by the Council, giving information in the form required by Clause 4.1.1 of SABS Code 0252: Part I; and
- (c) A certificate certifying that the installation has been designed in accordance with SABS Code 0252: Part 1 or has been designed on a rational basis.

(3) The provisions of subsections (1) and (2) do not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.

(4) Authority given in terms of subsection (1) lapses at the expiry of period of 24 months after the first day of the month succeeding the month in which the authority is given.

(5) Where approval was required in terms of subsection (1), a complete set of approved drawings of installation work must be available at the site of the work at all times until such work has been completed

(6) If installation work has been done in contravention of subsection (1) and (2), the Council may by written notice require the owner of the premises concerned to –

- (a) rectify the contravention within a specified period;
- (b) if work is in progress, to cease the work; and
- (c) to remove all such work which does not comply with these By –laws.

30. Person permitted to do installation and other work

- (1) No person, except a plumber or a person working under a plumber may –
- (a) do installation work other than the replacement or repair of an existing pipe or water fitting;
 - (b) replace a fixed water heater or its associated protective devices;
 - (c) inspect, disinfect and test a water installation, fire installation or storage tank;
 - (d) service, repair or replace a back flow preventer; or
 - (e) install, maintain or replace a meter provided by an owner in a water installation.
- (2) No person may require or engage a person who is not a plumber to do the work referred to in subsection (1), the Council may permit a person who is not a plumber to do installation work on his or her own behalf on premises owned and occupied solely by himself or herself and his and her immediate household, however such work must be inspected and approved by a plumber at the direction of the Council. **DOES THIS APPLY ONLY TO INSTALLATION WORK (1) (A) OR TO ALL OF (1)? THE SOURCE DOCUMENTS ARE NOT CLEAR.**

31. Technical requirements for water installation

Notwithstanding the requirement that a certificate be issued in terms of section 29(2)(c), all water installations must comply with SABS 0252 Part 1, and all fixed electrical storage water heaters must comply with SABS 0254.

32. Provision and maintenance of water installations

- (1) An owner must provide and maintain his or her water installation at his or her own cost⁶ and must, unless permitted in terms of subsection (2), ensure that the installation is situated within the boundary of his or her premises.
- (2) Before doing work in connection with the maintenance of a portion of his or her water installation which is situated outside the boundary of his premises, an owner must obtain the written consent of the Council or the owner of the land on which such portion is situated, as the case may be.
- (3) An owner must install an isolating valve –
- (a) in the case of meter installed outside the boundary, at a suitable point on a service pipe immediately inside the boundary of the property; and

- (b) in the case of a meter installed on the premises, at suitable point on his or her service pipe.

33. Use of pipes and water fitting to be authorized

- (1) No person may, without the prior written authority of Council, install or use a pipe or water fitting in a water installation within the Council's area of jurisdiction, unless it is included in the schedule of approved pipes and fitting as compiled by the Council.
- (2) Application for the inclusion of a pipe or water fitting in the schedule referred to in subsection (1) must be made on the form prescribed by the Council and be accompanied by the prescribed charge.]
- (3) A pipe or water fitting may be included in the schedule referred to in subsection (1) if –
 - (a) it bears the standardization mark of the South African Bureau of standards in respect of the relevant SABS specification issued by the Bureau;
 - (b) it bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with an SABS mark specification or a provisional specification or issued by the SABS, provided that no certification marks shall be issued for a period exceeding two years; or
 - (c) it is deemed acceptable by the Council.
- (4) The Council may, in respect of any pipe or water fitting included in the schedule, impose such additional conditions as it may deem necessary in respect of the use or methods of installation thereof.
- (5) A pipe or water fitting must be removed from the schedule if it –
 - (a) no longer complies with the criteria upon which its inclusion was based; or
 - (b) is no longer suitable for the purpose for which its use was acceptable.
- (6) The current schedule must be available for inspection at the office of the Council at any time during working hours.
- (7) The Council may sell copies of the current schedule at the prescribed charge.

34. Labeling of terminal water fittings and appliances

All terminal water fittings and appliance using or discharging water must be marked, or must have included within the packaging of the item, the following information –

- (a) the range of pressure in kPa over which the water fitting or appliance is designed to operate; and

(b) the flow rate, in litres per minute, related to the design pressure range, and this information must be given for at least the following water pressures: 20 kPa.

35. Water demand management

(1) A shower head with a maximum flow rate of greater than 10 litres per minute may not be installed in any water installation where –

- (a) the dynamic water pressure is more than 200 kPa at a shower control valve;
and
- (b) the plumbing has been designed to balance the water pressures on the hot and cold water supplies to the shower control valve,

(2) The maximum flow rate from any tap installed on a wash hand basin may not exceed 6 litres per minute.

Part 6: Communal water supply services

36. Provision of water supply to several customers

(1) The Council may install a communal standpipe for the provision of water supply services to several customers at a location it deems appropriate, provided that the customers to whom water supply services will be provided through that communal standpipe have been consulted.

(2) The Council may provide communal water supply services through a communal installation designed to provide a controlled volume of water to several customers.

Part 7: Temporary water supply services

37. Water supplied from a hydrant

(1) The Council may authorize a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and period as may be prescribed by it, and payment of such applicable charges, including a deposit, as may be determined by it from time to time.

(2) A person who desires a temporary supply of water referred to in subsection (1) must apply for such water supply services in terms of provisions of the Customer Care and Revenue Management By-laws, 2005, of the Council.

(3) The Council must provide a portable water meter and all other fittings and apparatus necessary for the temporary supply of water from hydrant.

- (4) The portable meter and all other fittings and apparatus provided for the Council on temporary supply of water from a hydrant remains the property of the Council on termination of the temporary supply, and failure to return the portable meter and all other fittings and apparatus is offence.

Part 8: Boreholes

38. Notification of boreholes

- (1) No person may sink a borehole on the premises situated in a dolomite area, and a person must, before he or she sinks a borehole, determine if the premises on which the borehole is to be sunk is situated within a dolomite area.
- (2) The Council may require the owner or occupier of any premises who intends to sink a borehole to undertake an environmental impact assessment for such intended borehole before sinking the borehole.
- (3) Boreholes are subject to the requirements of the National Water Act, 1998 (Act 36 of 1998).
- (4) The Council may, by public notice, require –
- (a) the owner of any premises within the area of jurisdiction of the Council upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on the prescribed form of the existence of a borehole on such premises, and provide it with such information in respect thereof as it may require; and
 - (b) the owner or occupier of any premises who intends to sink a borehole on premises to notify it on the prescribed form of such intention before work in connection therewith is commenced.
- (5) The Council may –
- (a) by notice require an owner or occupier who has an existing borehole used for water services; or
 - (b) or by public notice require owners or occupiers who have existing boreholes used for water services,
- to obtain approval from it for the use of a borehole for potable water supply services in accordance with section 6, 7 and 22 of the Act.
- (6) The Council may, in the notices contemplated in subsection (3)(a) and (b)–
- (a) impose conditions in respect of the use of a borehole for potable water services; and

- (b) impose a fixed charge in respect of the use of a borehole.

Part 9: Fire services connections

39. Connection to be approved by Council

- (1) The council is entitled in its absolute discretion to grant or refuse an application for the connections of a fire extinguish installation to the Council's main.
- (2) No water may be supplied to any fire extinguishing installation until a certificate in terms of section 29 (2)(c) has been submitted to the Council and until the installation complies with the requirements of these By-laws and any other by-laws of the Council or Local Municipality.
- (3) If a fire extinguishing installation which the Council has allowed to be connected to the Council's main is not being kept in proper working order or is otherwise not being properly maintained, or is being used for purpose other than fire fighting, then the Council is entitled either to require the installation to be disconnected from the main or itself to carry out the work of disconnecting it at the customer's expense.
- (4) The Council is entitled, if it has allowed a fire extinguishing installation to be connected to its main, either to require the installation to be disconnected from the main or its to carry out the work of disconnecting it at the customer's expense, if the fire extinguishing installation is –
 - (a) not being kept in proper working order;
 - (b) otherwise not being properly maintained, or
 - (c) is being used for purpose other than fire fighting.

40. Special provisions

The provisions of SABS 0252-1: 1994 apply to the supply of water for fire fighting purposes.

41. Dual and combined installations

All new building erected after these By-laws commence, must comply with the following requirements in relation to the provision of fire extinguishing services:

- (a) If boosting of the system is required, a dual pipe system must be used, one for fire extinguishing purposes and the other for general domestic purpose;
- (b) combined installations are only permitted where no booster pumping connection is provided on the water installation, and in such case the Council must provide a fire hydrant, at the customer's expenses, within 90 m of the property to provide a source of water for the fire tender to extinguish the fire;
- (c) combined installations where a booster pumping connection is provided are only permitted when designed and certified by the Council; and

- (d) all pipes and fittings –
 - (i) must be capable of handling pressures in excess of 1 800 kPa, which could be expected when boosting taken place; and
 - (ii) must maintain their integrity when exposed to fire conditions.

42. Connection pipes for fire extinguishing services

- (1) After these By-laws commence, the Council, must provide a single connection pipe for both fire extinguishing services (excluding sprinkler systems) and potable water supply services.
- (2) The Council must provide and install at the cost of the owner a combination meter on the connection pipe.
- (3) A separate connection pipe must be laid and used for every fire sprinkler extinguishing system unless otherwise approved.
- (4) A connection pipe must be equipped with a measuring device that will not obstruct the flow of water while operating.

43. Valves and meters in connection pipes

Every connection pipe to a fire extinguishing installation must be fitted with valves and measuring device which is –

- (a) supplied by the Council at the expense of the customer;
- (b) installed between the customer's property and the main; and
- (c) installed in such position as may be determined by the Council.

44. Meters in fire extinguishing connection pipes

If it appears to the Council that water has been drawn from a connection pipe which is used solely for fire extinguishing purposes other than for the purpose of extinguishing a fire, the Council is entitled to install a water meter in the pipe, and the owner of the premises is liable for all costs in so doing

45. Sprinkler extinguishing installations

A customer may install a sprinkler installation in direct communication with the main, but the Council may not be deemed to guarantee any specified pressure at any time.

46. Header tank or double supply from main

(1) The customer must, unless the installation is provided with a duplicate supply from a separate main, install a header tank for its sprinkler installation at such elevation as will compensate for any failure or reduction of pressure in the Council's main.

(2) The main pipe leading from such header tank to the sprinkler installation may be in direct communication with the main, provided that such main pipe must be equipped with a reflux valve which, if for any reason the pressure in the main fails or is reduced, will shut off the supply from the main.

(3) Where a sprinkler installation is provided with a duplicate supply from a separate main, each supply pipe must be equipped with a reflux valve situated within the premises.

47. Sealing of private fire hydrants

(1) Except in the case of a combined system with a combination meter, all private hydrants and hose-reels must be sealed by the Council and the seals may not be broken by any person other than the Council, except –

- (a) for the purposes of opening the hydrant in the case of fire; or
- (b) in the course of servicing and testing.

(2) The customer must give the Council at least 48 hours notice prior to a fire extinguishing installation being serviced and tested.

(3) The customer must borne the cost of resealing such a hydrant and hose-reel except when such seals area broken by the Council's officers for testing purposes

(4) The customer must pay any water consumed through a fire installation or sprinkler system at the charges determined by the Council.

CHAPTER 4: CONDITIONS FOR SANITATION SERVICES

Part 1: Connection to sanitation system

48. Obligation to connect to sanitation system

(1) Unless consent for the use of on-site sanitation services was obtained in accordance with section 52, a premises on which sewage is produced must be connected to the Council's system if –

- (a) a connecting sewer is available; or
- (b) it is reasonably possible or cost effective for the Council to install a connecting sewer.

(2) The Council may, by notice, require the owner of premises which is not connected to the Council's sanitation system to connect to the sanitation system.

(3) The owner of premises required to connect to the Council's sanitation system in accordance with subsection (2), must inform the Council in writing of the on-site sanitation services provided by the Council that will no longer be required as a result of the connection to the sanitation system, and the owner remains liable for any charges payable in respect of on-site sanitation services until the agreement for such services has been terminated in accordance with the Council's Customer Care and Revenue Management By-Laws, 2005.

(4) If the owner fails to connect to the sanitation system in accordance with the notice served in accordance with subsection (2) the Council may, notwithstanding any other actions it may take in terms of these By-laws, impose penalties as determined by it.

49. Standards for sanitation services

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

50. Objectionable discharge to sewage disposal system

(1) No person may discharge, or permit the discharge or entry into the sewage disposal system of any sewage or other substance which does not comply with the standards and criteria prescribed herein, and which-

(a) contains any substance in such concentration as will produce or be likely to produce in the effluent for discharge-

(i) at any sewage treatment plant; or

(ii) in any public water,

Any offensive or otherwise undesirable taste, colour, odour, temperature or any foam;

(b) may prejudice the re-use of treated sewage;

(c) may adversely affect any of the processes whereby sewage is purified for re-use;

(d) may adversely affect any of the processes whereby sewage is treated to produce sludge for disposal;

(e) contains any substance or thing of whatsoever nature which is not amenable to treatment to a satisfactory degree at a sewage treatment plant;

(f) contains any substance or thing of whatsoever nature which causes or is likely to cause a breakdown or inhibition of the processes in use at a sewage plant;

- (g) contains any substance or thing of whatsoever nature which is of such strength, or which is amendable to treatment only to a degree as will result in effluent from the sewage treatment plant or discharge from any sea outfalls not complying with standards prescribed under the National Water Act, 1998 (Act 36 of 1998);
 - (h) may cause danger to the health or safety of any person;
 - (i) may be injurious to the structure or material of the sewage disposal system;
 - (j) may prejudice the use of any ground used by the Council; or
 - (k) may inhibit the unrestricted conveyance of sewage through the sewage disposal system.
- (2) No person may cause or permit any storm water to enter the sewage disposal system.
- (3) The Council may, by written notice, order the owner or occupier to conduct, at his or her cost, periodic expert inspections of the premises in order to identify precautionary measures which would ensure compliance with these By-laws and to report such findings to an authorized agent.
- (4) If any person contravenes any provision of subsections (1) or (2) he or she must within 12 hours, or earlier if possible, advise the Council of the details of the contravention and the reasons for it.

Part 2: On-site sanitation services and associated services

51. Application for infrastructure

- (1) If an agreement for on-site sanitation and associated services has been concluded or if it is not reasonably possible or cost effective for the Council to install a connecting sewer or no infrastructure in connection therewith exists on the premises, the owner must immediately make application on the approval form and –
- (a) pay the prescribed charge for the installation of necessary infrastructure; or
 - (b) with the approval by Council, install the connection sewer or on-site sanitation services in accordance with the specification of the Council.
- (2) The Council may specify the type of on-site sanitation services to be installed.

52. Use of on-site sanitation services not connected to sanitation system

- (1) No person may use or permit the use, for domestic, commercial or industrial purposes, of on-site sanitation services which is not connected to the Council's sanitation system, except with consent of the Council first having been obtained, and in accordance with such conditions as it may impose.
- (2) A person desiring the consent referred to in subsection (1) must provide the Council with evidence that the sanitation facility is not likely to have a detrimental effect on health or the environment.
- (3) The Council may withdraw consent given in terms of subsection (1) if –
 - (a) a condition imposed in terms of subsection (1) breached; or
 - (b) the sanitation facility has a detrimental impact on health or the environment.
- (4) The Council may undertake investigations to determine if sanitation facility has a detrimental impact on health or the environment.
- (5) The person to whom consent was granted in terms of subsection (1) is liable for the costs associated with an investigation undertaken in terms of subsection (2) if the result of investigation indicates that the sanitation facility has a detrimental impact on health or the environment.

53. Septic tanks and treatment plants

- (1) The Council may, on such conditions as it may prescribe, approve the disposal of the sewage or other effluent by means of septic tanks or other on-site sewage treatment plants.
- (2) A septic tank or other on-site sewage treatment plant may not be situated nearer than 3 m to any dwelling unit or to any boundary of the premises on which it is situated.
- (3) Effluent from a septic tank or other on-site sewage treatment plant must be disposed of in the following manner.

THE MUN. MUST PLEASE INDICATE HOW THE EFFLUENT IS TO BE DISPOSED OF.

NONE OF THE SOURCE DOCUMENTS CONTAIN INFORMATION.

- (4) A septic tank must be watertight, securely covered and provided with gastight means of access to its interior adequate to permit the inspection of the inlet and outlet pipes and adequate for the purpose of removing sludge.
- (5) Aseptic tank serving a dwelling unit must-
 - (a) have a capacity below the level of the invert of the outlet pipe not less than 500 litres per bedroom subject to a minimum capacity below such invert level of 2 500 litres;

- (b) have an internal width of not less than 1 m measured at right angles to the direction of the flow;
 - (c) have depth between the cover and the bottom of the bottom of the tank of not less than 1,7 m; and
 - (d) retain liquid to a depth of not less than 1,4 m.
- (6) Septic tanks serving premises other than a dwelling unit must be designed and certified by the Council.

54. French drains

- (1) The Council may approve the disposal of waste water or other effluent by means of french drains, soakage pits or other approval works on such conditions as it may prescribe having regard to the quantity and nature of the effluent and the nature of the soil as determined by the permeability test prescribed by the South Bureau of Standard.
- (2) A french drain, soakage pit or other similar work may not –
- (a) be situated closer than 5 m to any dwelling units or to any boundary of any premises on which it is situated;
 - (b) be in any position as will cause contamination of any position as will cause contamination of any borehole or other source of water which is or may be used for drinking purposes; or
 - (c) cause dampness in any building.
- (3) The dimensions of any french drain, soakage pit or other similar work must be determined in relation to the absorbent qualities of the soil and nature and quantity of the effluent.
- (4) French drains serving premises other than dwelling house must be designed and certified by Council.

55. Conservancy tanks

- (1) The Council may, on such conditions as it may prescribe, approve the construction of a conservancy tank and ancillary appliances for the retention sewage or effluent.
- (2) No rain water, storm-water or effluent other than that approved by the Council may be discharged into a conservancy tank.

- (3) No conservancy tank may be used as such, unless –
- (a) the invert of the tank slopes towards the outlet at a gradient of not less than 1 in 10;
 - (b) the tank is gas and water tight;
 - (c) the tank has an outlet pipe, 100 mm in internal diameter, made of wrought iron, cast iron or other approved material and except if otherwise approved by the Council, an approved valve and fitting for connection to the council's removal vehicles;
 - (d) the valve and fitting referred to in paragraph (c) or the outlet end of the pipe, as the case may be, are located in a chamber having an approved hinged cover and situated in such position as required by the Council;
 - (e) access to the conservancy tank is provided manhole fitted with a removable cast iron cover placed immediately above the visible spigot of the inlet pipe.
- (4) The Council may, having regard to the position of –
- (a) a conservancy tank; or
 - (b) the point of connection for a removal vehicle'

Make it condition of its emptying the tank that owner or customer indemnify the Council, in writing, against any liability for any damages that may result from rendering of that service.

- (5) Where the Council's removal vehicle has traverse private premises for the emptying of a conservancy tank, the owner must –
- (a) provide a roadway a least 3,5 m wide, so hardened as to be capable of withstanding a wheel load of 4 metric tons in all weather; and
 - (b) ensure that no gateway through which then vehicle is regarded to pass to reach the tank, is less than 3,5 m wide.
- (6) the owner or occupier of premises on which a conservancy tank is installed must at all times maintain the tank in good order and condition.

56. Operation and maintenance of on-site sanitation services

The operation and maintenance of on-site sanitation services and will costs pertaining thereto remains the responsibility of the owner of the premises, unless the on-site sanitation services are subsidized services determined in accordance with the Council's Customer Care and Revenue Management By-laws, 2005.

57. Disused conservancy and septic tanks

If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for such use is withdrawn, the owner must –

- (a) cause it to be completely removed; or
- (b) cause it to be completely filled with earth or other suitable material, however, the Council may –
 - (i) require the tank to be otherwise dealt with; or
 - (ii) approve the use of the tank for other purpose subject to such conditions as it may specify.

58. Services associated with on-site sanitation services

(1) The Council, in accordance with a removal and collection schedule determined by it, undertakes to –

- (a) remove or collect conservancy tank contents;
- (b) remove or collect night soil; or
- (c) empty pits.

(2) Copies of the collection and removal schedule are available on request.

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

(1) Charges in respect of the removal or collection of conservancy tank contents, night soil or the emptying of a pit are based on –

- (a) the volume removed or collected; and
- (b) the distance travelled to effect such removal.

(2) If the volume –

- (a) of the contents of conservancy tank removed or collected;
- (b) of night soil removed or collected; or
- (c) which was removed or collected on the emptying of a pit,

Cannot be quantity, the Council may charge a fixed charge as prescribed.

Part 3: Sewage disposal

60. Provision of connecting sewer

- (1) If an agreement for the use of the sewage disposal system exists and no connecting sewer exists in respect of the premises, the owner must immediately apply, on the approved form, for a connecting sewer to be installed and –
 - (a) must pay the prescribed charge for the installation of such a connecting sewer; or
 - (b) with the approval by the Council, install the connection sewer in accordance with any specifications of the Council.
- (2) If the owner applies for use of the sewage disposal system to a premises which is situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the Council may agree to the extension subject to such conditions as it may impose.
- (3) Only the Council may install or approve an installed connecting sewer.
- (4) The owner or customer may connect the sanitation installation to the connection pipe.
- (5) No person may commence with any development on any premises unless the Council has installed a connecting sewer.

61. Location of connecting sewer

- (1) A connecting sewer provided and installed by the Council or owner in terms of section 60 must –
 - (a) be located in a position agreed to between the owner and the Council and be of a size determined by the Council;
 - (b) terminate at a connection point approximately 1 meter inside the premises from the boundary of the land owned by or vested in the Council or Local Municipality, as the case maybe, or over which the Council or Local Municipality, as the case may be, has a servitude or other right or when subsection (3) applies, at the connecting point designated in terms of that subsection.
- (2) if the owner applies for use of the sewage disposal system to a premises which is so situated that it is necessary to extend the sewer in order to connect the sewage disposal system to the premises, the Council may agree to the extension subject to such conditions as it may impose.
- (3) Only the Council may install approve an installed connecting sewer.
- (4) The owner or customer may connect the sanitation installation to the connection pipe.
- (5) No person may commence with any development on any premises unless the Council has installed a connecting sewer.

61. Location of connecting sewer

(1) A connecting sewer provided and installed by the Council or owner in terms of section 60 must –

- (a) be located in position agree to between the owner and the Council and be of size determined by the Council;
- (b) terminate at a connection point approximately 1 meter inside the premises from the boundary of the land owned by or vested in the Council or Local Municipality, as the case maybe, or over which the Council or Local Municipality, as the case may be, has a servitude or other right or when subsection (3) applies, at the connecting point designated in terms of that subsection.

(2) In the reaching agreement with an owner concerning the location of a connecting sewer, the Council must determine –

- (a) practical restrictions that may exist regarding the location of a connecting sewer pipe;
- (b) the cost implications of the various possible locations of the connecting sewer; and
- (c) whether or not the Council requires the owner to fix the location of the connecting sewer by providing a portion of his or her water installation at or outside the boundary of his or her premises for the Council to connect to such installation.

(3) The Council may –

- (a) at the request of person; and
- (b) subject to such conditions as it may impose,

Agree to a connection to a sewer other than that which is most readily available for the drainage of the premises, however the person is responsible for –

- (i) any extension of the drainage installation to the connecting point designated by an authorized officer; and
- (ii) obtaining at his or her cost, such servitudes over other premises as may be necessary

(4) An owner must pay the prescribed connection charge before a connection to the connection sewer can be effected.

(5) Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations, the Council must approve the rate and time of discharge into the sewer.

62. Provision of one connecting sewer for several customers on same premises

(1) Notwithstanding the provisions of section 60, only one connecting sewer to the sewage disposal system may be provided for the disposal of sewage from any premises, irrespective of the number of accommodation units of customers located on such premises.

(2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the disposal of sewage from several accommodation units, the Council may, in its discretion, provide and install either –

- (a) a single connecting sewer in respect of the premises as a whole or any number of such accommodation units; or
- (b) a separate connecting sewer for each accommodation unit or any number thereof.

(3) Where the Council has installed a single connecting sewer as contemplated in subsection (2)(a), the owner or the person having the charge or management of the premises, as the case may be –

- (a) must, if the Council so requires, install and maintain on each branch pipe extending from the connecting sewer to the different accommodation units –
 - (i) a separate connecting sewer; and
 - (ii) an isolating valve; and
- (b) is liable to the Council for the tariffs and charges for all sewage disposed from the premises through such a single connecting sewer, irrespective of the fact that by such connecting sewer, different quantities of sewage are disposed by the different customers served.

(4) Notwithstanding the provisions of subsection (1), the Council may authorize that more than one connecting sewer be provided on the sewage disposal system for the disposal of sewage from any premises comprising sectional title units or, if undue hardship or inconvenience would be caused to any customer on such premises, by the provision of one connecting sewer.

(5) Where the provision of more than one connecting sewer is authorized by the Council, the tariffs and charges for the provision of a connecting sewer must be paid in respect of each sewage connection so provided.

63. Interconnection between premises

- (1) An owner of one or more premises must ensure that no interconnection exists between the drainage installation on his or his premises and the drainage installation on other premises.
- (2) Interconnection may exist only if he or she –
 - (a) has obtained the prior written consent of the Council; and
 - (b) complies with any conditions that it may have imposed.

64. Disconnection of drainage installation from connecting sewer

The Council may disconnect a drainage installation from the connecting sewer and remove the connecting sewer if –

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

Part 4: Standards**65. Standard for sanitation services**

Sanitation services provided by the Water Service Provider must comply with the minimum standards set for the provision of sanitation services in terms of section 9 of the Act.

Part 5: Methods for determining charges**66. Measurement of quantity of standard domestic effluent discharged**

- (1) The quantity of standard domestic effluent discharged is determined by a percentage of water supplied by the Council, however where such a percentage in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the Council may reduce the percentage applicable to those premises to a figure which, in the light of the available information, reflects the proportion between the likely quantity of water supplied thereto.
- (2) Where a premises is supplied with water from a source other than or in addition to the Council's supply system, including abstraction from a river or borehole, the quantity is a percentage of the total water used on that premises as may be reasonably estimated by the Council.

67. Measurement of Quantity and Determination of Quality of Industrial Effluent Discharged

(1) The quantity of industrial effluent discharged into the sanitation system must be determined –

- (a) where a measuring device is installed, by the quantity of industrial effluent discharged from a premises as measured through that measuring device; or
- (b) until such time as a measuring device is installed, by the Council to the premises.

(2) The Council may require the owner of any premises to incorporate in any drainage installation which convey industrial effluent to a sewer, a control meter or gauge or other device of an approved type and in the control of the Council for the purpose of ascertaining the tempo, volume or composition of the effluent.

(3) The Council may install and maintain any such meter, gauge or device at the expense of the owner of the premises on which it is installed.

(4) Where a premises is supplied with water from a source other than or in addition to the Council's water supply system, including abstraction from a river or borehole, the quantity will be a percentage of the total water used on that premises as may be reasonably estimated by the Council.

(5) The Council may on application reduce the assessed quantity of industrial effluent where a portion of the water supplied to the premises –

- (a) forms part of the end product of any manufacturing process; or
- (b) is lost by reaction or evaporation during the manufacturing process or for any other reason

(6) The Council may enter into an agreement with any person who discharges industrial effluent into the sanitation system, to establish an alternative method of assessing the quantity and tempo of effluent so discharged.

(7) Charges relating to the quality of industrial effluent are based on the formula for industrial effluent discharged as prescribed in the Schedules hereto.

(8) The following conditions apply in respect of the assessment of the quality of industrial effluent discharged:

- (a) Each customer must conduct the prescribed tests, on a regular schedule as provided for in the approval to discharge industrial effluent, and report the results to the Council;

- (b) the council may conduct random compliance tests to correlate those of the industry, and –
 - (i) if discrepancies are found, the values of the Council is to be taken as correct; and –
 - (ii) further tests may be requested by the Council to determine the values for the formula, at the cost of the customer;
- (c) the average of the values of the different analysis results of 24 hourly composite or snap samples of the effluent, taken during the period of charge, will be used to determine the quality charges payable;
- (d) in the absence of a complete daily set of 24 hourly composite or snap samples, the average of not less than two values of the sampled effluent, taken during the period of charge, will be used to determine the charges payable;
- (e) in order to determine –
 - (i) the strength (chemical oxygen demand, suspended solids concentration, Ammonia concentration, ortho-phosphate concentration) in the effluent;
 - (ii) the concentration of Group 1 and 2 metals;
 - (iii) the pH value and conductivity,

The Council must use the tests normally used by municipalities for these respective purposes, ¹and test results from an accredited laboratory will have precedence over those of Council;
- (f) the formula is calculated on the basis of the different analysis results of individual snap or composite samples, and the period of calculation may not be less than one full 24-hour period, unless strong evidence is submitted to the Council that a lesser period is actually applicable;
- (g) the terms of the disincentive formula cannot assume a negative value;
- (h) the total system values for quality charges must remain constant initially for a period of one month, but in any case not longer than 12 months from the date of commencement of these charges, after expiry whereof they may be amended or revised from time to time depending on such changes in the analysis results or further samples as may be determined from time to time, however the Council, in any particular case, may levy the minimum charges prescribed in subsection (7) without taking any samples;
- (i) whenever the Council takes a sample, one half thereof must be made available to the customer;

(j) for the purpose of calculation of the quantity of effluent discharged from each point of discharge of effluent, the premises must be allocated among the several points of discharge as accurately as is reasonably practicable;

(k) the costs of conveying and treating of industrial effluent must be determined by the Council; and

(l) in the discretion of the Council the charges for industrial effluent strength, the volume and the economic viability of micro and small industries.

68. Reduction in measured quantity of effluent discharged

(1) A person, if he or she can demonstrate so, is entitled to a reduction in the quantity of effluent discharged into the sanitation system as determined in terms of section 66 and 67, where the quantity of water on which the percentage is calculated was measured during a period where water was wasted or leakage went undetected.

(2) The reduction in the quantity is based on the quantity of water loss through leakage or wastage during the lack period.

(3) The lack period is either –

(a) the measurement period during which the leak is repaired, whichever results in the greater reduction in the quantity.

(b) the measurement period during which the leak is repaired, whichever results in the greater reduction in the quantity.

(4) The quantity of water loss shall be calculated as the consumption for the leak period less an average consumption, based on the preceding 3 months, for the same length of time, and if no previous consumption history is available, the average water consumption must be determined by the Council after due consideration of all information.

(5) There shall be no reduction in the quantity if the loss of water, directly or indirectly, resulted from the customer's failure to comply with or is in contravention of these or other by-laws.

Parts 6: Drainage installations

69. Installation of drainage installations

(1) The owner must provide and maintain his or her drainage installation at his or her own cost and must ensure that the installation is situated within the boundary of his or her premises, except where otherwise approved.

(2) The Council may –

- (a) prescribe –
 - (i) to what point in the sewer a drainage installation is to be connected;
 - (ii) at what depth below the ground a drainage installation is to be connected; and
 - (iii) the route to be followed by the drain to the connecting point; and
 - (b) require the owner not to commence with the construction or connection of the drainage installation until the Council's connecting sewer has been laid.
- (3) A drainage installation constructed or installed comply with –
- (a) any applicable specifications in terms of the Building Regulations; and
 - (b) any standards prescribed in terms of the Act.
- (4) No person may permit the entry of any liquid or solid substance whatsoever, other than clean water for testing purposes, to enter any drainage installation before the drainage installation has been connected to the sewer.
- (5) Where premises is situated in the 1 in 50 years flood plain, the top level of all services access holes, inspection chambers and gullies is to be above the 1 in 50 years flood level.
- (6) The plumber responsible for the execution of the work must –
- (a) after the completion of any drainage installation; or
 - (b) after any alteration to any drainage installation is completed,

Submit to the building inspection section of the Council a certificate certifying that the work was completed to the standards as set out in the Building Regulations, theses BY-laws and any other relevant law or by-laws.

70. Construction or installation of drainage installations

- (1) A drainage installation constructed or installed must comply with any applicable specifications in terms of the Building Regulations and any standards prescribed in terms of the Act.
- (2) Where the draining installation is a pit latrine, it must be of the ventilated improved pit latrine type or equivalent having –
- (a) a pit latrine of 2m³ capacity;
 - (b) lining as required;
 - (c) a slab designed to support the superimposed loading; and

- (d) protection preventing children from falling into the pit.
- (3) A pit latrine must conform with the following specifications:
- (a) The pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place;
 - (b) the ventilation pipe –
 - (i) may not project less than 0.5m above the nearest roof;
 - (ii) must be of at least 150 mm in diameter; and
 - (iii) must be installed vertically with no bend;
 - (d) the interior of the closet must be finished smooth so that it can be kept in a clean and hygienic condition;
 - (e) the superstructure must be well-ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
 - (f) the opening through the slab must be adequate size as to prevent fouling, and the rim must be raised so that liquids used for washing the floor do not flow into the pit;
 - (g) the opening through the slab must be equipped with a lid to prevent the egress of flies and other insects when the toilet is not use;
- (4) A pit latrine must –
- (a) be sited in a position that is independent of the residential structure; and
 - (b) be sited in a position that is accessible to a road vehicle having a width of 3 m in order to facilitate the emptying of the pit.
- (5) In situations where –
- (a) there is the danger of polluting an aquifer due to the permeability of the soil, the pit latrine must be lined with an impermeable material that is durable and will not crack under street; and
 - (b) the ground in which the pit of the pit latrine is to be excavated is unstable, suitable support is to be given to prevent the collapse of the soil.
- (6) A pit latrine should not usually be used by more than one household.
- (7) A pit latrine must have access to water for hand washing.

(8) The Council may levy a charge that covers all the operating and maintenance costs in the –

- (a) removal of the pit contents;
- (b) transportation to a disposal site;
- (c) treatment of the contents to achieve a sanitary condition, and
- (d) final disposal of any solid residues,

And the charge may be in the form of a monthly contribution, or it may be levied as a single payment when the service is rendered.

71. Disconnection of drainage installations

(1) Expect for the purpose of carrying out maintenance or repair work, no drainage installation may be disconnected from the connection point.

(2) Where any part of drainage installation is disconnected from the remainder thereof because it will no longer be used, the disconnected part must, unless the Council approves otherwise –

- (a) be destroyed; or
- (b) entirely removed from the premises on which it was used.

(3) The Council must –

(a) after all the requirements of the Building Regulations in regard to disconnection have been complied with; and

- (b) on request of the owner,

Issue a certificate to certify that –

(i) the disconnection has been completed in terms of Building Regulations; and

(ii) any charges raised in respect of the disconnected portion of the drainage installation must cease to be levied with effect from the first day of the month following the issue of such certificate.

(4) When a draining installation is disconnected from a sewer, the Council –

- (a) must seal the opening so caused; and

(b) may recover the cost of such work from the owner of the premises on which the installation is disconnected

(5) Where a drainage systems is connected to or disconnected from the sewer system during a month, charges shall be calculated as if such connection was made on the first day of the month following the month in which such connection or disconnection was effected.

72. Drains in streets and public places

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

73. Construction by Council

The Council may agree with the owner of any drainage work which the desire, or is required to construct in terms of these By-laws or the Building Regulations, will be constructed by the Council against payment, in advance or on demand, of all costs associated with the construction.

74. Maintenance of drainage installation

(1) An owner must provide and maintain his or her drainage installation at its or her own cost.

(2) Where any part of a drainage installation is used by two or more owners or occupiers, they are jointly and severally liable for the maintenance of the installation.

(3) The owner of any premises –

(a) must ensure that each manhole on the premises is permanently visible and accessible; and accessible; and

(b) is responsible for ensuring the visibility of each cleaning eye and manhole on the premises at all times.

(4) Any person who requests the Council to clear a drainage installation is liable to pay the prescribed tariff.

(5) A Council may, on the written application of the owner or occupier of any premises, inspect and test the drainage installation of the premises or a section thereof and may recover from the owner or occupier the cost of the inspection and test, calculated at the rate specified in the prescribed tariff or charges.

75. Technical requirements for drainage installations

All drainage installations must comply with SABS 0250 and the Building Regulations.

76. Drains

- (1) Drains passing through ground which are liable to movement, must be laid on a continuous bed of river sand or similar granular material not less than 100 mm thick under the barrel of the pipe with a surround of similar material and thickness, and the joints of drains must be approved flexible joints.
- (2) A drain or part thereof may only be laid within, pass under or through a building with the approval of the Council.
- (3) A drain or part thereof which is laid in an inaccessible position under a building may not bend or be laid at a gradient.
- (4) If a drain passes through or under a wall, foundation or other structure, adequate precautions must be taken to prevent the discharge of any substance into such a drain.

77. Sewer blockages

- (1) No person may cause or permit such an accumulation of grease, oil, fat, solid matter or any other substance in any trap, tank, or fitting as will cause its blockage or ineffective operation.
- (2) When the owner or occupier of the premises has reason to believe that a blockage has occurred in any drainage installation thereon, he or she must immediately take steps to have it cleared.
- (3) When the owner or occupier of premises has reason to believe that a blockage has occurred in the sewer system, he or she must immediately inform the Council.
- (4) Where a blockage occurs in a drainage installation, any work necessary for its removal must be done by or under the supervision of a plumber.
- (5) Should a drainage installation on a premises overflow as a result of an obstruction in the sewer, and the obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation is liable for the cost of clearing blockage.
- (6) Where a blockage has been removed from a drain or portion of a drain which serves two or more premises the owners are jointly and severally liable for cost of clearing the blockage.
- (7) Where a blockage in the sanitation system has been removed by the Council and such removal necessitates the disturbance of an owner's paving, lawn or other artificial surface, the Council is not responsible for reinstating such.

78. Grease traps

A grease trap of approved type, size and capacity must be provided-

- (a) in respect of each premises that discharges sewage into on-site sanitation systems; or
- (b) where the discharge of grease, oil and fat is likely to –
 - (i) cause an obstruction to the flow in sewers or drains; or
 - (ii) interfere with the proper operation of any waste water treatment plants.

79. Industrial grease traps

(1) Industrial effluent which contains, or is likely to contain grease, oil, fat or inorganic solid matter in suspension must, before it is allowed to enter any sewer, be passed through one or more tanks or chambers of approved type, size and capacity designed to intercept and retain such grease, oil, fat or solid matter.

(2) oil, grease or any other substance which is contained in any industrial effluent or other liquid and which gives off an inflammable or noxious vapour at a temperature of or 20⁰ C, must be intercepted and retained in a tank or chamber so as to prevent entry thereof into the sewer.

(3) A tank or chamber which is referred to in subsection (2) must comply with the following requirements:

- (a) It must be of adequate capacity, constructed of hard durable materials, and water-tight when completed;
 - (b) the water-seal of its discharge pipe may be not less than 300 mm in depth; and
 - (c) it must be provided with such number of manhole covers as may be adequate for the effective removal of grease, oil, fat and solid matter.
- (4) Any person who discharges effluent to a tank or chamber must –
- (a) regularly remove grease, fat or solid matter from the tank or chamber; and
 - (b) maintain a register in which the following is recorded:
 - (i) the dates on which the following is recorded:
 - (ii) the name of the company which was employed to clean the tank or chamber; and
 - (iii) a certificate from the cleaning company –
 - (aa) certifying that the tank or chamber was cleaned; and
 - (bb) stating the manner in which the contents of the tank or chamber were disposed of.

80. Mechanical appliances for lifting sewage

- (1) The owner of any premise must apply for the approval and obtain the approval of the Council before he or she installs any mechanical appliance for the raising or transfer of sewage in terms of the Building Regulations.
- (2) A Professional Engineer must apply for approval, and the application must –
 - (a) be accompanied by drawings prepared in accordance with the relevant provisions of the Building Regulations; and
 - (b) show details of –
 - (i) the compartment containing the appliance;
 - (ii) the sewage storage tank;
 - (iii) the stilling chamber and the position thereof; and
 - (iv) the position of the drains, ventilation pipes, rising main and the sewer connection.
- (3) Notwithstanding any approval given in terms of subsection (1), the Council is not be liable for any injury or damage to life or property caused by the use, malfunctioning or any other condition arising from the installation or operation of a mechanical appliance for the raising transfer of sewage.
- (
- (4) Every mechanical installed for the raising or transfer of sewage must be –
 - (a) specifically designed for the purpose, and;
 - (b) fitted with discharge pipe, sluice valves and non-return valves located in approved positions.
- (5) Unless otherwise permitted by the Council, such mechanical appliances must be installed in duplicate and each appliance must be so controlled that either will immediately begin to function automatically in the event of failure of the failure of the other.
- (6) Every mechanical appliance forming part of a drainage installation must be so located and operated as to not cause any nuisance through noise or smell or otherwise, and every compartment containing any such appliance must be effectively ventilated.
- (7) The maximum discharge rate from any mechanical appliance and the times between which the discharge may take place shall be as prescribed by the Council which may, at any

time, require the owner to install such fittings and regulating devices as may be necessary to ensure that the prescribed maximum discharge rate is not exceeded.

(8) A sewage storage tank must be provided in conjunction with a mechanical appliance, except where sewage storage space is incorporated as an integral part of the appliance.

(9) Every sewage storage tank required in terms hereof must –

- (a) be constructed of hard, durable materials and must be watertight and the internal surfaces of the walls and floor must be rendered smooth and impermeable;
- (b) have a storage capacity below the level of the inlet equal to the quantity of sewage discharged there into in 24, hours, or 900 litres, whichever is the greater quantity; and
- (c) be so designed that the maximum proportion of its sewage content shall be empties at each discharge cycle of the mechanical appliance.

10. Every storage tank and stilling chamber must be provided with a ventilation pipe in accordance with the Council's specifications.

81. Installation of pre-treatment facility

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

Part 7: Protection of infrastructure

82. Protection from ingress of flood waters

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

83. Power of entry and inspection

(1) An officer of the Council may, for any purpose connected with implementation or enforcement of these By-laws, at all reasonable times or in an emergency at any times –

- (a) enter premises;
- (b) request information;
- (c) take samples;

- (d) make such inspection, examination and enquiry and carryout work as he or she may deem necessary, any for these purposes operate any component of the drainage installation.

(2) If the authorized officer considers it necessary that work be performed to enable an authorized officer properly and effectively to implement a function referred to in subsection (1) he or she may –

- (a) by written notice require the owner or occupier of the premises at his own cost to do specified work within a specified period; or
- (b) if in his option the sanitation is matter of urgency, without prior notice do such work or cause it to be done, at the costs of the owner.

(3) If the work referred to in subsection (2) is carried out for the sole purpose of establishing whether a contravention of these By-laws has been committed and no such contravention is establish, the Council shall bear the expense connected therewith together with that of restoring the premises to its former conditions.

84. Trespassing on sewage disposal system

No person may, without the prior written permission of the authorized officer enter –

- (a) upon an area used for the purpose of the sewage disposal system -
 - (i) if the area is enclosed by a fence; or
 - (ii) if entry is prohibited by notice boards; or

a structure used by the Council in connection with its sewage disposal systems. (4) Every mechanical installed for the raising or transfer of sewage must be –

- (a) specifically designed for the purpose, and;
- (b) fitted with discharge pipe, sluice valves and non-return valves located in approved positions.

(5) Unless otherwise permitted by the Council, such mechanical appliances must be installed in duplicate and each appliance must be so controlled that either will immediately begin to function automatically in the event of failure of the failure of the other.

(6) Every mechanical appliance forming part of a drainage installation must be so located and operated as to not cause any nuisance through noise or smell or otherwise, and every compartment containing any such appliance must be effectively ventilated.

(7) The maximum discharge rate from any mechanical appliance and the times between which the discharge may take place shall be as prescribed by the Council which may, at any

time, require the owner to install such fittings and regulating devices as may be necessary to ensure that the prescribed maximum discharge rate is not exceeded.

(8) A sewage storage tank must be provided in conjunction with a mechanical appliance, except where sewage storage space is incorporated as an integral part of the appliance.

(9) Every sewage storage tank required in terms hereof must –

- (a) be constructed of hard, durable materials and must be watertight and the internal surfaces of the walls and floor must be rendered smooth and impermeable;
- (b) have a storage capacity below the level of the inlet equal to the quantity of sewage discharged there into in 24, hours, or 900 litres, whichever is the greater quantity; and
- (c) be so designed that the maximum proportion of its sewage content shall be empties at each discharge cycle of the mechanical appliance.

10. Every storage tank and stilling chamber must be provided with a ventilation pipe in accordance with the Council's specifications.

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

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83. Power of entry and inspection

(1) An officer of the Council may, for any purpose connected with implementation or enforcement of these By-laws, at all reasonable times or in an emergency at any times –

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- (b) request information;
- (c) take samples;

- (d) make such inspection, examination and enquiry and carryout work as he or she may deem necessary, any for these purposes operate any component of the drainage installation.

(2) If the authorized officer considers it necessary that work be performed to enable an authorized officer properly and effectively to implement a function referred to in subsection (1) he or she may –

- (a) by written notice require the owner or occupier of the premises at his own cost to do specified work within a specified period; or
- (b) if in his option the sanitation is matter of urgency, without prior notice do such work or cause it to be done, at the costs of the owner.

(3) If the work referred to in subsection (2) is carried out for the sole purpose of establishing whether a contravention of these By-laws has been committed and no such contravention is establish, the Council shall bear the expense connected therewith together with that of restoring the premises to its former conditions.

84. Trespassing on sewage disposal system

No person may, without the prior written permission of the authorized officer enter –

- (a) upon an area used for the purpose of the sewage disposal system -
 - (iii) if the area is enclosed by a fence; or
 - (iv) if entry is prohibited by notice boards; or
- (b) a structure used by the Council in connection with its sewage disposal systems.

85. Interference with sewage disposal system

Except with the prior authority of an authorized officer –

- (a) no person may interfere or temper with the sewage disposal system;
- (b) no person may a connection to the sewage disposal system save as contemplated in section 48;
- (c) no person may, within an area that is subject to a sewer servitude –
 - (i) construct a building; or
 - (ii) raise or lower the ground level.

86. Damage to sewage disposal system

- (1) No person may damage or endanger the sewage disposal system, or cause or permit it to be damaged or endangered.
- (2) A person who intends performing work which may cause damage to the sewage disposal system on land owned by or vested in the Council or over which it has a servitude or other right, must, before he or she commences the work, ascertain from an authorized officer if any part of the sewage disposal system is situated on the land.
- (3) If work which could damage or endanger the sewage disposal system is to be performed or is being performed on the land referred to in subsection (2), or on land adjacent thereto, the authorized officer may by notice in writing require the person concerned not to commence, or to cease performing the work until such time as he or she has complied with the conditions specified in the notice

87. Consequential maintenance of sewers

Whenever a sewer is damaged or becomes obstructed or in need of repair as result of the act or omission of any person, whether by reason of the failure of such person to comply with the requirements of these By-laws or otherwise, the Council is entitled to –

- (a) carry out such work of maintenance or repair as is necessary; or
- (b) remove the obstruction at the expense of such person and to recover from him or her the full cost of doing so.

88. Obstruction to access to sewage disposal system

- (1) No person may prevent or restrict access to a sewage disposal system.
- (2) If a person contravenes subsection (1), the authorized officer may –
 - (a) by writing notice require the person to restore access at his or her own costs within a specified period; or
 - (b) if the situation is matter of urgency, without prior notice restore access and recover the full costs of doing so from such person.

89. Work by private person

- (1) The Council must lay all sewers and connecting sewers, unless it elects not to do so in which case the work must be executed in accordance with the Council's conditions of contract applicable to the work and the following provisions apply:

- (a) Any person carrying out such work must, before he or she commences the work, lodge with an authorized officer a written indemnity in which he or she indemnifies the Council against all liability in respect of any accident or injury to a person or loss or damage to property which may occur as the direct result of the execution of such works; and
 - (b) where the surface of any road has been disturbed in the course of such work, only the Council may, at the expense of the person carrying out such work, restore the surface.
- (2) Before the surface of a street or road is disturbed, the person must deposit with the Council a sum of money which is sufficient to cover the estimated cost of such restoration.
- (3) When the actual cost is greater, an excess is recoverable from the person, and when the actual cost is less, any balance must be refunded to the person.
- (4) All work must be carried out in accordance with the requirements specified by an authorized officer.

Part 8: Industrial effluent

90. Approval to discharge industrial effluent

- (1) No person may, except with the approval of the Council, discharge or cause or permit industrial effluent to be discharged into the sanitation system.
- (2) The Council, if in its option the capacity of the sanitation system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent, for such period and subject to such conditions it may impose, approve the discharge industrial effluent to the sanitation system.
- (3) The Council, if in its opinion the capacity of the sanitation system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent, for such period and subject to such conditions it may impose, approve the discharge industrial effluent to the sanitation system.
- (4) A person who wishes to construct or cause to be constructed, a building which is to be used as a trade premises, must at the time of lodging a building plan in terms of section 4 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), as lodge applications for the provision of sanitation services and for approval to discharge industrial effluent.

91. Procedure on approval

In the event of the Council granting such approval it must issue to the applicant a letter of approval which contains such conditions as the Council may deem appropriate, which conditions are binding on the applicant.

92. Unauthorized discharge of industrial effluent

(1) No person may, except with and in terms of the written permission of the Council and in accordance the provision of this part, discharge or cause permit to be discharged into the sewage disposal system any industrial effluent.

(2) A person to whom such permission is granted must pay to the Council any prescribed charges.

93. Quality standards for disposal of industrial effluent

(1) A person to whom permission has been granted for disposal of industrial effluent must ensure that no industrial effluent is discharged into the sewage disposal system of the Council unless the industrial effluent complies with the standards and criteria set out in Schedules A and B hereto.

(2) The Council may by writing in the permission concerned, relax or vary the standards in Schedules A or B, provided that any such relaxation represents the best practical environmental option.

(3) In determining whether relaxing or varying the standards in Schedules A or B represent the best practicable environmental option, a Council must consider –

- (a) whether the applicant's undertaking is operating and maintained at optimal levels;
- (b) whether technology used by the applicant represents the best available option to the applicant's industry and, if not, whether the installation of such technology would entail unreasonable cost to the applicant;
- (c) whether the applicant is implementing a program of waste minimization which complies with national and local waste minimization standards;
- (d) the cost to the Council of granting the relaxation or variation, and
- (e) the environmental impact or potential impact of such a relaxation or variation.

(4) A duly qualified sampler may take test samples at any time to ascertain whether the industrial effluent complies with Schedule A and B or any other standard laid down in a written permission.

94. Conditions and disposal of industrial effluent

- (1) The Council may, in the written permission or at any time, by written notice, require a person to –
- (a) subject the industrial to such preliminary treatment to ensure that the industrial effluent conforms to the standards prescribed in Schedules A and B before being discharged into the sewage disposal system;
 - (b) install such equalizing tanks, valves, pumps, appliances, meters and other equipment as is necessary to control the rate and time of discharge into sewage disposal
 - (c) install, for the conveyance of his or her industrial effluent into the sewage disposal system at a given point, a drainage installation separate from the drainage installation for waste water and standards domestic effluent at any other point and from disposing of his or her waste water and standard domestic effluent by means other than into a sewage disposal system;
 - (d) construct on a pipe conveying his or her industrial effluent to any sewer, a service access hole or stop-valve in such position and of such dimensions and materials as the Council may prescribe;
 - (e) provide all such information as may be required by the Council to enable it to assess the tariffs or charges due to the Council;
 - (f) provide adequate facilities such as level or overflow detection devices, standby equipment, overflow catch-pits or other appropriate means to prevent a discharge into the sewage disposal system which contravenes of these By-laws;
 - (g) cause any meter, gauge or other device installed in terms of this section to be calibrated by an independent authority at the cost of the person at such intervals as required by the Council and copies of the calibration to be forwarded to it; and
 - (h) cause his or her industrial effluent to be analyzed as often and in such manner as may be prescribed by the Council, and provide the Council with the results of these tests when completed.
- (2) The commercial customer concerned must bear the cost of any treatment, plants, works or analysis which he or she may required carrying out, constructing or installing in terms of subsection (1)

(3) The commercial customer concerned must obtain the written permission of the Council for any proposed changes to the composition of industrial effluent discharged into the sewage disposal system.

(4) In the event that industrial effluent that does not comply with the standards in Schedules A and B or the written permission issued in respect of that process or premises, is discharged into the sewage disposal system, the commercial customer must, within 12 hours of such discharge, inform the Council of the incident and the reasons therefore

95. Withdrawal of approval to discharge industrial effluent

(1) The Council may with any approval, after giving at least 14 days written notice of its intention, to a commercial customer authorized to discharge industrial effluent into the sanitation system if the customer –

- (a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in Schedule A of these By-laws or the written permission;
- (b) fails or refuses to comply with any notice lawfully served on him or her in terms of these By-laws or contravenes any provisions of these By-laws or any condition imposed in terms of any permission granted to him or her; or
- (c) fails to pay the assessed charges in respect of any industrial effluent discharged.

(2) The Council may, on withdrawal of any approval –

- (a) in addition to any steps prescribed in these by-laws, and 14 days written notice, authorize the closing or sealing of the connecting sewer of the premises; and
- (b) refuse to accept any industrial effluent if adequate steps have not been taken to ensure that the industrial effluent to be discharged conforms to the standards prescribed in these by-laws

Part 9: Sewage delivered by road haulage

96. Acceptance of sewage delivered by road haulage

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

97. Approval for delivery of sewage by road haulage

(1) No person may discharge sewage into the Council's sewage treatment plants by road haulage, except with the approval of the Council and subject to such period and any conditions that the Council may impose.

(2) The charges for any sewage delivered for disposal to the Council's sewage treatment plants shall be assessed by the Council in accordance with the prescribed tariffs or charges.

98. Conditions for delivery of sewage by road haulage

When sewage is delivered by road haulage –

- (a) the time and place of delivery must be arranged with the Council; and
- (b) the nature and composition of the sewage must be established prior to the discharge thereof and no person may deliver sewage that does not comply with the standards laid down in terms of these By-laws

99. Withdrawal of permission for delivery of sewage by road haulage

The Council may withdraw any permission, after giving at least 14 days written notice of its intention to a person permitted to discharge sewage by road haulage if person –

- (a) fails to ensure the sewage so delivered conforms to the standards prescribed in Schedule A, as applicable, or in the approval; or
- (b) fails or refuses to comply with any notice served on him or her terms of these By-laws;
- (c) contravenes any provisions of these By-laws or any condition imposed on him or her in terms of any approval; and
- (d) fails to pay the relevant assessed in respect of any sewage delivered.

Part 10: Other sanitation services

100. Stables and similar premises

The Council may approve the connection of stables, cowsheds, dairies, kennels and other premises for the accommodation of animals and tanneries to a drainage installation subject to the payment of relevant charges and such conditions as the Council may impose, provided that –

- (a) the floor of the premises must be paved with approved impervious materials and graded to a slit trap or gully of adequate capacity ; and
- (b) every part the floor of the premises must be covered by a roof and otherwise effectively protected to prevent the entry of rain or storm water into the drainage installation.

101. Mechanical food-waste or other disposal units

The Council may approve the connection or incorporation of a mechanical waste food, other disposal units or garbage grinder into a drainage installation which has a capacity in excess of

500W, subject to the payment of relevant charges and such conditions as the Council may impose, provided that –

- (a) a water meter is installed by the Council;
- (b) the Council is satisfied that the sewage and treatment system shall not negatively be effected; and
- (c) the installation or incorporation is installed in conformity with the Council's by-law relating to electricity

Part 11: Installation work sanitation sewers

102. Approval of installation work

- (1) If an owner wishes to have installation work done,, he or she must first apply for and obtain the written approval of the Council.
- (2) Application for the approval must be made on the prescribed form and must be accompanied by –
 - (a) the determined charge, if applicable;
 - (b) copies of the drawings as may be determined by the Council; and
 - (c) a certificate certifying that the installation has been designed in accordance with any applicable SABS Codes.
- (3) Authority given in terms of subsection (1) lapses at the expiry of a period of 24 months.
- (4) A complete set of approved drawings of installation work be available at the site of the work at all times until such work has been completed.
- (5) If installation work has been done in contravention of subsection (1) or (2), the Council may require the owner –
 - (a) to rectify the contravention within a specified period; or
 - (b) if work is in progress, to cease the work; and
 - (c) to remove all such work which does not comply with these By-laws.

103. Persons permitted to do installation and other work

- (1) No person who is not a plumber or working under the control of a plumber, may –
 - (a) do installation work other than the replacement or repair of an existing pipe or sanitation fitting;

- (b) inspect, disinfect and test a drainage installation, fire installation or storage tanks;
 - (c) services, repair or replace a back flow preventer; or
 - (d) install, maintain or replace a meter provided by an owner in a drainage installation.
- (2) No person may require or engage a person who is not plumber to do the work referred to in subsection (1).

(3) Notwithstanding the provisions of (1) and (2), the Council may permit a person who is not a plumber to do installation work on his or her own behalf on premises owned and occupied solely by himself or herself and his or her immediate household, however, such work must be inspected and approved by a plumber at the Council.

104. Use of pipe and water fitting to be authorized

- (1) No person may, without the prior written authority of the Council, install or use pipe or water installation within the Council's area of jurisdiction, unless it is included in the Schedule of Approved Pipes and Fittings as compiled by the Council.
- (2) Application for the inclusion of a pipe or water fitting in the Schedule referred to in subsection (1) must be made on the form prescribed by the Council
- (3) A pipe or water fitting may be included in the Schedule referred to in subsection (1) if –
- (a) it bears the standardization mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau; or
 - (b) it bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with –
 - (i) an SABS Mark specification; or
 - (ii) a provisional specification issued by the SABS, provided that no certification marks shall be issued for a period exceeding two years; or
 - (c) it is included in the list of water and sanitation installation accepted by JASWIC.
- (4) The Council may, in respect of any pipe or water fitting included in the Schedule, impose such additional conditions as it may consider necessary in respect of the use or method of installation therefore.
- (5) A pipe or sanitation fitting may be removed from the Schedule if it –

- (a) no longer complies with the criteria upon which its inclusion was based; or
 - (b) is no longer suitable for the purposed for which its use was accepted.
- (6) The current Schedule is available for inspection at the office of the Council at any time during working hours.
- (7) The Council may sell copies of the current Schedule at the determined charge.

105. Testing of drainage installations

- (1) No drainage installation, or any part thereof, may be connected to –
- (a) on-site sanitation services;
 - (b) the Council's sanitation system; or
 - (c) an existing approved installation,

Unless any one more of the following tests have been applied in the presence and of the Council, prior to the draining installation being enclosed:

- (i) The interior of every pipe or series of pipe between two points of access must be inspected throughout its length by means of a mirror and a source of light, and during the inspection a full circle of light must appear to the observer, and the pipe or series of pipe must be seen to be unobstructed;
 - (ii) a smooth ball having diameter of 12 mm less than the nominal diameter of the pipe must, when inserted at the higher end of the pipe, roll down without assistance or interruption to the lower end;
 - (iii) all openings of the pipes to be tested having been plugged or sealed and all traps associated therewith filled with water and air must be pumped into the pipe until a manometric pressure must remain greater than 25 mm of water of water for a period of at least three minutes; or
 - (iv) all part of the installation is subjected to and withstand an internally applied hydraulic test pressure of not less than 3 m head of water for a period of not less than 10 minutes.
- (2) Where the Council has reason to believe that any drainage installation or any part thereof has to conduct any or all of tests prescribed in subsection (1) and if the installation fails to withstand any such tested, the Council may by notice require the owner to take reasonable measures necessary to enable the installation to withstand any or all of the test.

106. Water demand management

No cistern, and related pan designed to operate with such cistern may be installed with a cistern capacity of greater than 9 litre and all cisterns not intended for public use must be fitted with flushing devices allowing interruptible or multiple flushing device is not required in a cistern with a capacity of 4,5 litres or less.

CHAPTER 5: WATER SERVICES INTERMEDIARIES**107. Application for registration**

(1) A person or institutions seeking registration with the Council as a Water Services Intermediary in terms of section 24 of the Act, must do so in accordance with the provisions of these By-laws and at his or her or its own expenses.

(2) An application fro such registration must be made to the Council in writing.

(3) An application for approval in terms of subsection (1), must be accompanied by, at least, the following documents or particulars:

- (a) if a natural person, a certified copy of the identity document of the applicant;
- (b) if a legal person –
 - (i) a certified copy of the founding document or constitution of the applicant;
 - (ii) a certified resolution adopted by the management body of the applicant, resolving to apply as a Council; and
 - (iii) a certified list of the names and addresses of all persons occupying a leadership and decision-making power in the applicant;
- (c) a detailed statement supported by adequate proof of authenticity, which sets out –
 - (i) the applicant's qualifications;
 - (ii) the applicant's capacity to undertake the work associated with the provision of water services in the circumstances reflected in the application;
 - (iii) the applicant's experience and skills; and
 - (iv) the financial resources available to the applicant to undertake the provision of water services to be provided by the applicant;
- (d) a full and detailed description of the water scheme or schemes which will be operated by the applicant containing sufficient information to enable the Council

to determine whether the water scheme or schemes comply with the criteria set in section 11 of the Act, these By-laws, and the water development plan adopted by the Council in terms of section 15 of the Act, which description must include but is not be limited to –

- (i) the name or names of the water scheme or schemes;
 - (ii) an indication of the nature of the water services to be provided by the applicant;
 - (iii) detailed plans or drawings, with co-ordinates and scales, and specifications depicting the physical installation associated with the water scheme or schemes, including all structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto used or intended to be used by it in connection with the provision of water services contemplated in the application;
 - (iv) a detailed description, including numbers and locality, of the customers or potential customers that will be supplied with water by the applicant;
 - (v) details of the source the quality of water that will be supplied to customers;
 - (vi) potential customers and what arrangements are in place to ensure that such quality and quantity is consistently maintained;
 - (vii) a business plan setting out how the water scheme or water schemes will be operated and maintained during the period the applicant undertakes the supply of water services as contemplated in the application, and what arrangements have been adopted to deal with any emergency, including natural disasters and drought;
 - (viii) a budget describing the financial administration of the water scheme or water schemes, the source of any capital or revenue requirements , and an indication of the sustainability of the water scheme or water schemes; and
 - (ix) details of tariffs and charges that the applicant will levy on all customers and whereby increases or decreases in such tariffs and charges will be dealt with, and the potential customers, the methods of calculating such tariffs and charges, the process manner in which such tariffs and charges comply with the national norm set by the Minister of Water Affairs and Forestry in terms of section 10 of the Act;
- (e) a certificate indicating who the legal owner or owners of the water scheme or schemes is or are;

- (f) certified copies of all documents and deeds reflecting the legal status of the water scheme or schemes, including deeds of servitude where appropriate; and
- (g) full details of the conditions that will be imposed in terms of section 4 of the Act and full details required in terms of section 19 (4) of the Act.

108. Additional information to make decision

(1) The Council may call for any additional information or documents reasonably required to enable it to determine whether –

- (a) the proposer or applicant, including a public sector provider, or the water scheme or schemes will comply with the Act, these By-laws and the water development plan of the Council; and
- (b) the obligations of the Council, imposed on it by the Act, will be met.

(2) The Council, in order to hear representations made by the applicant and such representative organizations in support of, or against, the applications –

- (a) may; and
- (b) shall, before it makes a final decision, if it initially decides to refuse an application made in terms of subsection (1), including an application made by a public sector water provider,

Meet with the applicant, as the case may be, and any organization reasonably representative of the customers or potential customers of the water scheme or schemes, and it must take such representations into account in arriving at its final decision.

109. Approval of application

(1) The Council may approve or refuse the application, provided that –

- (a) if it approves the application, it may make such registration subject to such reasonable and relevant conditions as it deems necessary; and
- (b) if it refuses the application, it must advise the applicant of the reasons for such refusal.

(2) In the event of the Council granting such registration it must deliver a written notification thereof to the applicant and such notice it must –

- (a) draw the applicants attention to the provisions of sections 25, 26 and 27 of the Act;
- (b) draw the applicants attention to the provisions of these By-laws; and

- (c) set out any conditions imposed under the provisions of these By-law.

110. Provision of water services

- (1) A Water Services Intermediary must ensure that water services, including such basic services as determined by the Council, are provided to such persons it is obliged to provide with water services.
- (2) The quality, quantity and sustainability of water services provided by a Water Services Intermediary must meet any minimum standards prescribed in terms of the Act and must at least be of the same standards as provided by the Council to customers.

111. Charges for water services provided

- (1) A Water Services Intermediary may not charge for water services at a price which does not comply with any norms and standards prescribed under the Act and any additional norms and standards as may be set by the Council.
- (2) A Water Services Intermediary must provide subsidies water services, as determined by the Council in terms of the Council's Customer Care and Revenue Management By-laws, 2005, from time to time, and provided by the Council to a customer at a price that is the same or less than the charges at which the Council provides such services.

CHAPTER 6: UNATHORISED WATER SERVICES AND RELATED MATTER

112. Unauthorized use of water services

- (1) No person may gain access to water services from the water supply system, sewage disposal system or any other sanitation services unless an agreement has been entered into with the Council for the rendering of those services.
- (2) The Council, irrespective of any other action it may take against such person in terms of these By-laws, by written notice order a person who has gained access to water services from the water supply system, sewage disposal system or any other sanitation services without an agreement with the Council for the rendering of those services –
- (a) to apply for such services in terms of the Customer Care and Revenue Management By-laws of the Council, and
 - (b) to undertake such work as may be necessary to ensure that the customer installation through which access was gained complies with the provisions of these By-laws.
- (3) The provisions of section 121 apply to a notice in terms of subsection (2).

113. Interference with infrastructure for provision of water services

- (1) No person other than the Council may manage, operate or maintain the water supply system or any sanitation system unless authorized by these By-laws.
- (2) No person other than the Council may effect a connection to the water supply system or sewage disposal system or render any other sanitation services.
- (3) The Council may recover any costs associated with repairing damage caused as a result of a result of contravention of subsections (1) and (2), and the costs recoverable by the Council is the full cost associated with repairing damage includes, but is not restricted to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the repairs and the environmental cost.

114. Obstruction of access to infrastructure for provision of water services

- (1) No person may prevent or restrict physical access to the water supply system or sewage disposal system.
- (2) If a person contravenes subsection (1), the Council may –
 - (a) by written notice require the person to restore access at his or her own expense within a specified period; or
 - (b) if the situation is a matter of urgency, without prior notice restore access and recover the cost from the person.
- (3) The costs recoverable by the Council is the full cost associated with restoring access and includes, but is not restricted to, any exploratory investigation, surveys, plans, specification, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by restoring access and the environmental costs

115. Waste of water unlawful

- (1) No customer may permit –
 - (a) the purposeless or wasteful discharge of water from terminal water fittings
 - (b) pipes or water fittings leak;
 - (c) the use of maladjusted or defective water fittings
 - (d) an overflow of water to persist; or
 - (e) an inefficient use of water to persist.

- (2) An owner must repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or likely to cause an occurrence listed in subsection (1).
- (3) If an owner fails to take measures as contemplated in section 121 require the owner to comply with the provisions of subsection (1).
- (4) A customer must ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
- (5) The Council may, by written notice, prohibit the use by a customer of any equipment in a water installation if its use of ware is inefficient, and the equipment may not be used until its efficiency has been restored and written application to do so has been approved by the Council.

116. Unauthorized and illegal discharges

- (1) No person may discharge or cause or permit any sewage to be discharged directly or indirectly into a storm water drain, river, stream or other watercourse, whether natural or artificial.
- (2) The owner or occupier of any premises on which steam or liquid, other than potable water, is stored, processed or generated must provide all facilities necessary to prevent any discharge or leakage of such liquid to any street, storm water drain or watercourse, whether natural or artificial, except where, in the case of steam, the Council has approved such discharge.
- (3) Where the housing down or flushing by rainwater of an open area on my premises is likely to cause the discharge of objectionable matter into any street, stormwater drain, river, stream or other watercourse, whether natural or artificial, or to cause or contribute towards the pollution of any such watercourse, the Council may, by notice, require the owner of the premises to take reasonable measures to prevent or minimize such discharge or pollution.
- (4) No person may discharge or cause or permit the discharge of –
 - (a) any substance, including storm water ,other than sewage to be discharged into a drainage installation;
 - (b) water from any swimming pool directly or indirectly over any road or into a gutter, storm water drain, watercourse, open ground or private premises other than the premises of the owner of such swimming pool;
 - (c) water from artificial fountains, reservoirs or swimming pools situated on the premises into a drainage installation, without the approval of the Council and subject to the payment of relevant charges and such conditions as the Council may impose;

- (d) any sewage, industrial effluent or other liquid or substance which –
 - (i) may be offensive to or may cause a nuisance to the public;
 - (ii) is in the form of steam or vapour or has temperature exceeding 44°C at the point where it enters the sewer;
 - (iii) has a pH value less than 6.0;
 - (iv) contains any substance of whatsoever nature likely to produce or release explosive, flammable, poisonous or offensive gases or vapours in any sewer;
 - (v) contains any substance having an open flashpoint of less than 93°C;
 - (vi) contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing obstruction to the flow in sewers or drains or interference with the proper operation of a sewage treatment works;
 - (vii) shows any visible signs of tar or associated products or distillates, bitumen's or asphalts;
 - (viii) contains any substance in such concentration to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam; or
 - (ix) has either a greater PV or COD (Chemical Oxygen Demand) Value, a lower pH value, or a higher caustic alkalinity or electrical conductivity than specified in schedule A, without the prior approval and subject to the payment of relevant charges and such conditions as the Council may impose;
 - (x) contains any substance which –
 - (aa) cannot be treated at the sewage treatment work to which it could be discharged
 - (bb) will negatively affect the treatment processes at the sewage treatment work to which it could be discharged; or
 - (cc) will negatively impact on the ability of the sewage treatment work to produce discharges that meet the waste water discharge standards set in terms of the National Water Act, 1998 (Act 36 of 1998); or
 - (xi) either alone or in combination with other substance may –

- (aa) generate or combination with other substance dangerous to the health of persons employed at the sewerage treatment works or entering the Council's sewers or manholes in the course of their duties;
- (bb) be harmful to sewers, treatment plant or land used for the disposal treated waste water; or
- (cc) adversely affect any of the processes whereby sewage effluent.

(5) No person may cause or permit the accumulation or grease, oil, fat or solid matter in any drainage installation that will adversely affect its effective functioning.

(6) The Council may, notwithstanding any other actions that may be taken in terms of these By-laws, recover from any person who discharges industrial effluent or any substance which is unauthorized or illegal all costs incurred, by the Council as a result of such discharges, including costs that result from –

- (a) injury to persons, damage to the sanitation system; or
- (b) a prosecution in terms of the National Water Act, 1998 (Act 36 of 1998).

117. Illegal connection

Where customer's access to water supply services has been restricted or disconnected, and he or she –

- (a) intentionally unlawfully reconnects to services ; or
- (b) intentionally or negligently interferes with infrastructure through which water supply services are provided,

then his or her water supply shall on written notice be disconnected.

118. Interference with infrastructure

(1) No person may unlawfully and intentionally or negligently interfere with infrastructure through which the Council provided municipal services.

(2) If a person contravenes subsection (1), the Council may –

- (a) by written notice require such person to cease or rectify the interference at his or her own expense within a specified period; or
- (b) if the situation is a manner of urgency, without prior notice prevent or rectify the interference and recover the cost from such person.

119. Use of water from sources other than the water supply system

- (1) No person may use or permit the use of water obtained from a source other than the water supply system, other than rain water tanks which are not connected to the water installation, except with the prior approval of the Council, and in accordance with such conditions as it may impose, for domestic, commercial or industrial purposes
- (2) Any person desiring the approval referred to in subsection (1) must provide the Council with evidence to the effect that –
- (a) the water referred to in subsection (1) complies, whether as a result of treatment or otherwise, with the requirements of SABS 241: Drinking Water; or
 - (b) the use of such water does not or will not constitute a danger to health.
- (3) An approval given in terms of subsection (1) may be withdrawn if –
- (a) a condition imposed in terms of subsection (1) is breached; or
 - (b) the water quality no longer conforms to the requirements referred to in subsection (2).
- (4) The Council may take samples of water obtained from a source, other than the water supply system, and cause the samples to be tested for compliance with the requirements referred to in subsection (2).
- (5) The determined charge for taking and testing of the samples referred to in subsection (4) must be paid by the person to whom approval was granted in terms of subsection (1).
- (6) If water obtained from a borehole or other source of supply on any premises is used for purpose which gives rise to the discharge of such water or a portion thereof into the Council's sewage system, the Council may install a meter in the pipe leading from such borehole or other source of supply to the point or points where it is so used, and the provisions of section 21 apply insofar as they may be applicable in respect of the meter.

CHAPTER 7: ENFORCEMENT**120. Responsibility for compliance with By-laws and offences**

- (1) The owner of premises is responsible for ensuring compliance with these By-laws in respect of all or any matters relating to any water and sanitation installation, and should an owner contravenes a provision with which he or she must comply, he or she commits an offence.
- (2) The customer is responsible for compliance with these By-laws in respect of matters relating to the use of any water and sanitation installation, and should a customer contravenes a provision with which he or she must comply, he or she commits an offence.

121. Notice of compliance and representations

(1) The Council may, by a notice of compliance, which must be in writing, order an owner, customer or any other person who fails, by act or omission, to comply with the provisions of these By-laws or to any condition imposed there under to remedy such breach within a period specified in the notice, and the notice must specify –

- (a) the name and residential and postal address, if either or both of these be known, of the affected person;
- (b) the provision which has not been complied with in terms of these By-laws;
- (c) in sufficient detail to enable compliance with the notice, the measures required to remedy the situation;
- (d) that the person must within a specified time period take the measures to comply with the notice, to diligently continue with the measures, and to complete the measures before a specified date;
- (e) that failure to comply with the requirements of the notice within the period contemplated in paragraph (d) is an offence; and
- (f) that written representations, as contemplated in subsection (3), may within the time period stipulated under paragraph (d) above, be made to the Council at a specified place.

(2) The Council, when considering any measure or time period envisaged in subsection (1) (c) and (d), must have regard to –

- (a) the principles and objectives of these By-laws;
- (b) the nature of non-compliance; and
- (c) any other relevant factors.

(3) A person may, within the time period contemplated in paragraph (1) (f), make representations, in the form of a sworn statement or affirmation to the Council at the place specified in the notice.

(4) Representations not lodged within the time period will not be considered, except where the person has shown good cause and the Council condones the late lodging of the representations

(5) The Council must consider the representations and any response thereto by an authorized official or any other person, if there be such a response.

(6) 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 person, 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.

(7) The Council must, after consideration of the representations and response, if there be such a response, make an order in writing and serve a copy of it on the person.

(8) The order must –

(a) set out the findings of the Council;

(b) confirm, alter or set aside in whole or in part, the notice of compliance; and

(c) specify a period within which the person must comply with the order made by the Council.

(9) If the notice of compliance is confirmed, in whole or in part, or is altered but not set aside, the Council will inform the person that he or she –

(a) must discharge the obligations set out in the notice; or

(b) may elect to be tried in court.

(10) If the person elects to be tried in court he or she must, within seven calendar days, notify the Council of his or her intention to be so tried.

(11) If the person does not elect to be tried in court, he or she must, within the prescribed manner and time discharges his or her obligations under the order.

(12) Where there has been no compliance with the requirements of a notice, the person commits an offence, and the Council may take such steps as it deems necessary to remedy the situation and the costs thereof must be paid to the Council in accordance with section 122.

122. Costs

(1) Should an owner or customer fail to take the measures required of him or her by notice, the Council may, subject to subsection (3) recover all costs incurred as a result of it acting in terms of paragraph (12) from that person.

(2) The costs claimed must be reasonable and include, without being limited to, costs relating to labour, electricity, water, equipment, administrative and overhead costs.

(3) If more than one person is liable for costs incurred, the liability must be apportioned among the person concerned according to the degree to which each was responsible for the situation existing.

(4) Costs that are incurred by the Council when it does alterations or other works may be recovered from the person on whom the notice was served, or if a deposit has been paid, the costs may be deducted from the deposit.

123. Notice of contravention

(1) The Council may serve a notice of contravention on a person who has committed an offence in terms of these By-laws.

(2) A notice contravention must –

- (a) specify, at the time when the notice is issued, the name and residential and postal address, if either or both of these be known, of the person on whom the notice is served;
- (b) state the particulars of the offence;
- (c) specify the amount of the penalty payable in respect of that offence and the place where the penalty may be paid; and
- (d) inform the person that he or she may, within 30 calendar days of the date of service of the notice –
 - (i) pay the penalty; or
 - (ii) inform Council in writing that he or she elects to be tried in court on a charge of having committed the offence.

(3) If a person elects to be tried in a court he or she must, within 7 calendar days, notify the Council of his or her intention.

CHAPTER 8: MISCELLANEOUS PROVISIONS

124. Provision of information

An owner, occupier, customer or person within the area of supply of the Council must provide the Council with accurate information requested by the Council that is reasonably required by the implementation or enforcement of these by-laws.

125. Appeal

(1) A person whose rights are affected by a decision of an official may appeal against that decision by giving written notice of the appeal and reasons to the Council within 21 days of the date of notification of the decision.

(2) The municipal manager must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may distract from any rights that may have accrued as a result of the decision.

- (3) When the appeal is against a decision taken by –
- (a) a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority;
 - (b) the Municipal Manager, the Executive Mayor is the appeal authority; or
 - (c) a political structure or political officer bearer, or a Councilor Council is the appeal authority.
- (4) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.

126. Authentication and service of notices and other documents

- (1) A notice or other document requiring authentication by the Council must be signed by the municipal manager or by a duly authorized officer of the Council or by a By-law or regulation, and when issued by the Council in terms of these By-laws is deemed to be duly issued if it 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 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 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), (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 property or premises, if any, to which it relates;
 - (f) in the event of body corporate, when it has 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 e-mail address.
- (3) Service of a copy is deemed to be service of the original.

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

(5) Any legal process is effectively and sufficiently served on the Council when it is delivered to the municipal manager, or a person in attendance at the municipal manager's office.

127. Offences

A person commits an offence if he or she –

(a) obstructs or hinders the Council in the exercising of the powers or performance of functions or duties under these By-laws;

(b) uses, tampers or interferes with the Council's equipment, the water supply system, sanitation system and reticulation network or consumption of services rendered;

(c) contravenes or fails comply with a provision of these By-laws other than a provision relating to payment for municipal services;

(d) fails to comply with the terms of a notice served upon him or her in terms of these bylaws;

and is liable upon conviction to fine of R4000,00 or to a period of imprisonment or community service not exceeding 4 months, or in the event of a continued offence to a further fine of R2000,00 for every day during the continuance of such offence.

128. Prima facie evidence

In legal proceedings by or on behalf of the Council, a certificate reflecting the amount due and payable to the Council, under the hand of the municipal manager of the Council, or suitably qualified staff member authorized by the municipal manager of the Council, shall upon mere production thereof be accepted by any court of law as prima facie evidence of the indebtedness.

129. Power of entry and inspection

(1) The Council may enter and inspect any premises for any purpose connected with the implementation or enforcement of these By-laws, at all reasonable times, after having given reasonable written notice to the occupier of the premises of the intention to do so.

(2) Any entry and inspection must be conducted in conformity with the requirements of the Constitution of South Africa Act, 1996 (Act 108 of 1996), and any law and, in particular, with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.

(3) The Council may be accompanied by an interpreter and any other person reasonably required to assist the authorized official in conducting the inspection.

(4) A person representing the Council must, on request, provide his or her identification.

130. Indemnification from liability

Neither employees of the Council nor any person, body, organization or corporation acting on behalf of the Council is liable for any damage arising from any omission or act done in good faith in the course of his or her duties.

131. Exemption

(1) Subject to all the provisions set out below in these By-laws, the Council may, in writing exempt an owner, customer, any person or category of owners, customers or other person from complying with a provision of these By-laws, subject to any conditions it may impose, if it is opinion that the application or operation of that the application or operation of that provision would be unreasonable, however, the Council shall not grant exemption from any section of these By-laws that may result in –

- (a) the wastage or excessive consumption of water;
- (b) the evasion or avoidance of water restrictions;
- (c) significant negative effects on public health, safety or the environment;
- (d) the non-payment for services;
- (e) the installation of pipes and fittings which are not approved by or on behalf of the Council in terms of these by-laws; and
- (f) the Act, or any regulations made in terms thereof, is not complied with.

(2) The Council may at any time after giving written notice of at least 30 days, withdraw any exemption given.

(3) The Council must review all exemptions quarterly.

(4) The Council must consider an submission for exemption at the next ensuing Council meeting immediately following receipt of a submission and should the Council fail to address the issue and take a resolution, then and in that event the applicant for exemption may appeal to the Member of the Executive Committee of the Provincial Government charged with the administration of local government affairs ("the MEC") to intervene in the matter.

132. Availability of By-laws

(1) A copy of these By-laws must be included in the Council's Municipal Code as require in terms of section 15 of the Systems Act, 2000 (Act 32 of 2000).

(2) A copy of these BY-laws must be available for inspection at the offices of the Council at all reasonable times.

(3) A copy of these By-laws may be obtained against payment of a prescribed fee from the Council.

133. Conflict of law

If there is any conflict between these By-laws and any other by-laws of the Council or Local Municipality, these By-laws prevail.

134. Transitional arrangements

(1) Installation work authorised by the Council prior to the commencement date of these By-laws or authorized installation work in progress on such date is deemed to have authorized in terms of these By-laws and the Council may for a period of 90 days after the commencement of these By-laws authorized installation work in accordance with the by-laws that regulated such work immediately prior to the promulgation of these By-laws.

(2) Any reference in these BY-laws to a charge determined by the Council is deemed to be a reference to a charge determined by the Council under the laws repealed by section 135, until the effective date of any applicable charges that may be determined by the Council in terms of these By-laws or the Council's Customer Care and Revenue Management By-laws, 2005, and any reference to a provision in the laws repealed by section 135 deemed to be a reference to a corresponding provision in these By-laws.

(3) Any approval, consent or exemption granted under the laws repealed by section 135 remains, save for the provisions of subsection (3), valid.

(4) No customer is required to comply with these By-laws by altering a water installation or part thereof which was installed in conformity with any laws applicable immediately prior to the commencement of these by-laws, however, if on the opinion of the Council, the installation or part thereof is so defective or in such a condition or position as to cause waste or undue consumption of water, pollution of the water supply or health hazard, the Council may by notice require the customer to comply with the provisions of these By-laws.

(5) Notwithstanding the provisions of section 115, no flushing urinal that is not user-activated may be installed or continue to operate in any water installation, and all flushing urinals that are not user-activated installed before these By-laws commence, must be converted to user-activated urinals within two years of the commencement of these by-laws.

135, Repeal of existing water services by-laws

The provisions of any by-laws of Local Municipalities relating to water supply services and sanitation services by the Council are hereby repealed insofar as the relate to matters provided for in these by-laws.

136. Short title and commencement

(1) These By-laws may be cited as the Water Supply and Sanitation Services By-laws of the Highlands Municipal Council.

(2) The Council may, by notice in the Provincial Gazette, determine that the provisions of these Bylaws, listed in the notice, do not apply in certain areas within its area of jurisdiction listed in the notice from a date specified in the notice, and until any notice is issued, these By-laws apply.

LOCAL AUTHORITY NOTICE 62 OF 2016

EMAKHAZENI LOCAL MUNICIPALITY



LIVESTOCK MARKET BY-LAWS

Under the provisions of sector 156 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), the Emakhazeni Local Municipality, enacts as follows:-

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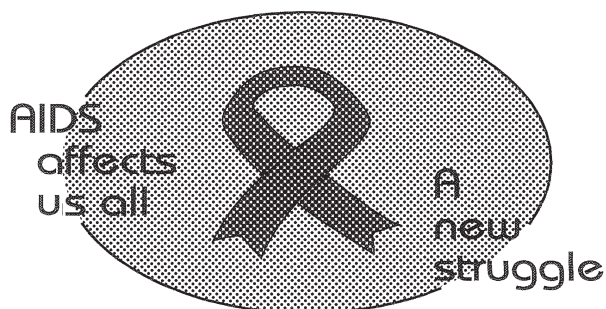
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Schedule

1. Interpretation

In this Chapter, unless the context otherwise indicates –

“Council” means the Highlands Municipal Council;

“large stock” means horses, mules, asses, bulls, oxen, cows, heifers and calves;

“livestock” means horses, mules, asses, bulls, oxen, cows, heifers, calves, sheep, goats, swine, poultry, ostriches and other animals or birds for human consumption or of a domestic character;

“livestock market” means any livestock market provided by the Council;

“market master” means the person appointed in terms of section 5.

“public health management inspector” means the official appointed by the Council in terms of the Public Health: Food handling Facilities By-laws, 2004 and for these purposes includes the market master appointed in terms of section 5;

“small stock” means all livestock excluding large stock;

2. Principles of objectives

The Highlands Municipal Council, acting under the Constitution and within the framework of national legislation such as environmental and health legislation, and –

- a) taking into account the historic inequalities in the management and regulation of activities that may have an adverse impact on public health and that the need exists to redress these inequalities in an equitable and non-discriminatory manner;
- b) realizing the need to adopt a long-term perspective that takes into account the interests of future generations; and
- c) realizing that all person within the municipal area have the right to free economic participation;

Accepts its duties as custodian of the interests of all people residing in the municipal area, and aims to develop a set of principles and regulations that will apply to all livestock markets within the municipal area, to thus provide an effective legal and administrative framework which enables the Council to regulate and manage, in an open and responsible manner and in accordance with the principles of these by-laws all activities and matters relating to livestock markets, and to make provisions on the duties of the people who make use of livestock markets.

3. Application of by-law

These by-laws to all markets where livestock is sold in the Highlands municipal area, but do not apply to the sale of livestock by the market master hours.

4. Legislative framework

These By-laws fall within the legislative framework of the –

- Diseases of Stock Act, 1911 (Act No. 14 of 1911);
- Licences Consolidation Act, 1925 (Act No. 32 of 1925);
- Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);
- Promotion of Administrative justice Act, 2000 (Act No. 3 of 2000); and
- Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000)

5. Establishment of livestock markets and control of livestock markets

- 5.1. The Council may from time to time establish live stock markets and set aside such site or sites or as it may think fit and erect such livestock kraals thereon for the purpose of holding sales of livestock thereat, and may for the purpose of control and administration of livestock markets adopt, from time to time, such regulations as it may deem expedient.
- 5.2. The Council must appoint a market master, who must be under the direct supervision of the public health management inspector to be in charge of the administration of s livestock market.

6. Sales by auction

- 6.1. All sales must take place by auction, and no sale is allowed out of hand at a livestock market.
- 6.2. A person who contravenes subsection (1) commits an offence.

7. Auctioneer

- 7.1. No person may conduct any sale at the livestock market unless he or she be duly licensed as an auctioneer under the Licences Consolidation Act 1925, and has applied for and obtained the written authority of the Council to conduct such sale.
- 7.2. No person may within the municipality conduct any sale of livestock at any place other than the livestock market, unless he be duly licensed as an auctioneer under the Licences Consolidation Act, 1925, and has applied for and obtained the written authority of the Council to conduct such sales.

- 7.3. A person contravenes subsection (1) or subsection (2) commits an offence.

8. Booking fee

- 8.1. The Council may from time to time prescribe a booking fee for use of the kraals.
- 8.2. Each person firm, society or company usually conducting sales at the livestock market, must pay to Council in advance the prescribed booking fee as set fourth in the Schedule to these by-laws, and at the time of the annual payment the Municipal Manager must be notified in writing of the days in each months for which the exclusive use of the kraals is desired.

9. Use of kraals not booked

- 9.1. Any person, firm, society or company who has not booked the kraal in terms of the provisions of section 8 may use the kraals upon payment in advance of the prescribed booking fee as set forth in the Schedule to these by-laws.

10. Payment of fees

In addition to the booking fees payable under section 8 and 9, every person, firm society or company conducting sales at the livestock market must pay to the Council the fees as set fourth in the Schedule to these by-laws.

11. Conflict of dates

In the event of a dates and times for the use of the kraals by various applicants, the Council has the right to allocate and determine the dates and times to applicants, provided that in such event applicants booking the said kraals in terms of section 8 may be given preference over those in terms of section 9.

12. Certificate

When stock is brought on to the livestock market for sale, the Council may demand from the owner of such stock a certificate stating the number and description of such stock and the name of the owner thereof.

13. Hours

- 13.1. The hours for the commencement of each sale must be fixed for the auctioneer concerned and notice to that effect must be posted on the market notice board.

- 13.2. No sales may be made before the hours fixed for the commencement of sales, nor may any stock be handled on any pretext whatever, before such hours, except by the exposor or owner.
- 13.3. All persons, except duly authorized officials of the Council, must leave the livestock market within a reasonable time after the hours of closing.
- 13.4. A person who contravenes subsection (2) or subsection (3) commits an offence.

14. Opening times

The gates of the livestock market must be open for the reception, penning and trying up of stock at such hours as the Council may from time to time determine.

15. Ringing of bell

- 15.1. The auctioneer may ring a bell at the commencement and closing of sales and no other person may ring a bell in the livestock market for the purpose of calling the attention of the people attending thereat, to any matter whatsoever.
- 15.2. A person who rings a bell in contravention of subsection (1) commits an offence.

16. Sunday and public holiday

The livestock market must be closed on Sunday and public holidays, and the Council is, subject to the provisions of sections 8 and 9, entitled to close the livestock market on such day or days.

17. Removal of livestock

All livestock must be removed from the kraals before 6 p.m. on the day following the day of the sale, and the hiring fees as set out in the Schedule must be paid in advance for any animal which it is desired to keep in the kraals after the said time, and if the fees is not paid as the stipulated above, the animals will be impounded.

18. Diseased animal

- 18.1. Any animal or animals suspected to be suffering from any disease, must be tied up, penned or removed from the livestock market by the owner or person in charge thereof as directed by the public health management inspector or other authorized official of the Council.
- 18.2. A person, firm, society or company bringing into the livestock market any animal suffering from an contagious disease is liable, in addition to any action which may be taken under the Diseases is liable, in addition to any action which may be taken under Diseases of Stock Act, 1911 for all expenses incurred in cleaning and disinfecting the livestock market.
- 18.3. A person who contravenes subsection (1) commits an offence.

19. Damage to animal

The Council is not liable for any damage to animals caused neither by other animals, nor for any loss or injury which may occur under any circumstances whatsoever to animals whilst in the livestock market, whether left there for sale or storage purposes.

20. Damage to market

20.1. No person may cause any damage to the fencing or fittings of the livestock market, nor may any person climb over, under or through any fence within or around the livestock market.

20.2. A person who contravenes subsection (1) commits offence.

21. Bull and dangerous animal

21.1. Each bull and other dangerous animal must be led to, from and into the livestock market by means of a chain or rope of adequate strength and must be tied up with the chain or rope and be under the continuous supervision of the person or persons responsible for attending the bull or other dangerous animal.

21.2. A person who contravenes subsection (1) commits an offence.

22. Ill- treatment of animal

22.1. No person shall, within the livestock market, ill-treat any animal.

22.2. A person who contravenes subsection (1) commits an offence.

23. Entry to market

23.1. No person shall enter the livestock market except on business, and no person shall stand or loiter at or about the entrance gate to the livestock market.

23.2. A person who contravenes subsection (1) commits an offence.

24. Directions by market master

24.1. Every person in the livestock market must comply with every reasonable direction of the market master or other authorized official of the Council in respect of the regulation of the use of the livestock market, the prevention of nuisances, and unnecessary noises therein, and the prevention of damage to the said kraals by stock kept therein or by any other cause whatsoever.

24.2. A person who does not comply with such direction commits an offence.

25. Letting of Kraals

The Council may, on prepayment of the fees prescribed in item 5 of the Schedule, let the kraals to anyone wishing to hire the kraals for a period or period for the purpose of keeping animals, subject to the provision that during such period or periods the kraals are not required for the purpose of livestock sales as set out in these by-laws.

26. Penalties

A person who has committed an offence in terms of these by-laws is, on conviction, liable to a fine, or default of payment, to imprisonment for a period not exceeding XX months, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment for a period not exceeding XX months.

27. Revocation of by-laws

The Municipality of XXX Livestock Market By-laws, No.XX of XX are hereby repealed.

28. Short title and commencement

These By-laws may be cited as the Highlands Live stock Market By-laws, and shall commence on a date determined by resolution by the Council.

SCHEDULE

1. Fees payable in terms of section 8: R120 per annum with a maximum of 4 auctions days per months and a further R12 per day for every auction day in excess of the first 4 auction days in any month.
2. Fees payable in terms of section 9: Per sale, per day: R20.
3. Fees payable in terms of section 10: 0, 5% of the gross turnover of the auction per auction day, with a minimum of R80 per auction day.
4. Fees payable in terms of section 17 and section 25:
 - a) Large stock: Per 24 hours or part thereof, per head: 3c.
 - b) Small stock: Per 24 hours or part thereof, per head:
5. Renting of refreshment room at the kraals: Per auction day or part thereof: R10.

LOCAL AUTHORITY NOTICE 63 OF 2016

EMAKHAZENI LOCAL MUNICIPALITY



**HERITAGE RESOURCES AND CULTURAL INSTITUTIONS
BY-LAWS**

Under the provisions of section 156 of the Constitution of the Republic of South African, 1996 (Act 108 of 1996), the Emakhazeni Local Municipality, enacts as follows:-

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Schedules

1. Interpretation

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

"Council" means the Highlands Municipal Council;

"cultural institution" means a museum, theatre, lecture room and similar institutions established in terms of section 25 of these By-laws;

"heritage and cultural facility" means a –

- a) heritage site as defined in section 1 of the National Heritage Resources Act, 1999 (Act No.25 of 1999);
- b) a place of cultural significance as identified by a badge or in a notice board contemplated in section X; and
- c) cultural institution,;

"official" means a person appointed in accordance with the provisions of section 2,

And any other word or expression to which a meaning has been assigned in the Cultural Promotion Act, 1983 (Act No. 35 of 1983), Cultural Affairs Act (House of Assembly), 1989 (Act No. 65 of 1989), National Arts Council Act, 1997 (Act No. 56 of 1997), Cultural Institutions Act, 1998 (Act No. 25 of 1999), carries that meaning.

2. Principles and objectives

The Council, acting within framework of the principles, and striving to realize the objectives expressed in the Acts contemplated in section 4, hereby adopts these By-laws to protect, manage and control those sites and objects of the national estate, as set out in section 3 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), entrusted to it under section 26 (1) (f) of said Act, and those cultural institutions established by the Council in terms of section 25 of these By-laws.

3. Application

These By-laws apply to those cultural institutions which the Council has established in terms of section 25, and those heritage resources, heritage sites and heritage objects to which powers and functions of a heritage resource to which powers and functions of a heritage resources authority were delegated in terms of section 26 (1) (f) of the Act, 1999 in respect of such Grades as contemplated in section 7, within the Highlands municipal area.

4. Legislation specifically referred to

These By-laws refer specially to the –

- a) Cultural Promotion Act, 1983 (Act No. 35 of 1983);
- b) Cultural Affairs Act (House of Assembly), 1989 (Act No. 65 of 1989);
- c) Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);
- d) National Arts Council Act, (Act No. 56 of 1997);
- e) Cultural Institutions Act, 1998 (Act No. 119 of 1998); and
- f) National Heritage Resources Act, 1999 (Act No. 25 of 1999).

CHAPTER 1: GENERAL PROVISIONS

5. Number of visitors

For the purpose of protecting and managing the heritage and cultural facilities and heritage objects contemplated in these By-laws, the Council may by resolution determine –

- a) the maximum number of a persons who or, where applicable, vehicles which may be present at a specific time in or at a heritage and cultural facility; and
- b) different numbers of persons or , where applicable, different classes of vehicles, as contemplated in paragraph (a) , for different heritage and cultural facilities,

In respect of those heritage resource or heritage site which the council, in terms of National Heritage Resources Act, 1999 (Act No. 25 of 1999) or any other law, may establish, protect or manage, and those cultural institutions which the Council has established in terms of section 25 of these By-laws.

6. Admission to heritage and cultural facility

- 6.1. A heritage and cultural facility is open to the public at the times, dates and subject to such conditions regarding the entry to and activities that may be undertaken upon the heritage and cultural facility, as determined by the Council by resolution in respect of different heritage and cultural facilities, including conditions regarding the driving of a motor vehicle and different classes of motor vehicles in heritage sites.
- 6.2. The Municipal Manager may from time to time grant to any person or person, during such hours and for such period as he or she may deem fit, the exclusive use of a heritage and cultural facility.
- 6.3. The heritage authority or the Council may by resolution for reasons of maintenance, development, security, safety or public healthy, temporarily or permanently –
 - 6.3.1. close a heritage and cultural facility or a portion thereof; or
 - 6.3.2. suspend all or any activities thereon.
- 6.4. Where a person in a heritage and cultural facility has committed an offence in terms of these By-laws or any other law, an official may order such person to leave the heritage and cultural facility, and a person so ordered to leave –
 - 6.4.1 must forthwith leave the heritage and cultural facility by the shortest route available to the public;
 - 6.4.2 may not enter any heritage and cultural facility during the period of six months immediately succeeding the relevant order, unless –
 - the Municipal Manager has authorized him or her thereto in writing; or
 - he or she has not, within three months of being so ordered, been prosecuted and found guilty of an offence contemplated above.
- 6.5. Where an official on reasonable grounds suspects that a person wishing to enter a heritage and cultural facility intends to commit an offence in terms of these By-laws or any other law in or at the heritage and cultural facility, he or she may refuse entry to such person.
- 6.6. A person who fails to obey an order issued in terms of subsection (4) commits an offence.

7. Entrance fees

- 7.1. The heritage resource authority or the Council may by resolution levy different entrance fees and issue entrance tickets in respect of person of different classes of vehicles, which entitle such person, groups or vehicles (the "ticket holder") to

enter upon a heritage and cultural facility and grants concessions in respect of entrance fees payable.

- 7.2. An entrance fee is payable at the entrance to a heritage and cultural facility, except where another place is indicated on a notice board erected in terms of section 8 (1), and for each person, group or vehicle as contemplated in subsection (1).
- 7.3. An entrance ticket contemplated in subsection (1) is valid for the period, as contemplated in subsection (4) in respect of which an entrance fee has been paid.
- 7.4. An entrance fee contemplated in subsection (1) is payable in respect of each day or portion thereof during which a person, group or vehicle is or remains in heritage and cultural facility, provided that no fee is payable in respect of the day on which such heritage and cultural facility is left, heritage and cultural facility is left before 10:00 of such day and such day is not the day of arrivals in such heritage and cultural facility.
- 7.5. No fee contemplated in subsection (1) is payable, however, where the whole or any portion of the period in respect of which such fee has been paid has not been or cannot be utilized, the fee which has been paid in respect of each full day which has not been utilized may, with the approval of the Municipal manager, be repaid, and for the purposes of this subsection "full day" means a period of 24 hours commencing at 10:00 of any day.
- 7.6. An official may require any person in a heritage and cultural facility to produce forthwith to such official the entrance ticket issued to the person in terms of subsection (1), and a person who fails to produce such entrance ticket or person who enters a heritage and cultural facility without having paid the entrance fee as contemplated in subsection (1) commits an offence.

8. Notice boards

- 8.1. The heritage resource authority or, where applicable, the Council may erect a notice board at the entrance to or in the immediate vicinity of a heritage and cultural facility, on which any of the following are displayed:
 - 8.1.1. The times, dates and conditions contemplated in section 6(1);
 - 8.1.2. the fees payable in terms of section 7; and
 - 8.1.3. a notice relating to a resolution taken in terms of section 6(3),

However, where no such notice board has been so erected, and subject to the provisions of section 9, no activities may be undertaken upon the heritage and cultural facility.

- 8.2. No person other than an official or other person authorized to do so in these By-laws or other law may move or alter the contents of, and no person may deface or otherwise tamper with a notice board erected by the heritage resource authority or the Council in terms of these By-laws.

- 8.3. A notice posted by the heritage resource authority or the Council in terms of these subsection 8(1) -
- 8.3.1. must be clearly visible and readable;
 - 8.3.2. must be written in such language or languages as the heritage authority or the Council may determine; and
 - 8.3.3. may contain a graphic representation to convey meaning.
- 8.4. A person who enters a heritage and cultural facility in contravention of the times, dates and conditions contemplated in subsection (1) (a) and a resolution contemplated in subsection (1) (c), as displayed on a notice board, or who undertakes an activity upon a heritage and cultural facility as contemplated in subsection (1), or who contravenes a provision of subsection (2) commits an offence.

9. Consent required for certain activities

- 9.1. No person may, without the written consent of the Municipal Manager first having been obtained at, in or upon a heritage and cultural facility-
- 9.1.1. arrange, hold present or attend –
 - a) a public entertainment;
 - b) a meeting;
 - c) a public gathering or procession, exhibition or performance; or
 - d) an auction;
 - 9.1.2. from the general public, collect money or any other goods for charity or any other purpose;
 - 9.1.3. display or distribute a pamphlet, placards, painting, book, handbill or a painted, written or painted work;
 - 9.1.4. conduct any trade, occupation or business;
 - 9.1.5. display, sell or rent out present for sale or rent any wares or articles;
 - 9.1.6. tell fortunes for compensation;
 - 9.1.7. play any musical instruments or sign;
 - 9.1.8. have in his or her possession a firearm, air pistol, bow , knife, slingshot, or fireworks; or
 - 9.1.9. in any manner disturb such heritage and cultural facility.
- 9.2. No person may, without the written consent of the Municipal Manager first having been obtained bring into a heritage and cultural facility an alcoholic beverage, and Person who has obtained such consent may consume such beverage, at a designated area set aside for this purpose only.
- 9.3. No person may, without the written consent of the Municipal Manager first having been cook, prepare or sell, in a heritage and cultural facility, food of any kind, and a person who has obtained such consent may cook, prepare or sell such food at a designated area set aside for this cook, purposed only must ensure that the preparation and cooking of food is done in a clean and sanitary

manner so as not give rise to excessive smoke or other nuisance or entail any danger to health.

- 9.4. No person may, without the written consent of the Municipal Unit Manager having been obtained kindle a fire in a heritage and cultural facility, except for the purpose of barbecuing food, and a person who has obtained such consent such fire at a designated area set aside for this purpose only may not leave any fire which he or she has kindle or used without completely extinguishing the fire or the embers thereof.
- 9.5. No person may, without the written consent of the Municipal Manager first having been obtained erect or establish in or on a heritage and cultural facility any fence, structure, dam, shelter or anything else and a person and a person who has obtained such consent erect such fence, structure, dam, shelter or anything else, park such or pitch such tent at a designated area set aside for this purpose only.
- 9.6. No person may, without the written consent of the Municipal Manager first having been obtained bring into, have in his or her possession in a cultural facility a firearm.
- 9.7. A person who wishes to obtain the consent of the Municipal Manager contemplated in subsection (1),(2) or 27 (2) (f) of the Act, must complete and submit to the Municipal Manager a form similar to the form in Schedule 1, which schedule refers, and the Municipal Manager may refuse consent, or grant consent, which consent will be indicated on the above form, subject to any such conditions as he or she deems necessary and subject to the prescribed fee as contemplated in section 11 having been paid, and a person who wishes to sell food must, in addition to the provisions of any and applicable by- laws in force in the Highlands municipal area relating to-
 - 9.7.1. the licensing and control of undertakings that sell food to the public; or
 - 9.7.2. the hawing of food by street traders or pedlars.
- 9.8. A person who has been granted consent in terms of subsection (7) must at all times when undertaking an activity for which consent has been granted, keep the form in his or her possession, and must forthwith produce the form on request of an official.
- 9.9. A person who contravenes a provision of subsection (1) to (6) or (8) commits an offence.

10. Permit

- 10.1. Despite the provisions of section 5, 6(3), and 7 (1), the Municipal Manager may, on written application submitted to him or her in a form similar to the form in Schedule 2, which schedule refers, and subject to any such conditions as he or she may deem necessary to be imposed, issue a permit in a form similar to the form in Schedule 2, free of charge-

- 10.1.1. to a group of people, such as , but not limited to ,a group of bona fide students; or
- 10.1.2. to a person who is undertaking scientific, educational or similar research.
- 10.2. The holder of a permit issued in terms of subsection (1) or section 48 of the National Heritage Resources Act, 1999 must, on arrival at the heritage and cultural facility concerned, display such permit to the control official, and a person who fails to do so, commits an offence.
- 10.3. The holder of a permit who undertakes an activity in contravention of a condition imposed on him or her commits an offence.

11.Prescribed fees

The Council has determined the prescribed fees payable in terms of these By-law, which fees are stipulated in Schedule 3, and the Council may review such fees.

12.Animals

- 12.1. No person may in contravention of a notice board erected in terms of section 8(1) bring upon the heritage and cultural facility any animal.
- 12.2. A person who, in terms of a resolution taken in terms of section 6(1), is permitted to bring an animal upon a heritage and cultural facility, must have direct and physical control over the animal by means of a leash or other device, and may not bath or other device, and may not bath, wash or allow such animal to enter or remain in any pond, fountain or ornamental water
- 12.3. A person who contravenes a provision subsection (1) or (2) commits an offence.

13.Prohibited behavior

- 13.1. In addition to behavior which constitutes an offence in terms of section 51 (5) of the Act, no person –
 - 13.1.1. may loiter or linger about in a heritage and cultural facility if he or she –
 - a) leads the life of a loiter;
 - b) lacks and determinable and legal refuge;
 - c) leads a lazy, debauched or disorderly existence;
 - d) habitually sleeps in a public street, public place or on a private; or
 - e) habitually begs for money or goods or persuades others to beg for money or goods on his or her behalf;
 - 13.1.2. may bring into a heritage and cultural facility any drugs as defined in section 1 of the Drugs and drugs Trafficking Act, 1992 (Act No.140 of 1992);who –

- a) is in a state of intoxication or under the influence of any drug may enter or remain in, and such person shall not be admitted to a heritage and cultural facility;
- b) knows that he or she is suffering from a communicable disease as defined in section 1 of the Health Act 63 of 1977, may enter upon or remain in a heritage and cultural facility;

13.1.3. may in or at a heritage and cultural facility –

- break, damage, destroy, tamper with, misuse, disfigure or use in a manner contrary to a notice erected in respect of such heritage an cultural facility or heritage object, anything (whether movable or immovable), or remove such movable thing from the heritage and cultural facility, or fail to observe a notice which was erected by the Council in respect of such heritage and cultural facility or heritage and cultural facility or heritage object or fail to observe an instruction by a person permitted to manage and such heritage and cultural facility or heritage object;
- throw or roll down a rock, stone or object from a mountain, koppie, slope of cliff;
- pull out, pick, cut or damage any flora growing in the heritage and cultural facility, or have such flora in his or her possession;
- walk on a flowerbed;
- walk, stand, sit or lie on grass;
- write, paint, draw graffiti or a representation on a structure or path;
- excavate soil, sand or stone or remove organic or inorganic objects;
- interfere with water flow, obstruct water, divert a streams or drain a wetland;
- deface or disfigure anything on the heritage and cultural facility by pasting or affixing in any way any bills, papers place cards, notices or anything else;
- burn refuse so as to cause an unpleasant or offensive smell or the production of smoke nuisance;
- except in a container provided for that purpose dump, discard, drop, leave or place any litter, refuse, rubble, stone, sand, soil material, bottles, wood, metal, manure, offal, fish, filth or any object or thing or thing that may cause injure to any person or

- be prejudicial to the health of the inhabitants of the municipality, or permit to be done;
- misuse, pollute or contaminate in any way a water source, water supply, a dam or river with fuel, oil, garbage, offal, bilge, sewerage, refuse, stone, sand, soil or rubble of any kind;
 - wash any crockery or laundry or hang out clothes, except at places indicated by notice for that purpose;
 - use or try to use anything in such heritage and cultural facility for any purpose other than that for which it is designed or determined by notice;
 - throw away any burning or smoldering object;
 - behave or conduct himself or herself in an improper, indecent or unbecoming manner such as by making an improper gesture, inciting or urging someone to perform a disorderly or indecent act;
 - cause a disturbance, use foul, lewd, dirty or indecent language, behave or conduct himself or herself in an unruly or violent manner, fight, shout, argue, beg, sing, play musical instruments, use loud speakers, radio reception devices, television sets, or similar equipment, or perform any act with the purpose of disturbing the good order or which may constitute a danger or nuisance to others;
 - defecate, urinate or undress, except in such building or on premises intended for that purpose;
 - lie on a bench or seating place provided in the heritage and cultural facility or use it in such a manner that other users or potential users find it impossible to make use thereof;
 - swim, walk or play in a fish pond, fountain, dam, artificial feature or pond;
 - perform any act that may detrimentally affect the integrity of the heritage and cultural facility or of an heritage object;
 - enter or use a toilet facility intended or indicated as such by notice for a members of the opposite sex;
 - stay or sleep over night other than in terms of section 15;
 - hunt, injure, disturb, feed, kill, hurt, follow , disturb, ill-treat or catch an animal, or disturb, destroy or remove a bird, nest or egg, or skin or gut a live animal, except if authorized to do so under section 10 (2) (a);
 - fire a firearm, airgun or air pistol , except if necessary consent as contemplated in section 9 (6) has been obtained, or discharge a bow, firework or use a slingshot or catapult;

- in any way whatsoever prejudice the safety, convenience of rights of other persons;
- obstruct or interfere with any official appointed by the Council in the proper execution of his or her official duties;
- play or conduct a game of any nature whatsoever ;
- expose his or her body or clothe indecently; or
- discard of a burning or smoldering object may enter-or leave a heritage and cultural facility other than by way of the official entry and exit point;
- a heritage and cultural facility without having paid the entrance fees as contemplated in section 7 (1); or
- may release any wild animal, bird or flora into a heritage and cultural facility;

A person who contravenes a provision of subsection (1) commits an offence.

14.Vehicles

- 14.1. Where a person is permitted in terms of a resolution contemplated in section 6 (1) to drive a vehicle in a heritage site or a portion of a heritage site, he or she may not –
 - 14.1.1. travel with the vehicle elsewhere than on a road constructed by the heritage resource authority;
 - 14.1.2. drive the vehicle or cause or permit it to be driven at a speed in excess of the speed indicated on a notice board erected by the heritage resource authority in terms of section 8 (1); or
 - 14.1.3. wash, polish or repair a vehicle, except emergency repairs to a vehicle.
- 14.2. The provisions of subsection (1) do not apply to an emergency vehicle while lawfully in use as such, or a vehicle used in an emergency, or a vehicle used by an official in the discharge of his or her duties.
- 14.3. A person who contravenes a provision subsection (1) commits an offence.

15.Camping in heritage site

- 15.1. Where in terms of a resolution completed in section 6 (1) a person is permitted to camp in a heritage site, the person may camp in a designated area set aside for that purpose only.
- 15.2. A person who contravenes a provision of subsection (1) commits an offence.

16. Certain provisions do not apply to official

- 16.1. Those provisions in these By-laws that relate to the activities normally undertaken in a household, the contravention of which would otherwise constitute an offence in terms of these By-laws, do not apply to:
- 16.1.1. An official who lives on a heritage site;
 - 16.1.2. a relation of the official who lives with or visits him or her at his or her home, however the Council may from time to time determine the maximum number of visits per year by a relation; and
 - 16.1.3. a person who, at the request of the official, visits him or her in the heritage site, however the Municipal Manager may from time to time determine the maximum number of visits per year by a person

CHAPTER II: HERITAGE RESOURCES

17. Interpretation

In this Chapter, unless the context indicates otherwise, "**Act**" means the National Heritage Resource Act, 1999 (Act No. 25 of 1999), and any other word or expression has the meaning assigned to it the Act.

18. Principle of Chapter II

- 18.1. Those heritage resource of South Africa, and specifically falling within the Highlands municipal area, which are, which are of cultural significance or other special value for the present community and for future generations, are listed in subsection (2) and must be considered part of the national estate and fall within the sphere of operations of the Council as heritage resource authority
- 18.2. Without limiting the generality of subsection (1), the national estate may include-
- 18.2.1. places, buildings, structures and equipment of cultural significance;
 - 18.2.2. places to which oral traditions are attached or which are associated with living heritage;
 - 18.2.3. historical settlements and townscapes;
 - 18.2.4. landscapes and natural features of cultural significance;
 - 18.2.5. geological sites of scientific or cultural significance;
 - 18.2.6. archaeological and paleontological sites;
 - 18.2.7. graves and burial grounds, including –
 - ancestral graves;
 - royal graves and graves of traditional leaders;
 - graves of victims of conflict, including of persons connected with the liberation struggle and died in exile or as a result of the action of State security forces or *agents provocateur*;
 - graves of individuals designated by the Minister by notice in the Gazette;

- historical graves and cemeteries; and
 - other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No. 65 of 1983);
- 18.2.8. sites of significance relating to the history of slavery in South Africa;
- 18.2.9. movable objects, including –
- a) movable recovered from the soil or waters of South Africa, including archaeological objects and material, meteorites and rare geological specimens;
 - b) objects to which oral traditions are attached or which are associated with living heritage;
 - c) ethnographic art and objects;
 - d) military objects;
 - e) historical graves and cemeteries; and
 - f) other human remains which are not covered in terms of the Human Tissue Act, 1983 (Act No. 65 of 1983);
- 18.2.10. sites of significance relating to the history of slavery in South Africa;
- 18.2.11. movable objects, including –
- a) objects recovered from the soil or waters of South Africa, including archaeological and palaeontological objects and material, meteorites and rare geological specimens;
 - b) objects to which oral traditions are attached or which are associated with living heritage;
 - c) ethnographic art and objects;
 - d) military objects;
 - e) objects of decorative or fine art;
 - f) objects of scientific or technological interest; and
 - g) books, records, documents, photographic positives and negatives, graphic, film or video material or sound recordings, excluding those that are public records as defined in section 1(xiv) of the National Archives of South Africa Act, 1996 (Act No. 43 of 1996).
- 18.3. Without limiting the generality of subsections (1) and (2), a place or object is to be considered part of the national estate if has cultural significance or other special value because of –
- 18.3.1. its importance in the community, or pattern of South Africa's history;
 - 18.3.2. its possession of uncommon, rare or endangered aspects of South Africa's natural or cultural heritage;
 - 18.3.3. its potential to yield information that will contribute to an understanding of South Africa's natural or cultural heritage;
 - 18.3.4. its importance in demonstrating the principal characteristics of a particular class of South Africa's natural or cultural places or objects;
 - 18.3.5. its importance in exhibiting particular aesthetic characteristics valued by a community or cultural group;

- 18.3.6. its importance in demonstrating a high degree of creative or technical achievement at a particular period;
- 18.3.7. its strong or special association with a particular community or cultural group for social, cultural or spiritual reasons;
- 18.3.8. it's a strong or special association with the life or work of a person, group or organization of importance in the history of South Africa; and
- 18.3.9. sites of significance relating to the history of slavery in South Africa.

19. Powers and functions of Council

The Council has –

- 19.1. all such powers and functions of a heritage resources authority as delegated to it in terms of section 26 (1) (f) of the Act, 1999 in respect of such Grades as contemplated in section 7 of the Act, and such responsibilities and competence as contemplated in section 8 of the Act; and
- 19.2. such rights and duties as contemplated in section 9 of the Act, and hereby acts in accordance with the provisions of section 54 of the Act.

20. Procedure at meeting

- 20.1. When the Council intends to take a decision regarding –
 - 20.1.1. the administration and management of the national estate, the administration and management of which has been assigned or delegated to the Council; or
 - 20.1.2. a responsibility which has been assigned to the Council under section 7 of the Act, 1999,

Including a decision as contemplated in section 10 (1) of the Act; such decision must be taken in accordance with the general principles contemplated in section (2).

- 20.2.1. The decision must be consistent with the principles or policy set out in section 5 or prescribed in section 6 of the Act.
- 20.2.2. A meeting at which a decision is to be taken, must be open to the public and the agenda and minutes must be available for public scrutiny, however, when there are good reasons to do so, a matter may, by decision of a majority of members present, be declared confidential and the discussion and minutes may be expected from public scrutiny.
- 20.2.3. A person who may be affected by a decision has the right of appearance at the meeting.
- 20.2.4. Written reason must be given for any request.

21. Formal protection of privately owned heritage sites

- 21.1. In the instance where a heritage sites has not been put under the control of the Council in terms of the Act, the Council may formally protect the site in a manner contemplated in part 1 of Chapter II of the Act, And may, with the consent of the owner of the site, make regulations with the consent of the site, make regulations with the aim of –
- 21.1.1. safeguarding the site from destruction, damage , disfigurement, excavation or alteration;
 - 21.1.2. regulating the use of the site;
 - 21.1.3. imposing conditions for any development of the site; and
 - 21.1.4. regulating the admission of members of the public to site, and the fees payable for such admission.
- 21.2. The Council may, by agreement with the owner of heritage site –
- 21.2.1. conserve or improve the sit;
 - 21.2.2. construct fences, walls or gates around or on the site;
 - 21.2.3. acquire or construct and maintain an access road to the site over any land, and construct upon such land fences, walls or gates;
 - 21.2.4. erect sings on the near the site; or
 - 21.2.5. obtain all re production rights either in two or three dimensions.

22. Protection and management of protected areas, heritage areas and heritage objects

- 22.1. The Council must make provision in its planning scheme to provide for the protection and management, and in these by laws provide for the protection and management of –
- 22.1.1. a protected area, in accordance with section 28 (5) and (6) of the Act;
 - 22.1.2. a heritage resource listed in terms of section 30 (3) of the Act and subject to the provisions of said section;
 - 22.1.3. a heritage area designated in terms of section 31(5) of the Act; and
 - 22.1.4. heritage objects as contemplated in section 32 of the Act.
- 22.2. The Council shall protect and manage the areas, resources and objects contemplated in subsection (1) in accordance with the provisions of Chapter II of the Act, and may for these purposes enter into any heritage agreement contemplated in said Chapter, or issue any permit contemplated in Chapter III of the Act, and may provisionally protect a heritage source in accordance with the provisions of section 31 of the Act

CHAPTER III: CULTURAL INSTITUTIONS

23. Interpretation

In this Chapter, unless the context indicates otherwise –

“Acts” means the –

- Cultural Promotion Act, 1983 (Act No. 35 of 1983);
- Cultural Affairs Act (House of Assembly), 1989 (Act No. 65 of 1989); and
- Cultural Institutions Act, 1989 (Act No. 119 of 1998), and regulations made under said Acts;

“living heritage” has the meaning assigned to it in section 1 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999);

“presentation” has the meaning assigned to it in section 1 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

24. Principles and objectives of Chapter III

The Council, acting within the framework of, and in the spirit which pervades, and striving to realize the objectives which are expressed in the Cultural Promotion Act, 1983 (Act No. 35 of 1983), Cultural Affairs Act (House of Assembly), 1989 (Act No. 65 of 1989), National Arts Council Act, 1997 (Act No. 56 of 1997) and the cultural Institutions Act, 1998 (Act No. 119 of 1998), adopts this Chapter with the aim of regulating such cultural institutions and activities as are falling within its competency, and further to –

- 24.1. preserve, develop, foster or extend culture as it finds expression in the municipal area in particular by means of non-formal out-of-school education of adults and youthful person in the following fields:
 - 24.1.1. the visual arts, music and literary arts;
 - 24.1.2. the acquisition, in popular fashion, of knowledge of the applied, natural and human sciences;
 - 24.1.3. the utilization of leisure, including physical recreative activities which are of such a nature as not be courses of training with a view to participating in competitions;
 - 24.1.4. such other fields as the minister may from time to time determine;
- 24.2. to provide, and encourage the provision of, opportunities for person to practice the arts;
- 24.3. to promote –

- 24.3.1. the appreciation, understanding and enjoyment of the arts;
- 24.3.2. the general application of the arts in the community;
- 24.3.3. and uphold the right of any person to freedom in the practice of the arts;
- 24.3.4. and facilitate national and international liaison between individuals and institutions in respect of the arts; and
- 24.3.5. and develop the arts and to encourage excellence in regard to those;
- 24.3.6. to foster the expression of a national identity and consciousness by means of the arts;
- 24.3.7. to give the historically disadvantaged such additional help and resources as are required to give them greater access to the arts; and
- 24.3.8. to address historically imbalances in the provision of infrastructure for the promotion of the arts.

25. Council to establish and maintain cultural institutions

- 25.1. The council may, in the spirit of the Acts, by resolution-
 - 25.1.1. establish, acquire, erect, construct, carry on , assist or promote within the area under its jurisdiction, such cultural institutions as it may deem necessary to realize the objectives of said Acts, and must maintain such and existing cultural institutions; and
 - 25.1.2. establish, maintain, carry on, or contribute to bands and orchestras for musical performances in public places or municipal halls, and generally provide musical entertainment in such place or halls, and make charges in connection therewith, and hereby carries on, assists and promotes the cultural institutions stipulated in Schedule 4.
- 25.2. The Council, when incurring expenditure in respect of acting in terms of subsection (1), must do so within its budgetary limits.
- 25.3. The Council may at a cultural institution-
 - 25.3.1. make presentations, give lectures or performances of cultural significance or otherwise, whether relating to the living heritage or not, and make charges therefore; and
 - 25.3.2. sell, let, distribute or in any other manner dispose of any catalogue, publication, reproduction, postcard, colour slide, film, photo or any other item which is related to the activities of such cultural institution.

26. Cultural committee

- 26.1. The Council must appoint a cultural committee, the membership and constitution of which is to be decided upon by the Council, to oversee the general management and control of cultural institutions completed in section 25.
- 26.2. When appointing the members of a cultural committee, the Council must have regard to the underlying principles and objectives of the Acts, and must appoint

persons who have the necessary expertise, knowledge and who are suitably qualified to make a constructive input to the committee's discussions.

- 26.3. The official appointed in terms of section 27 must fulfill such functions and duties as assigned to him or her by the cultural committee, and must report to the cultural committee at such times and on such matters as the cultural committee may by resolution decide.

CHAPTER IV : MISCELLANEOUS PROVISIONS

27. Enforcement officials

- 27.1. The Council must within its powers contemplated in section 19 (a) appoint an official as Heritage Inspector as contemplated in section 50 of the National Resources Heritage Act, 1999, and such officials has such powers, duties and functions as delegated to it in terms of said section.
- 27.2. The Council must appoint an official as Cultural inspector, which inspector may be the same official appointed in terms of subsection (1), to implement and manage the provisions of the provisions of these By-laws and such official has such powers, duties and functions as delegated to him or her by the Council, and a person commits an offence if he or she –
- 27.2.1. assaults, resists, obstructs, hinders, delays or interferes with an official in the exercise of his or her powers or the performance of his or her duties or functions or in any other way attempt to prevent the exercise of such powers or the performance of such duties or functions;
- 27.2.2. offers any inducement to an official or makes any threat, whether of violence or otherwise, in relation to such official or a member of his or her family or a person dependent on him or her or her property in order to persuade or prevent such official from exercising any of his or her powers or performing any of his or her duties or functions;
- 27.2.3. not being an official, by words, conduct or demeanor pretends that he or she is an official; or
- 27.2.4. not being an official, wears a uniform or part of uniform or an insignia designed and intended for use by an official of the Highlands Municipality, or an imitation of such uniform or insignia.

28. Costs

Should a person through his or her actions or activities in a cultural institution, including any appurtenances in the cultural institutions, or in respect of anything contained in a cultural institution necessitate the Council to incur expenses, such as replacement or repair, for any damage in respect of such institution or thing, the Council may recover all costs incurred from that person, and 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 damage.

29. Penalties

- 29.1. A person who has committed an offence in terms of section 51 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999), is on conviction liable to such penalty as stipulated in section 51 (2) or (3), whichever is applicable, of the Act.
- 29.2. A person who has committed an offence in terms of these By-laws is, on conviction, and subject to penalties prescribed in any other law, liable to a fine, or in default of payment, to imprisonment for a period not exceeding six months, or to such imprisonment without the option of 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 for a period not exceeding one month.

30. Authentication and services of notices and other documents

- 30.1. A notice issued by the Council in terms of these By-laws is deemed to be duly issued if it is signed by an authorized official.
- 30.2. Any notice or other document that is served on a person in terms of these By-laws is regarded as having been duly served –

These By-laws are regarded as having been duly served –

- when it has been delivered to that person personally;
 - 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;
 - 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;
 - if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
 - if that person's address and agent or representative in the Republic is unknown, when it has been posted in the Republic is known, when it has been posted in a conspicuous place on the land or business premises to which it relates;
 - in the event of a body corporate, when it has been delivered at the registered office of the business premises of the body corporate; or
 - when it has been delivered, at the request of that person, to his or her e-mail address.
- 30.3. Service of a copy is deemed to be service of the original.
- 30.4. When any notice or other document is served on the owner,

Occupier, or holder of any property, or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupiers, or holder of the property or right in question, and it is not necessary to name that person .

31. Appeal

- 31.1. A person whose rights are affected by a decision of an 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.
- 31.2. 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.
- 31.3. When the appeal is against a decision taken by –
 - 31.3.1. a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority;
 - 31.3.2. the Municipal Manager, the Executive Mayor is the appeal authority; or
 - 31.3.3. a political structure or political officer bearer, or a Councilor the Council is the appeal authority.
- 31.4. 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.

32. Conflict and repeal of by-laws

- 32.1. Should there be any conflict between these By- laws and other by –laws of Council, these By-laws prevail.
- 32.2. The provisions of any by-laws are hereby repealed insofar as they relate to matters provided for in these B-laws.

33. Short title and commencement

These By-laws may be cited as the Highlands Heritage Resources and Cultural Institutions By-laws, and commence on a date as determined by the Council and published in the provincial Gazette.

SCHEDULE 1**(Section 9 (7))****APPLICATION FOR CONSENT TO UNDERTAKE CERTAIN ACTIVITIES**

..... *(full name of applicant)*

Hereby applies in terms of the Highlands Heritage Resources and Cultural Institutions By-laws, 2004, for consent to undertake at

.....

(description of public amenity)

For the purpose of

.....

(give the reason why you wish to undertake the activity)

The activity of

.....

(full description of activity)

Date.....

Signed..... *(for applicant)*

.....

.....

.....

.....

(address of applicant)

CONSENT

Above-mentioned person is hereby granted consent to undertake the activity as specified public amenity.

CONDITION

.....

SIGNATURE OF COUNCIL

Name of Manager.....

Date.....

SCHEDULE 2**(Section 10(1))****APPLICATION FOR PERMIT**

..... *(full name of applicant)*

Hereby applies in terms of the Highlands Public Amenities By-laws, 2004, for a permit to undertake at

.....

(description of public amenity)

For the purpose of

.....

(give the reason why you wish to undertake the activity)

The activity

.....

(full description of activity such as the species and number or mass of the fauna or flora or the name or description of anything else and the number thereof in respect of which the permit is granted)

During

.....

(specify the date and time)

Date.....

Signed..... *(for applicant)*

.....

.....

.....

.....

(address of applicant)

PERMIT

Above-mentioned person is hereby granted a permit to undertake the activity as specified in the specified public amenity.

CONDITIONS

.....

.....

.....

(specify in the activities which the permit holder is allowed to undertake)

SIGNATURE OF COUNCIL

Name of Official.....

Rank.....

Date.....

SCHEDULE 3**(Section 11)****FEES**

1. Entrance fees (section7):

ABC Museum	RXX,xx per person
XYZ Site	RXX,xx per person/ vehicle
etc etc	

SCHEDULE 4**(Section 25)****CULTURAL INSTITUTIONS**

1. ABC Museum.
 2. XYZ Site.
- etc. etc.

LOCAL AUTHORITY NOTICE 64 OF 2016

EMAKHAZENI LOCAL MUNICIPALITY



FENCES AND FENCING BY-LAWS

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 Emakhazeni Local Municipality, enacts as follows:-

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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 Highlands 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

3.1. No person may, without the consent of the Council –

- 3.1.1. 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;
- 3.1.2. 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;
- 3.1.3. 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 –
 - a) 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;
 - b) 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
 - c) 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);
 - d) erect or cause or permit to be erected on boundary a barbed-wire fence, railing, paling, wall or other barrier with spikes or other sharp or pointed protrusions.

- 3.2. 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.
- 3.3. Should the Council refuse permission, it must, on request, supply the person in writing with the reasons for the refusal.
- 3.4. 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.
- 3.5. A person who has obtained consent in terms of subsection (4) must ensure that the fence is maintained in a good condition.
- 3.6. No person may –
 - 3.6.1. 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);
 - 3.6.2. having opened a gate in a fence, leave such gate open or unfastened;
 - 3.6.3. 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;
 - 3.6.4. may erect or cause to be erected a fence covered with –
 - a) 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
 - b) sheet iron, corrugated iron or any other sheeting along or within 4,5m of any street.
- 3.7. The Council may, whenever it appears that, in the interests of safety, vehicular, pedestrian or otherwise –
 - 3.7.1. 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
 - 3.7.2. the height of wall, hedge or fence at a street corner needs to be reduced, by order in writing instruct the owner of 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.”

- 3.7.3. 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).
- 3.7.4. 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 contravenes is, on conviction 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

- 5.1. The notice of compliance must state –
 - 5.1.1. the name and residential or postal address of the affected person;
 - 5.1.2. the requirement which has not been complied with;
 - 5.1.3. having in detail the measures required to remedy the situation;
 - 5.1.4. that person must within a specified period take the measures to comply with the notice and complete the measures before a specified date; and 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.
- 5.2. 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.
- 5.3. Where a 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).
- 5.4. Representations to be considered by Council
 - 5.4.1. 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.
 - 5.4.2. The Council must consider the timely representations and any response thereto by an authorized official.

- 5.4.3. 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.
- 5.4.4. The Council must, after consideration of the representations and any response make 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.
- 5.4.5. Where a person fails to discharge the obligations contemplated in subsection (4) (d), he/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).
- 5.5. 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

- 6.1. Should a person fails 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:
 - 6.1.1. the owner of the land, building or premises or
 - 6.1.2. 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.
- 6.2. 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).
- 6.3. 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

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

- 7.2. Should the Municipality demolish a fence, it may dispose of the whole or any partly removed or demolished, by public auction or public auction or public tender.
- 7.3. 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.
- 7.4. 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

- 8.1. 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.
- 8.2. Any notice or other document that is served on a person in terms of these By-laws is regarded as having been duly served –
 - 8.1.1. when it has been delivered to that person personally;
 - 8.1.2. 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;
 - 8.1.3. 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
 - 8.1.4. 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);
 - 8.1.5. 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;
 - 8.1.6. 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
 - 8.1.7. when it has been delivered, at the request of that person, to his or her e-mail address.
- 8.3. Service of a copy is deemed to be service of the original.
- 8.4. 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

- 9.1. 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.
- 9.2. 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.
- 9.3. When the appeal is against decisions a decision taken by –
 - 9.3.1. a staff member other than the Municipal Manager, the Municipal Manager is the appeal authority;
 - 9.3.2. the Municipal Manager, the Executive Mayor is the appeal authority; or
 - 9.3.3. a political structure or political officer bearer, or a Councilor the Council is the appeal authority.

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

- 10.1. The Council must appoint and mandate an official to administer the implementation and enforcement of these By-laws.
- 10.2. 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.
- 10.3. 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.
- 10.4. An official within his or her mandate in terms of subsection (1) –
 - 10.4.1. must monitor and enforce compliance with these By-laws;
 - 10.4.2. may investigate an act or omission which on reasonable suspicion may constitutes an offence in terms of these By-laws;
 - 10.4.3. 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
 - 10.4.4. may request the owner or occupier to provide such information as he or she deems necessary.
- 10.5. A person commits an offence if he or she

- 10.5.1. hinders or interferes with an official in the execution of his or her official duties;
- 10.5.2. falsely professes to be an official;
- 10.5.3. furnishes false or misleading information when complying with a request of an official; or
- 10.5.4. fails to comply with a request official.

10.6. 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

12. Revocation of by-laws

The following are hereby revoked:

13. Short title and commencement

These By-laws are called the Highlands Fences and Fencing By-laws, 2005, and commence on a date determined by Council.

SCHEDULE**(Section 3(2))****APPLICATION ON ERECT FENCE****A. OWNER OR OCCUPIER****Surname and first names of the person**

.....

I.D. Number.....**Address: Postal address:**.....
.....
.....
.....**Telephone number: Business.....Residential.....****B. PARTICULARS OF PREMISES AND FENCE****Erf Number.....****Address where the premises can be inspected**.....
.....**NATURE OF FENCE TO BE ERECTED/ ALTERED**.....
.....
.....**C. ISSUED LOCAL AUTHORITY****Consent is hereby granted in terms of section 5(4) of the.....****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 OF INSPECTOR

DATE

.....

.....

Name of inspector:

.....

Official designation:

.....

LOCAL AUTHORITY NOTICE 65 OF 2016

EMAKHAZENI LOCAL MUNICIPALITY



BY-LAWS ON STREET TRADING

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1. Title

These by-laws are entitled the street Trading By-Laws.

2. Definitions

2.1. Unless it is clear that the context shows otherwise, in these by-laws-

"authorized" Is an employee of the Municipality authorized to implements these by-laws;

"council" is the Council of the Emakhazeni Local Municipality established in terms of Local Government: Municipal Structures Act (name, numbers and date of the legislation in terms of which the Municipality was established);

"litter" is anything that has been discarded or abandoned by a street trader or her/his customers;

"municipality service" is any system conducted by or on behalf of the Municipality and that is related to refuse, sewerage, storm-water, electricity or water;

"municipality" is either the body referred to in Section 2 of the Local Government: Municipal Systems Act 32 of 2000, or the area determined in terms of local Governments: Municipal Demarcation Act 27 of 1998;

"property" in relation to a street trader, is anything used in the connection with the carrying on of her/his business;

"Public place" has the meaning given to it in the local Government Ordinance, 1939;

"public roads" has the meaning given to it in the National Roads Traffic Act 93 of 1996;

"roadway" has the meaning given to it in the National Road Traffic Act 93 of 1996;

"sell" includes –

- a) offer to sell;
- b) exchange or hire out;
- c) display for sale;

- d) prepare for sale; and
- e) provide a service for reward;

"sidewalk" has the meaning given to it in the National Road Traffic Act 93 of 1996;

"street trader" is a person selling goods or offering a service for reward in a public place or public road;

"street trading" is the selling goods or offering a service for reward in a public place or a public road;

"Town" is the Municipality of Emakhazeni, comprising of Emakhazeni/Siyathuthuka, Dullstroom/Sakhelwe, Entokozweni/Entokozweni and Emgwenya/Waterval Boven;

"vehicle" includes, but is not limited to –

- a) a self-propelled vehicle;
- b) a trailer; and
- c) a hand-drawn vehicle;

a reference to a street trader also includes an employee of such a trader;

the selling of newspapers or any other item authorized by the Municipality, on the street, does not constitute street trading;

3. Objects

The objects of these by-laws are to –

- 3.1. Support and encourage street trading as a way of enhancing the Municipality's existing formal economic activities; and
- 3.2. Manage street trading in such a way that acceptable standards of public health, pedestrian safety and a free flow of traffic are maintained.

4. Freedom to Trade

Every person who complies with the criteria as set out in the section 8 has the right to engage in the street trading in the built environment of the Town, subject to the provisions of these by-laws

5. Non-discrimination

- 5.1. These by-laws are applied in such a way as not to discriminate between persons on the grounds of race.

- 5.2. These by-laws are applied in such a way as to respect and protect all people's rights to dignity and freedom of trade, occupation and profession

6. Application of By-Laws

These by-laws apply to all persons engaging in street trading or applying to engage in the street trading in the jurisdiction of Emakhazeni, regardless of whether they live within the Municipality's jurisdiction or not.

7. Street Trading Areas

- 7.1. For the purposes of street trading, the municipality has –

7.1.1. Prohibited areas;

Prohibited areas are those places in which street trading is prohibited and that is declared as such by the Council; or

7.1.2. Restricted Areas;

Restricted areas are those places in which street trading is restricted and that is declared as such by the Council;

7.1.3. The Municipality may display signs or markings to indicate–

- a) the hours during which street trading may take place ;
- b) the boundaries of the areas where street trading may take place or where it is prohibited;
- c) the boundaries of individual stands;
- d) the fact that a stand has been let; and
- e) the goods and services which may be traded in;

- 7.2. In addition to the areas declared as prohibited by the Council in terms of Section 7.2 of these by-laws, street trading is also prohibited in the following place–

7.1.4. on a stand, if she/he is not in possession of proof of her/his permission from the Municipality to trade there;

7.1.5. adjacent to –

- a) a building belonging to or solely occupied by the State or the Municipality;
- b) a place of worship;
- c) a building declared a national monument in terms of the National Monuments Act 28 of 1969
- d) in a garden or park, except with the written approval of the Municipality;
- e) adjacent to a building where business of the same nature is being carried on, unless the person carrying on the business consent to the street trading;

- f) adjacent to a building used for residential purpose, unless the owner or person in control or the occupants consent to the street trading ;
- g) at place where –
 - i. it obstructs a road traffic sign, road marking, a notice or demarcated parking areas;
 - ii. it obstructs vehicular traffic or access to motor vehicles;
 - iii. it obstructs the view of a road or any traffic on such a road;
 - iv. it obstructs pedestrian traffic in the use of a sidewalk;
 - v. it obstructs the entrance to or exit from a building, arcade or mall
 - vi. it obstructs facilities for pedestrian or vehicular traffic, including, but not limited to pedestrian crossings, parking bays and loading bays and loading bays;
 - vii. it obstructs facilities for the use of the general public, including , but not limited to bus shelters; benches and refuse bins;
 - viii. it obstructs access to an automatic teller machine (ATM);and
 - ix. it obstructs a fire hydrant.

8. Permission for Street Trading

- 8.1. if a person carries on street trading without permission from the Municipality, it is an offence in terms of these by-laws and his/her goods may removed and impounded by the Municipality in terms of section 11;
- 8.2. A person, who intends to carry on street trading, applies to the Municipality, on the prescribed application form attached as *Annexure A* for the lease of a stands.
- 8.3. For permission to engage in street trading, the applicant must either be South African citizen or have a valid work permit;
- 8.4. The Municipality determines the size and location of the stands set aside for allocation to street traders and the type of goods which may sold;
- 8.5. If the application is successful –
 - 8.5.1. She/he is allocated a stand
 - 8.5.2. She /he concludes a lease agreement with the Municipality at the rental as determined by the Municipality, taking into account the size of the stand, the desirability of the location, and the level of services provided; and

- 8.5.3. Proof of the permission to carry on street trading on a particular stand is issued to the applicant and her/his employees;

9. Conduct of Street Traders

Street traders must, in the carrying on of their trade, adhere to the following requirements with regard to their conducts.

- 9.1.1. The street traders must at all times while carrying on her/his trading, be able to produce proof of the permission to carry on street trading as issued by the Municipality;
- 9.1.2. If the street trading business is carried on in a public place or public road, a street trader may only sleep overnight at the place of business with a written approval of the Municipality;
- 9.1.3. If a street trader make a fire it must be done in a container that is at least half a meter above the ground;
- 9.1.4. The street trader must ensure that the fire referred to in subsection 9.1(c) does not harm any person or property;
- 9.1.5. A street trader may not create a nuisance or cause pollution of any kind;
- 9.1.6. A street trader may not damage the surface of a public road or place or any property, whether public or private;
- 9.1.7. A street trader may not create a danger to traffic;
- 9.1.8. A street trader may not obstruct access to a municipal of any other statutory body;
- 9.1.9. A street trader must by request of an authorized employee or a supplier of other service, move her/his property to permit the carrying out of work related to that service; and
- 9.1.10. A street trader may not display her/his goods in such a way as to obstruct the visibility of a display window.

10. Cleanliness of Place of Business

- 10.1. A street trader must, at the end of each trading day, remove everything that she/he utilized in connection with trading;
- 10.2. A street trader may not carry on her/his trade in such a way that it is a danger to safety or the environment;
- 10.3. A street trader must keep the area he/she occupies for the purpose of trading as well as everything used in connection with trading, in a good state of repair, clean and free of litter;
- 10.4. A street trader must store or dispose of litter in a refuse receptacle approved or provided by the Municipality;
- 10.5. A street trader must, at the request of an employee of the Municipality, move or remove anything utilized in connection with her/his trading, so that the place of business may be cleaned; and

- 10.6. If a street trader prepares and/or sells food, in the requirements in subsections 10.1 to 10.5, she/he-
- 10.6.1. must apply for a certificate of acceptability from the Municipality;
 - 10.6.2. must have the certificate mentioned in subsection 10.6(a) available while trading;
 - 10.6.3. must ensure that the food is prepared in a safe and hygienic way; and
 - 10.6.4. must prevent spilling of fat, grease or oil onto a public road or public place;
 - 10.6.5. An authorized employee of the Municipality may remove and impound anything-
 - 10.6.6. which she/ he reasonably suspects is or was used in connection with a street trader's business, and
 - 10.6.7. which is found at a place where the carrying on-of a street trader's business is restricted or prohibited in terms of these by-laws and which, in her/his option, infringes the prohibition or restriction or restriction, whether or not the goods are in the possession or under the control of anyone at the time of impoundment or removal;
- 10.7. Before removing and impounding anything in terms of sub-section 11.1, the Municipality must give the street trader or the person under whose control the goods are, written details of the alleged infringements and reasonable notice to remove the goods;
- 10.8. If the goods are removed and impounded, the authorized employee must, except where goods have been left or abandoned, issued a receipt for the goods impounded and removed to the person who appears to be in control of the goods, which receipt must-
- 10.8.1. itemized the property to be removed and impounded;
 - 10.8.2. provide the address where the impounded property will be kept, and the period thereof;
 - 10.8.3. state the conditions for the release of the impounded property;
 - 10.8.4. state the terms and conditions relating to the sales of unclaimed property by the public auction ; and
 - 10.8.5. provide the name and address of the council official to whom any representations regarding the impoundment may be made, and the date and the time by which this must be marked and kept safe;
- 10.9. After criminal proceedings are finalized, the owner may claim her/his goods by submitting proof of ownership to the satisfaction of the Municipality;
- 10.10. At least twice a year, the Municipality shall publish a notice in two languages in a newspaper circulating in the Municipality, containing –
- 10.10.1. a description of the goods removed in terms of subsection 11.1;
 - 10.10.2. the address where the goods were found;

- 10.10.3. if known, the owner's names;
 - 10.10.4. an indication that the owners may claim their goods by proof of ownership of the satisfaction of the Municipality; and
 - 10.10.5. an indication that if the goods are not claimed within three months from the date of publication of the notice, it will be destroyed if it is of no commercial value and if it has value, it will be sold by public auction and the proceeds retained by the Municipality to cover its costs;
- 10.11. If the goods are not claimed within three months from the date of publication of the notice, it will be sold by the public auction and the proceeds retained by the Municipality to cover its costs;
- 10.12. If the goods are perishable, it will only be kept for 24 hours from removal and impoundment and then destroyed;
- 10.13. The Municipality is not liable for any loss of or damage to goods arising out of its removal and impoundment or as a result of the goods being sold by public auction, subject to fair administration procedures;
- 10.14. The owner of the goods does not have any claim or redress against the Municipality if the goods faith to a person other than the owner.

11. Vicarious Liability

- 11.1. If an employee of a street trader commits an offence in terms of these by-laws, the street trader is deemed to have committed the offence herself/himself and shall be liable unless she/he proves that –
- 11.1.1. in committing the offence, the employee was acting without her/his permission or knowledge
 - 11.1.2. he/she took all reasonable steps to prevent the employee from committing the offence; and
 - 11.1.3. the offence was not committed within the scope of the employee's authority or the course of the employee's employment;
- 11.2. If a street trader is liable in terms of subsection 12.1 for an offence committed by her/his employee is also liable for that offence.

12. Appeals Procedure

- 12.1. A person whose rights are affected by a decision taken by –

- 12.1.1. The Council; or
- 12.1.2. An employee

Of a Municipality in terms of a power or duty delegates to it/them, may appeal against the decision;

- 12.2. The appeal is lodged by giving written notice of the appeal and the reasons to the Municipal Manager within 21 days after the date of notification of the decision;
- 12.3. If the decision against which the appeal is lodged, was taken by –
- 12.3.1. A staff member other than the Municipal Manager, then the Municipal Manager is the appeal authority;
- 12.3.2. The Municipal Manager, then the Executive Committee or Executive Mayor is the appeal authority.
- 12.4. The Municipal Manager must promptly submit the appeal to the appropriate appeal authority as set out in subsection 13.3;
- 12.5. The appeal authority shall consider the appeal and shall confirm or revoke the decision that was taken, it may not detract from any rights that accrued as a result of the decision; and
- 12.6. An appeal authority shall start with an appeal within six week and take a decision within a reasonable period.

13. Offences and Penalties

- 13.1. A person commits an offence in the terms of these by-laws if she/he –
- 13.1.1. Contravenes or fail to comply with a provision of these by-laws or an approval or condition granted or imposed in terms of these by-laws;
- 13.1.2. Disregards any notice, sign or marking displayed for the purpose of these by-laws;
- 13.1.3. Makes a false statement or furnishes false or misleading information to an authorized employee; or
- 13.1.4. Threatens or prevents an authorized employee to exercise his powers or duties in terms of these by-laws.
- 13.2. The Municipality must give written details of the alleged offence as the provide reasonable notice to the person who allegedly committed this offence to remedy the behavior, alternatively where circumstances dictate a fine may be issued, and if the fine is not paid then summons must be issued to appear in court.
- 13.3. a person who commits an offence in terms of these by-laws and is convicted, is liable to an appropriate fine or to such community service as imposed by the presiding officer.

14. Repeal of By-laws

.....
 ...(title of current by-laws) published in terms of
(number and date of Provincial
 Gazette)is hereby repealed with effect from the date of promulgation of these by-laws.

ANNEXURE A**APPLICATION FORM FOR PERMISSION TO ENGAGE IN THE STREET TRADING
IN EMAKHAZENI LOCAL MUNICIPALITY**

1. Full names and surname _____
2. Identification number or
Work permit number _____
3. Residential Address _____
4. Type of Business _____
5. Required Trading area _____
6. Date of application _____

FOR OFFICE USE

1. Trader's name

.....

2. Trading area

.....

3. Trader's number

.....

4. Is registration fee paid?

.....

5. Date of Registration

.....

Signature

LOCAL AUTHORITY NOTICE 66 OF 2016

EMAKHAZENI LOCAL MUNICIPALITY



BY-LAWS ON WASTE MANAGEMENT

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LOCAL AUTHORITY NOTICE**EMAKHAZENI LOCAL MUNICIPALITY****CLEANING SERVICES/SOLID WASTE MANAGEMENT BY LAWS****CHAPTER 1****INTERPRETATION AND FUNDAMENTAL PRINCIPLES****Purpose of these By-laws**

1. The purpose of these By-laws is to enable Council to provide adequate waste management services; to protect the environment and promote sustainable development; to protect and promote the long-term health and well-being of people in the Municipal jurisdiction by –
 - (a) Providing in conjunction with any other applicable law, an effective legal and administrative framework within which the Council can manage and regulate waste handling, collection, storage, treatment, transportation and disposal;
 - (b) Define the rights and obligations of the Council and the public in relation to this purpose.

Definitions

2. For the purposes of these By-laws, unless the context otherwise indicates -

"adequate" means a standard or manner that in the opinion of the Council is sufficient to achieve the purpose and apply the principles of these By-laws.

"animal" means any cattle, sheep, goat, horse, mule, donkey, pig or any miniature of these species as well as any wild animals and pets; and includes any body parts, organs, blood, tissue or skin derived from such an animal.

"approved" means approved by the Council with regard to the fitness and also to the reasonable requirements of the particular case from the point of view of public health, storage, refuse removal or refuse disposal.

"authorised official" means any official of the Council who has been authorized by the Council to administer, implement and enforce the provision of these By-laws;

"bin" means a standard type of refuse bin or container as approved by the Municipality.

"bin liner" means a loose plastic bag as prescribed by the Council and which is being placed inside the refuse bin.

"builders waste" means waste generated by demolition, excavation or building activities on premises; and includes building rubble, earth, vegetation and rock displaced during construction, alteration, repair or demolition.

"bulk garden waste" means waste such as tree stumps, branches of trees, hedge stumps, and branches of hedges and any other garden waste, which by virtue of its mass, shape, size and quantity cannot be removed in a standard refuse bin or a refuse bin liner.

"bulk waste (also bulky waste)" means waste generated on any premises, but which by virtue of its mass, shape, size and quantity cannot be removed in a standard refuse bin, a refuse bin liner or a mass waste container and includes stumps and braches, small building rubble, garden waste, special domestic waste (and excludes noxious waste, industrial waste, special industrial waste, infectious waste, hazardous waste and medical waste).

"bulk volume mass waste container" means a waste container with a capacity of 4.3 cubic meter and more, which may be used for the removal of bulky waste.

"business waste" means waste, other than hazardous waste, medical waste, infectious waste, building waste, industrial waste, garden waste, bulky waste, recyclable waste and special industrial waste, generated on premises used for non-residential purposes.

"charges" also means a tariff, which is an amount levied for the removal of any waste in terms of these regulations and of which the amount is determined by Council in each financial year.

"Council" means –

- (a) the Emakhazeni Local Municipality established in terms of Part 6 of Proclamation 300, dated 1 October 2000, exercising its legislative and executive authority through its Municipal Council; or
- (b) its successor in title; or
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or
- (d) except for the purpose of Chapters 6 and 8, a service provider appointed / contracted fulfilling a responsibility under these By-laws, assigned to it in terms of section 81(2) of the Systems Act, 2000, or any other law, as the case may be.

"designated officer" means a person in the employ of the Municipality authorized to perform the functions pertaining to this By-laws.

"domestic waste " means waste normally generated from a premises used as a residence or private dwelling house, including flats, schools, hostels, boarding houses, compounds, benevolent societies, churches and halls situated on private property and which can be easily removed without damaging the bin liner, but does not include business waste, building waste, garden waste or bulky waste.

" dry industrial waste" means dry waste generated as a result of manufacturing maintenance, fabricating and dismantling activities and the activities of railway marshalling yards, but shall not include builders waste, special industrial waste, hazardous waste or domestic waste;

"environment" means the surroundings within which humans exist, made up of –

- (a) the land, water and atmosphere of the earth,
- (b) micro-organisms, plant and animal life,
- (c) any part or combination of (a) and (b) and the interrelationship among and between them, and

(d) the physical, chemical, aesthetic and cultural properties and conditions of the foregoing that influence human health and well-being;

"Environmental Health Practitioner" means an official appointed by the Council, and who is duly registered as an Environmental Health Practitioner with the Health Professions Council of South Africa in terms of Section 33 (1) of the Medical, Dental and Supplementary Health Services Professions Act, 1974 (Act 56 of 1974); and has the same meaning as "health officer" in terms of the Health Act, 2003 (Act 61 of 2003).

"garden waste" means waste which is generated as a result of normal gardening activities such as grass cutting, small branches that can fit into a plastic bag or material bag, small stones, leaves, plants and flowers;

"garden services" means a garden service rendered by a private person or company within the area of the Municipality; whose activities includes the cutting of grass, pruning of trees or any other horticultural activity, landscaping, in respect of any domestic, business, commercial or industrial premises;

"generator" means the person or premises where any type of waste is generated and who will be held responsible to ensure that waste is removed in a manner as prescribe by Council;

"hazardous waste" means waste, other than radioactive waste, which is legally defined as hazardous in the state in which it is generated, transported or disposed of. The definition is based on chemical reactivity or toxic, explosive, corrosive or other characteristics which cause, or are likely to cause, danger to health or to the environment, whether alone or in contact with other waste;

"hazardous waste" means waste as defined in the DWAF Minimum Requirements for the Handling, Classification and Disposal of Hazardous Waste as waste that has the potential, even in low concentrations, to have a significant adverse effect on public health and the environment because of its inherent toxicological, chemical and physical characteristics, whether alone or in contact with other waste;

"illegal dumping" means the placement of any type of waste on or at any premises, public place or anywhere other than an approved receptacle or a place designated as a waste handling facility or waste disposal facility by the Council.

"industrial waste" means waste generated as a result of manufacturing, maintenance, fabricating, dismantling, mining and related activities (and excluding noxious waste, builders waste, business waste, special industrial waste, domestic waste, medical waste, infectious waste, hazardous waste, and domestic waste);

"infectious waste" means all waste which is capable of causing an infectious disease;

"littering" means any object or matter which is discarded by a person in any place except in an approved receptacle provided for that purpose or at a waste handling facility or waste disposal facility;

"livestock" means the same as animals.

"mass waste container" means a waste container, which may be used for the removal of business waste, industrial waste and garden waste,

"medical waste" means waste emanating primarily from human and veterinary hospitals, clinics and surgeries, also from chemists, sanitary services and which include mortuaries and funeral undertakers. They may comprise of sharps (used hypodermic needles and scalpel blades), pathological waste (body parts, human tissue), blood and body fluids, microbiological waste, surgical waste (soiled bandages, liners, dressings, gloves), and spent or outdated medicines or drugs;

"municipality" means the Emakhazeni Local Municipality, and has the same meaning as Council;

"Municipal Manager" means a person appointed in terms of Section 82 of the Local Government Municipal Structures Act, 1998 (Act 117 of 1998).

"noxious waste" means waste which is toxic, hazardous, injurious or harmful and which is detrimental to the environment;

"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 (also occupant)" means including any person, in actual occupation of land or premises without regard to the title under which he occupies, and, in the case of premises subdivided and let to lodgers or various tenants, shall include the person receiving the rent payable by the lodgers or tenants whether on his own account or as agent for any person entitled thereto or interested therein and in the case of an unoccupied premises the owner/ owners;

"Owner" means the person in whose name the deed is registered and include, in terms of the Sectional Title Register opened in terms of section 5 of the Sectional Titles Act, 1971, the body corporate, as defined in the Act, in relation to such premises.

"permit holder" means the person to whom the permit has been issued by the Council or Environmental Health Practitioner in terms of these by-laws;

"person in control" means the person actually managing or actually in control of the premises, or the animals, or a contractor working on a premises.

"pet" means any domestic or other animal that may be lawfully kept as a pet and includes any bird and non-poisonous reptile; and includes any body parts, blood, tissue or skin derived from such an animal.

"premises" means any land, building or structure or any portion of land, building or structure on or in which any of the activities regulated by these by-laws are carried on thoroughfare however created which is in the undisturbed use of the public or which the public have the right to use, or any privately owned land or property.

"public place" shall include any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, foot-path sidewalk, lane, square, open space, garden, park, enclosed space vested in a town or city, provided that for the purpose of by-laws regulating traffic under the Road Traffic Act the expression **"public place"** includes any road, place or thoroughfare however created which is in the undisturbed use of the public or which the public have the right to use;

"public space" has the same meaning as public place;

"reclaimer" means any person who remove selected components from the general waste stream, for re-use or for the purpose of generating an income from the selling of the components; and excludes re-cycling at source.

"recycling" means the removal of selected components from the general waste stream, either mechanically or by hand, for re-use after re-processing.

"refuse" means any household, business, light industrial and garden waste, ash, paper, plastic bags, bottles, tins, or dead animals as approved by Council, and also has the same meaning as waste.

"refuse area" means an area that complies with the requirements as provided by the Council;

"refuse bin/container" means a container as approved by the Manger and Community Services and of which the amount, size and type can be determined by Council and which can be supplied at a fixed tariff or at current tariffs or a rental tariff or in any other way as determined.

"registered service provider" means a service provider, registered with the relevant authorities in terms of the relevant legislation, and who is in possession of a license and/or permit with regards to the collection, treatment, transportation and disposal of hazardous waste, special industrial, medical waste and infectious waste; and/or a service provider registered with the Council with regards to the collection, transportation and disposal of domestic waste, garden waste, business waste and all other waste; excluding hazardous waste, special industrial waste, medical waste and infectious waste.

"SANS Codes" means the South African National Standards Codes of Practice or the South African Bureau of Standards Codes of Practice as contemplated in Government Notice No. 1373 published in Government Gazette 24002, dated 8 November 2002 in terms of the Standards Act, 1993 (Act No. 29 of 1993).

"service" means a waste removal service (in respect of waste whether solid or liquid), which in the opinion of the Municipal Manager is rendered or can be rendered on a regular basis.

"solid waste landfill site" means premises or an area specifically set aside for the disposal of waste and which has been accepted by Council, and which has been registered in accordance with the Environmental Conservation Act, 1989 (Act No. 73 of 1989) as amended and other appropriate legislation or requirements;

"special domestic waste " means waste discarded from premises used for domestic purposes and which cannot by virtue of its mass, shape or size be conveniently stored in a bin;

"special industrial waste" means refuse consisting of a solid, liquid or sludge resulting from a manufacturing process or the pre-treatment for disposal purposes or any industrial liquid waste, which may not be discharged into a drain, municipal sewer or any other unauthorized public place;

"street" includes any street, road or thoroughfare shown on the general plan of a township, agricultural holding or other division of land or in respect of which the public have acquire a prescriptive or other right of way, or any other word or expression to which a meaning has been assigned in the Road Traffic Act, 1989(Act 29 of 1989), shall have that meaning;

"tariff" means an amount levied for the removal of any waste in terms of these regulations and of which the amount is determined by Council in each financial year;

"transfer station" means a site designated by Council for the disposal and temporary storage of garden waste, small volume builders waste, bulky waste, domestic waste and business waste, and where industrial or hazardous waste, noxious waste, infectious waste and medical waste shall not be allowed.

"unauthorized place" means any place that was not authorized by the Municipality for the discarding of waste.

"waste" also known as general waste and refuse has the same meaning and is any substance that is discharged, emitted deposited, discarded, rejected, unwanted, surplus or an abandoned substance, which may be gaseous, liquid, solid or a combination thereof; and because of its composition and characteristic, pose a significant threat to public health and/or environment. General waste may have insignificant quantities of

hazardous substances dispersed within it, for example batteries, insecticides, weed killers and medical waste discarded on domestic and commercial premises.

CHAPTER 2

COLLECTION AND REMOVAL OF BUSINESS AND DOMESTIC WASTE

Duties and Powers of the Municipality

3. (1) The Municipality as the primary service provider in the municipality has a duty to the local community to progressively ensure efficient, affordable, economical and sustainable access to waste management services in its area or part of its area of jurisdiction; at intervals determined by Council.
- (2) This duty is subject to –
 - (a) the duty of members of the local community as users of the municipality's waste management services or any other person making use of the municipality's waste management services to pay, for the provision of the services, the prescribed charges, which must be priced in accordance with any nationally prescribed norms and standards for rates and tariffs; and
 - (b) the right of the municipality to differentiate between geographical areas when providing types of waste management services, without compromising on service equity in line with the Constitution.
- (3) The municipality must as far as is reasonably possible and subject to the provisions of these By-laws, at a cost to users of the services prescribed by the municipality –
 - (a) provide services for the collection and removal of business and domestic waste, and may render a services for the removal of garden waste, bulk garden waste and building waste from a premises at the prescribed tariffs.
 - (b) provide for the collection of waste on a regular basis, except waste in its area of jurisdiction, which is situated at a place which is so isolated or inaccessible that the cost of collecting it would be unreasonably high; and
 - (c) provide access to facilities for the recovery and disposal of waste.

- (4) Waste shall be removed according to a program approved by the Municipality, taking into consideration the availability of resources.
- (5) The municipality reserves the right to appoint a service provider for the purpose of any service(s) that must be provided pertaining to this By-law.
- (6) The Council reserves the right to determine the level of service(s) and requirements regarding any contract signed with a service provider with regards to any service(s) as contemplated in this By-law, and may terminate any signed contract in this regard when the level of service(s) that is rendered by a service provider is not to the satisfaction of the Council or as stipulated in the signed contract.

Duties and Responsibilities of Waste Generators

- 4. (1) The occupier/s and or owner/s of premises on which business or domestic waste is generated must make use of the Council's services for the collection and removal of such waste, except where special exemption is granted.
- (2) The owner/s and or occupier/s of premises on which business or domestic waste is generated, shall be liable individually or jointly to pay the Council for all levies or tariffs in respect of the collection, removal and disposal of business and domestic waste from such premises and all levies payable to the Council must be paid with the understanding that where the Council renders a service whether the service is used or not the owner/s and or occupiers/s shall still be responsible for payment of the applicable levies jointly or individually.
- (3) The owner/s and or occupier/s in respect of individual premises on premises held on the Sectional Title Register opened in terms of section 5 of the Sectional Titles Act, 1986, on which business or domestic waste is generated shall be liable individually to the Council for the levies charged in respect of the collection, removal and disposal of business or domestic waste from such premises and all levies payable to the Council must be paid with the understanding that where the Council renders a service whether the service is used or not the owner/s and or occupier/s still be responsible for payment of the applicable levies, jointly or individually.

Right of Entry to Business, Industrial and Institutional Premises

5. (1) Where the Council provides a waste collection service, the owner/s and/or occupier of the premises shall grant the Council access to the premises for the purpose of collecting and removing waste and shall ensure that nothing obstructs, prevents or hinders the Council in the carrying out of its services.
- (2) Where, in the opinion of the Council the collection or removal of waste from any premises is likely to result in damage to the premises or the Council's property, or injury to the waste collectors or any other person, if any, as a condition of rendering a waste collection service in respect of the premises, require the owner/s or occupier/s to indemnify the Council in writing in respect of any such damage or injury or any claims arising out of either.
- (3) Any duly authorized employee of the municipality is entitled to enter, during normal working hours, premises in respect of which the municipality's waste management services are rendered –
- (a) for collecting and superintending the collection of waste;
 - (b) for inspecting or replacing receptacles, containers or bundles;
 - (c) inspecting the means of access to the premises in general or the place where waste receptacles or containers are kept so as to ensure that they are accessible and convenient for the collectors; and
 - (d) generally for ensuring that the provisions of these By-laws are complied with.
- (4) An occupier of premises may not –
- (a) refuse access to the premises to an authorized employee of the municipality in the performance of his or her duties;
 - (b) obstruct or impede such employee in the performance of his or her duties; or
 - (c) omit or refuse to give to an employee of the municipality any information lawfully required for the proper discharge of the employee's duties, or supply false information.
- (5) The occupier of premises whom the municipality has notified that the premises are dangerous for removal of waste because of –
- (a) the existence on the premises of a vicious animal; or

- (b) any other reason which renders the premises dangerous, must, on the day on which waste is collected from the premises, place for collection all refuse bins or other containers, packages or bundles of waste outside the premises at a time and for a period as specified in the notice.
- (6) A person who contravenes a provision of section 5 commits an offence and will be liable to a fine.

Right of Entry to Residential Premises

6. (1) Where the council has to enter a residential premises for generally ensuring that the provisions of these By-laws are complied with, the owner/s and or occupier/s of the premises shall grant the council access to the premises for this purpose [Read together with Section 9(1)].

Interference with a refuse bin

7. (1) No person other than a person employed by the municipality in connection with the municipality's waste management services may, where a refuse bin is placed in a street or public place for the purpose of its contents being removed by the municipality, sort over, interfere with or disturb the contents of the receptacle.
- (2) A person who contravenes a provision of subsection 1 commits an offence and will be liable to a fine.

Transport of waste

8. (1) A person removing or conveying waste along any public road, public place in or through an area owned or managed by the municipality –
- (a) must ensure that the receptacle, vehicle or conveyance in which the waste is carried is of a type and design approved by the municipality;
 - (b) must ensure that refuse bin, vehicle or conveyance has a body of adequate size and construction for the type of waste being transported;
 - (c) must remove or convey the waste in such a manner as will prevent any nuisance resulting there from or the escape of the contents or materials therein;
 - (d) must maintain the refuse bin, vehicle or conveyance in a clean, sanitary and roadworthy condition at all times;
 - (e) may not cause or permit any waste being transported to become detached, leak or fall from the refuse bin, vehicle or conveyance transporting it, except at a waste disposal facility; and

- (f) must ensure that the waste is deposited at a waste disposal facility that is approved to accept such waste.
- (2) A person who contravenes a provision of subsection 1 commits an offence and will be liable to a fine.

Notice to Council

- 9. (1) The occupier or owner or in the case of more than one, the occupiers and owners of a premises, on which business waste or domestic waste is generated, shall within seven days after the commencement of the generation of such waste notify the Council in writing-
 - (a) that the premises is being occupied; and
 - (b) whether business waste or domestic waste is being generated on the premises.

Provision of refuse bins

- 10. (1) After notification in terms of section 9, the Council shall after investigation, determine the number of approved refuse bins/containers required on such premises.
- (2) The municipality may, where necessary, prescribe the type, size and number of refuse bins to be provided on a premises and may by written notice require the occupier / owner/ generator to comply with the notice.
- (3) The owner/s, occupier/s or generators of a premises shall be responsible at his or her own expense a sufficient number of portable, covered refuse bins of a size, design and in such a state as approved by the municipality for the storage of the maximum quantity of waste that is likely to accumulate on the premises during any period of seven days; or as required by the Council from time to time.
- (4) The Council may by Council resolution, issue refuse bins free of charge to any registered owner/s or occupier/s of a stand, or a specific ward.
- (5) The Council may issue refuse bins free of charge to any business, school or non-profit organization initially and thereafter the business, school or non-profit organization will be liable for the replacement cost should any loss or damage occur.
- (6) The Council may notify the occupier/s or owner/s of the premises to provide a refuse bins of a type, size, amount and place it at an prescribed location; and should the occupier fail to do so in the time specified in the

notice, provide refuse bins and debit the municipal account of the occupier for the amount thereof.

- (7) The Council may deliver a predetermined number and type of refuse bin/s in terms of section 10(1), to an owner/s or occupiers of a business premises where business waste is generated and stored, and the cost incurred be for the account of the relevant business owner/s
- (8) The Council may deliver mass waste container/s to premises if, having regard to the quantity of waste generated on the premises concern, the suitability of such waste for storage in containers, and the accessibility and adequacy of the space provided by the owner/s and or occupier/s of the premises to the waste collection vehicles, and it considers mass waste containers more appropriate than standard waste containers for the storage of the waste.
- (9) The municipality reserves the right to determine the size and type of refuse bins to be used.

Placing of refuse bins

- 11. (1) The occupier/s or owner/s of premises shall provide a waste area with sufficient space and adequate size at an approved place on the premises and any other facilities considered necessary by the municipality on the premises for the storage of the bins/ containers.
- (2) The space provided in terms of subsection (1), shall-
 - (a) be in such a position on the premises as will allow the storage of refuse bins/containers without them being visible from a street, a public place, or any other premises except if determined otherwise by Council;
 - (b) where business waste is generated on the premises, be in such a position as will allow the collection and removal of such waste by the Council's employees without hindrance;
 - (c) with regards to business refuse bins/container be so located as to permit convenient access to and egress from such space for the Council's refuse collection vehicles;
 - (d) be kept in clean, neat and hygienic conditions and be free of rodent and vector infestations.
 - (e) with regards to business refuse bins/containers, be sufficient to house all waste, including the materials and any containers used

in sorting and storage of the refuse contemplated in section 11(1) and 13(7).

- (3) No refuse bins must be placed at a location where it may cause a nuisance or hindrance to either the public or occupiers of adjacent premises.
- (4) The owner/s or occupier/s of a residential premise shall put out all domestic waste on the day of removal as determined by the Council, in either a properly closed plastic refuse bin liner or in an approved refuse bin. The use of refuse bin plastic liners and/or approved refuse bins, which can be placed depending on the quantity and composition of the waste as well as the refuse removal equipment available in a specific area to remove the waste. The plastic refuse bin liner and or approved refuse bin must be placed on the outside of the premises next to the street boundary near the entrance or driveway entrance, only on the day of removal.
- (5) If required by the Council, the place of collection shall be located as to permit convenient access to and exit from such space for the Municipal refuse collection vehicles.
- (6) A sufficient approved area shall be provided to keep a special refuse bin for the storage of waste as described in section 12(1) (a), apart from the space necessary for the storage of waste not kept in a special refuse bin.
- (7) The Council may at its discretion, indicate a position from where the waste may be removed more conveniently.
- (8) Notwithstanding anything to the contrary, the Council may-
 - (a) in the event of the Council, in its opinion, being unable to collect and remove business waste from the space provided in terms of subsection (1), and having regard to the avoidance of nuisance and the convenience of collection of waste, indicate a position within or outside the premises where the bin liners shall be placed for the collection and removal of such waste and bin liners shall then be placed in such position at such times and for such periods as the Council may prescribe.

Use and care of refuse bins and bin liners

- 12. (1) Every occupier/s or owner/s of premises, shall ensure that-
 - (a) all domestic or business waste generated on the premises, except where bulk containers are being used, is placed and kept in either a plastic refuse bin liner/s or refuse bin/s, whereby the use of plastic bin liners or approved refuse bins shall be determined by

Council from time to time, for the removal by the Council: Provided that the provision of this subsection shall not prevent any occupier, or owner, as the case may be, who has obtained the Council's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper glass, or otherwise disposing of any swill corrugated cardboard, paper glass, or other material being an element of business waste, for recycling in a manufacturing process, or in the case of swill, for consumption;

- (b) no hot coal ash, unwrapped glass or other business or domestic waste, which may cause damage to refuse bin liners, refuse bins/containers, or waste collection vehicles or equipment; or which may cause injury to the Council's employees while carrying out their duties in terms of these regulations, is placed in refuse bin plastic liners or an approved refuse bin before he has taken such steps as may be necessary to avoid such damage or injury.
 - (c) no material, including any liquid which, by reason of its mass or other characteristics, is likely to render such bin liners or refuse bins/containers unreasonably difficult for the Municipal employees to handle or carry, is placed in such bin liners or refuse bin;
 - (d) every refuse bin/container on the premises is covered; except when waste is being deposited therein or discharged thereof, and that every refuse bin/container is kept in a clean and hygienic condition;
 - (e) refuse bin liners or refuse bins/containers, which are put out on the day of removal, is properly tied up or closed and that the content thereof cannot pollute the environment.
 - (f) refuse bins are not broken or damaged in such a way that it may cause spilling of waste; or may cause injury to any person or Council employee.
- (2) No refuse bin/container may be used for any purpose other than the storage of business, industrial or domestic waste and no fire shall be lit in such refuse bin/ container.
 - (3) The bin liners or refuse bins/ containers shall be removed or emptied by the municipality, at such intervals as the Council may deem necessary, only if such bin liners or refuse bins/ containers are placed at the prescribed places as provided for in section 11.
 - (4) The owner/s and or occupier/s of a premises to which refuse bins/containers were delivered in terms of section 10(4), 10(5), 10(7) and 10(8), shall be liable to the Council 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 Council.

- (5) The owner/s and/or occupier/s of a premises which contravenes the provisions of sub-section 12(b) and 12(f), shall be liable to the Council for the damage to equipment or injury of municipal employees in performing their duties.

Compaction of waste

13. (1) Should the quantity of business waste 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 Council, the major portion of such waste be compactable, or should the owner/s and or occupier/s of premises wish to compact any volume of such waste, such owner/s and occupier/s shall compact that portion of such waste that is compactable and shall put it into an approved container or wrapper, and the provision of section 10 shall not apply to such compactable waste, but shall apply to all other waste.
- (2) The capacity of the wrapper mentioned in subsection (1) shall not exceed 85 liters and the mass of the wrapper and contents shall not exceed 35 kilograms.
- (3) After the waste, 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) Any container used in terms of subsection (1) shall be collected, emptied and returned to the premises by the Council at such intervals, as it may deem necessary.
- (6) The owner/s and or occupiers/s of the premises shall prepare the container for collection and reconnect it to the compaction equipment forthwith after its return by the Council to the premises.
- (7) The provisions of this section shall not prevent any owner/s or occupier/s of premises who has obtained the Council'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, in the case of swill, for consumption.

CHAPTER 3

STREET REFUSE BINS

Use of street refuse bins

14. (1) A street refuse bin is solely for the use of pedestrians. No person/s may dispose or cause any domestic or business waste to be disposed in a street refuse bin.
- (2) A person contravening the provision of subsection (1) is committing an offence and will be liable to a fine.

Damaging of street refuse bins and other refuse equipment

15. (1) No person shall –
- (a) damage or cause a street refuse bin or other refuse equipment to be damaged,
 - (b) put any unauthorized stickers or advertisement on any Council street refuse bin or equipment without prior written consent of the Council.
- (2) It is the responsibility of the person, or in the case of an organization, association, business, or any other institution, the responsible person, who has put any sticker or advertisement on a Council street refuse bin or other refuse equipment, to remove such sticker/s or advertisement to the satisfaction of the Council and shall be liable for the costs involved.
- (3) If a person, association, organization, business or any other institution has contravened the provisions as contemplated in sub-section (1) and (2), the Council shall repair or replace the damaged street refuse bin(s) or remove such sticker(s) or advertisements to the satisfaction of the Council and the responsible person shall be liable for the costs involved .
- (4) If it can be proved that a person, association, organization, business or any other institution has damaged a Council street refuse bin or equipment, or has put any sticker or advertisement on such a bin or equipment without prior consent of the Council, the person, organization, association, business or any other institution shall be responsible for the costs involved for the repairs or replacement of bins or equipment which are necessary on the street refuse bin or refuse equipment.
- (5) A person contravening the provision of section 15, in addition to cost involved, will be guilty of an offence and will be liable to a fine

Private street refuse bins

16. (1) No person or company shall place any private street refuse bin within the Council's jurisdiction, without the prior written approval of the Council.
- (2) Should approval be granted, the Council shall, in consultation with the person or company determine the position(s) where private street refuse bins may be placed.
- (3) A person contravening any provisions of subsection (1) is committing an offence and is liable to a fine.

Placing of street refuse bins

17. (1) The Council shall determine the number, type and position of any Council refuse bin or private street refuse bin within the Municipality.
- (2) No person shall remove, replace or shift any Council or private street refuse bin without the prior approval of the Council.
- (3) The Council reserves the right to remove or shift any Council or private street refuse bins at any time.
- (4) The Council reserves the right to request the removal and/or replacement of any damaged, dilapidated or unsightly private street refuse bins.
- (5) A person contravening any provisions of subsection (2) is committing an offence and is liable to a fine

CHAPTER 4**GARDEN, SPECIAL DOMESTIC AND BULKY WASTE****Removal and disposal of garden, special domestic and bulky waste**

18. (1) Owner/s and or occupier/s of premises on which garden, special domestic or bulky waste is generated, shall ensure that such waste is disposed of in terms of this chapter within a time considered reasonable by the Council after the generation thereof. Provided that garden waste may be retained on the premises in a manner approved by Council for the making of compost.
- (2) Any person may operate a garden waste removal service. Where the Council provides such a service, it shall be done at the tariff charge and the Council's container service must be requested.

- (3) Any person may remove and dispose of garden, special domestic or bulky waste: Provided that once it has been removed, either free of charge or at a prescribed tariff as determined by Council, from the premises on which it was generated, it is deposited on a Council approved solid waste landfill site or transfer station.
- (4) The municipality may by notice at any time limit the amount of garden waste collected by the municipality from households in conjunction with the normal collection of domestic waste; and may impose tariffs for removing the excess garden waste that was not removed during the normal collection of domestic waste.
- (6) An occupier may compost garden waste on the property, provided that such composting does not cause a nuisance and provided that the quantity of the compost does not exceed the quantity that could be required for gardening purposes on the premises where it is composted.
- (7) A person who contravenes the requirement in terms of this section is committing an offence.

Special service rendered by Council

- 19. (1) At the request of the owner or any occupier of any premises, the Council may remove garden, special domestic and bulky waste from a premises, provided that the Council is able to do so with its waste removal equipment. All such waste shall be placed within 3 meters of the boundary loading point, but not on the sidewalk. The cost of this service will be the same as the tariff charged when a bulk-volume-mass-waste container/s were requested or at such tariffs that the Council may approve from time to time.
- (2) The Council shall, depending on the availability of the Council's own purpose made bulk-volume-mass-waste containers for the removal of garden, special domestic, small volume builders waste and bulky waste, let a bulk-volume-mass-waste container at a tariff and conditions predetermined by Council from time to time, to any owner or occupier;
- (3) The Council shall deliver the bulk-volume-mass-waste containers mentioned in subsection (2) on the outside of the premises next to the street boundary near the entrance or driveway entrance, in accordance with all road traffic and safety legislation.
- (4) The Council may place a bulk-volume-mass-waste container/s in any predetermined area or public space to be used free of charge by the community, in which any waste may be deposited.

- (5) The Council shall deliver or place the bulk-volume-mass-waste container mentioned in subsection (4) in accordance with all road traffic and safety legislation and no person shall remove or move such a container from the position where the Council has placed it.
- (6) The Council shall not be liable for the loss or for any damage to private property, which is caused on or in private property, due to the delivery of a bulk-volume-mass-waste container mentioned in subsection (2).
- (7) A person contravening any provisions of subsection (5) is committing an offence and is liable to a fine

CHAPTER 5

BUILDERS WASTE

Responsibility for builders waste

- 20. (1) The owner/s and or occupier/s of premises on which builders waste is generated and the person engaged in the activity which causes such waste to be generated, shall ensure that such waste be disposed of in terms of section 21 within a time determined by Council after the generation thereof.
- (2) Any person may operate a builders waste removal service. Should the Council provide such a service, it shall be done at the tariff charge and the Council's container service shall be requested.
- (3) No person shall, subject to any provisions to the contrary in these By-laws contained –
 - (a) leave any builders waste or allow any under his control to be left at a place, other than a solid waste landfill site or transfer station, with the intention of abandoning it;
 - (b) store or leave builders waste or allow any under his control to be left on any open space or any property which is not registered in his name;
 - (c) store or leave builders waste or allow any under his control to be stored or left on any property for a period exceeding 30 days after completion of the building project; except when prior written consent was obtained from the municipality.
- (4) If it has been proved that such person left or allowed builders waste to be at a place of which he is not owner or occupier he shall be deemed to

have contravened the provisions of subsection (1), unless and until he proves the contrary.

- (5) Any person who contravenes the provisions of subsection (1) or (3) shall be guilty of an offence and shall be instructed by Council to remove the abandoned or stored builders waste within a specified period of time and failing to do so be liable to a fine.

Disposal of builders waste

21. (1) Subject to the provision of subsection (2), all builders' waste shall be deposited at a solid waste landfill site or transfer station approved by Council.
- (2) For the purpose of reclamation of land, builders waste may with the written consent of the Council, be deposited at a place other than a solid waste landfill site approved by the Council.
- (3) Any consent given in terms of subsection (2) shall be subjected to such conditions as the Council may deem necessary: Provide that in giving or refusing its consent or in laying down conditions the Council shall have regard to the following:
- (a) public safety;
 - (b) the environment of the proposed disposal site;
 - (c) the suitability of the area including the drainage thereof;
 - (d) the expected manner and times of depositing of waste at the site;
 - (e) the leveling of the site;
 - (f) the control of dust;
 - (g) other relevant factors as may be determined by Council;

CHAPTER 6

SPECIAL INDUSTRIAL WASTE AND HAZARDOUS WASTE

Notification of generation of special industrial waste and hazardous waste

22. (1) The person engaged in the activity which causes special industrial waste and/or hazardous waste to be generated, shall inform the Council in writing, prior to the generation of such waste, of the composition thereof,

the quantity generated, how it is stored, the duration of storage, the frequency of collection, the manner in which it will be collected and disposed of, and the identity of the licensee and/or registered service provider who will collect and remove such waste: Provided that if such waste is being generated as a result of activities which commenced prior to the commencement of these By-laws, the generator must notify the municipality as contemplated in this subsection within 90 days of the commencement of these By-laws.

- (2) If so required by the Council, the notification referred to in subsection (1) shall be substantiated by an analysis certified by a qualified industrial chemist, at the cost of the person engaged in the activity in (1) above.
- (3) The Council or any person authorized by the Council may enter any premises at any reasonable time to ascertain whether special waste and/or hazardous waste is generated on such premises to ascertain its composition.
- (4) Having notified the Council in terms of section (1) above, the person mentioned in section (1) shall notify the Council of any changes with respect to the generation, composition, quantity, storage, method or location of disposal of the special industrial waste and/or hazardous waste occurring thereafter.
- (5) Council has the right to recommend, prescribe and monitor methods regarding all aspects of collection frequency, storage, transport and disposal specifications regarding special industrial waste and hazardous waste.
- (6) A person contravening any provisions of subsection (1) and or (4) is committing an offence and is liable to a fine

Storing of special industrial waste and/or hazardous waste

23. (1) The person referred to in section 22 (1) shall ensure that the special industrial refuse and /or hazardous waste generated on the premises is kept and stored thereon in terms of this section until it is removed from the premises in terms of section 24.
- (2) Special industrial refuse and/or hazardous waste stored on the premises shall be stored in such a manner that it cannot cause a nuisance, health risk or pollute the environment in accordance with the requirements of any applicable legislation relating thereto.
- (3) Special industrial waste and hazardous waste must be stored in an approved refuse bin or container for a maximum period as prescribed by the relevant legislation and/or permit conditions, taking into consideration the composition of the waste, before collection: Provided that the accumulation of such waste does not cause a nuisance or health risk and

do not accumulate to such quantities that it causes a nuisance, obstruction, safety risk or health risk.

- (4) If special industrial waste and/or hazardous waste is not stored in terms of this section on the premises on which it is generated, the Council may order the owner of the premises and the person referred to in section 22(1) to remove such waste within a specific time and if thereafter such waste is not removed within such time, the Council may by itself or through a contract remove it at the expense of the owner.

Removal of special industrial waste and / or hazardous waste

24. (1) Only a service provider who complies with the provisions of SANS 0228 or other relevant legislation shall transport special industrial waste or hazardous waste and must do so in accordance with the requirements of the relevant SANS Codes, in respect of the type of vehicle, the markings and manner of construction of such vehicle, procedures for safety and cleanliness, and documentation relating to the source, transportation and disposal of such waste, and subject to the requirements of any other legislation.
- (2) The Council may, in addition to any legislative requirements, lay down conditions in terms of subsection (1). In laying down conditions the Council shall have regard to -
- (a) the composition of the special industrial waste and/ or hazardous waste;
 - (b) the suitability of the vehicle and container to be used;
 - (c) the place where the refuse shall be disposed; and
 - (d) proof to the Council of such disposal.
- (3) The person referred to in section 22(1) shall inform the Council, at such intervals as the Council may stipulate, having regard to the information to be given to the Council in terms of section 22(1), of the removal of special industrial refuse and/or hazardous waste, the identity of the remover, the date of such removal, the quantity and the composition of the special industrial waste and/ or hazardous waste removed as well as the location of the site where the special industrial waste or hazardous waste was treated and/ or disposed.
- (4) Should any person be convicted of contravening the provision of this section, such person shall in addition to any penalty imposed on him, dispose of the special industrial waste or hazardous waste as directed by the Council, or the Council or any approved contractor may dispose of

such special industrial or hazardous waste and recover the costs from such person.

- (5) In case of any spillage or illegal dumping of special industrial waste or hazardous waste, such waste must be removed, treated, disposed, the area cleaned and rehabilitated by the generator to the satisfaction of the Council.
- (6) Should the generator fail to comply to the provisions of subsection (5), the Council will undertake to remove, treat, dispose, clean and rehabilitate the area or alternatively appoint a registered service provider to do so, and the costs will be recovered from the generator and the generator will be liable to a fine.
- (7) A person contravening any provisions of section 24 is committing an offence and is liable to a fine

CHAPTER 7

MEDICAL AND INFECTIOUS WASTE

Generation of medical and /or infections waste – notification

- 25. (1) The person engaged in the activity which causes medical and/or infectious waste to be generated, shall inform the Council of the composition therefore, the quantity generated, the frequency of collection, the manner in which it will be collected and disposed of, and the identity of the licensee and/or registered service provider who will collect and remove such waste: Provided that if such waste is being generated as a result of activities which commenced prior to the commencement of these By-laws, the generator must notify the municipality as contemplated in this subsection within 90 days of the commencement of these By-laws.
- (2) If so required by the Council, the notification referred to in subsection (1) shall be substantiated by an analysis certified by a qualified industrial chemist, at the cost of the person engaged in the activity in (1) above.
- (3) An Environmental Health Practitioner or any person authorized by the Council may enter any premises at any reasonable time to ascertain whether medical and or infectious waste is generated on such a premises.
- (4) Having notified the Council in terms of subsection (1), the person mentioned in subsection (1) shall notify the Council of any changes with respect to the generation, composition, quantity, storage, method or location of disposal occurring thereafter.

- (5) A person contravening any provisions of subsection (1) and or (4) is committing an offence and is liable to a fine.

Storing of medical and/or infectious waste

26. (1) The person referred to in section 25(1), shall ensure that the medical and or infectious waste generated on the premises is kept and stored thereon in terms of subsection (2) until it is removed from the premises in terms of section 27.
- (2) Medical and/ or infectious waste stored on the premises shall be stored in a medical and/or infectious waste container as prescribed by the applicable legislation, separately from business and /or domestic waste and in such a manner that it cannot cause a nuisance, pose a danger to any person (on the premises),or pollute the environment.
- (3) The containers from medical and/or infectious waste must comply with the following minimum requirements:
- (a) All infectious waste must be placed at the point of generation into a container as prescribed by relevant legislation and be of the applicable color code for the various forms of medical / infectious waste;
 - (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 manufactured of a material, which will prevent leakage. The container has to be equipped with a safe and hygienic lid, and has to be sealed after utilization; and
 - (d) All containers must be clearly marked with the universal bio-hazardous waste symbol.
- (4) If medical and/or infectious waste is not stored in terms of subsection (1) and (2) on the premises on which it is generated, the Environmental Health Practitioner or a authorized official of Council may order the owner/s or occupier/s of the premises and the person referred to in section 25(1) to remove such waste within a reasonable time and, if thereafter such waste is not removed within such time, the Council may by itself or through any person remove it at the expense of the owner/s and/or occupier/s.
- (6) The person referred to in section 25(1), shall bear all the medical and

analysis cost in the event of a needle prick or contamination as a result of medical and or infectious waste added to business – or domestic waste and shall further face criminal charges for this act .

- (7) The Council may remove, or appoint an registered service provider to remove medical waste from a medical waste generator, and all costs incurred will be recovered from the generator.
- (8) Medical or infectious waste must be stored in an approved refuse bin or container and for a period not exceeding 60 days or any other maximum period stipulated by the municipality, before collection: Provided that the waste or quantities of waste does not cause a nuisance or health risk and do not accumulate to such quantities that it causes a nuisance, obstruction, safety risk or health risk.
- (9) A person contravening the provisions of section 26 is committing an offence and will be liable to a fine

Removal of medical and/or infectious waste

- 27. (1) No private company/ service provider shall remove medical and/ or infectious waste from any premises in the jurisdictional area of the Municipality unless it complies to the provisions of all applicable SANS codes and the relevant legislation.
- (2) Only a service provider that comply to the applicable SANS codes and relevant legislation may transport medical or infectious waste and must do so in accordance with the requirements of the relevant legislation, as well as the relevant SANS Codes, in respect of the type of vehicle, the markings and manner of construction of such vehicle, procedures for safety and cleanliness, and documentation relating to the source, transportation and disposal of such waste, and subject to the requirements of any other legislation.
- (3) The person referred to in section 25 (1) shall inform the Council, at such intervals as the Council may stipulated, having regard to the information to be given to the Council in terms of section 25(1), of the removal of medical and/ or infectious waste, the identity of the remover, date of such removal, the quantity and the composition of the waste as well as the method and location of treatment and/or disposal of the medical or infectious waste.
- (4) No person shall dispose of any medical and/or infectious waste by incineration, unless the incinerator is licensed/permitted by the relevant authority to incinerate such waste at an incinerator complying with all relevant legislation.

- (5) A generator and/or registered service provider must be in possession of proof of safe disposal/destruction certificate after disposing of the medical and infectious waste.
- (6) 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 medical and/or infectious waste as directed by the Council within a specified time, or the Council may appoint a registered service provider to dispose of such medical and/or infectious waste and recover the costs incurred from such person.
- (7) In the case of illegal dumping of medical or infectious waste, such waste must be removed, treated, disposed, the area cleaned and rehabilitated by the generator to the satisfaction of the Council.
- (8) Should the generator fail to comply to the provisions of subsection (7), the Council will undertake to remove, treat, dispose, clean and rehabilitate the area or alternatively appoint a registered service provider, and the costs will be recovered from the generator and the generator will be liable to a fine.
- (9) A person contravening the provision of section 27 is committing an offence and will be liable to a fine.

Provision of medical/infectious waste containers and/or collection services by Council

28. (1) The Council may provide a service or appoint a service provider for the collection and removal of medical and/or infectious waste from premises at a prescribe tariff. A person engaged in an activity which causes medical and/or infectious waste to be generated, shall then use the Council's service for the collection and removal of all such waste, except in cases where special exemption is granted. The services will be available under the following conditions:
- (a) The medical and/or infectious waste container remains the property of the Council or the service provider.
 - (b) Once the Council or service provider delivers the medical and/or infectious waste container to the user, the onus is placed on the user to ensure the safety of the medical and/or infectious waste container.
 - (c) The user may place no lettering, sign, insignia, advertisement or other device on the medical and/or infectious waste container.
 - (d) The user must ensure that the medical and/or infectious 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 and or infectious waste container is properly sealed and closed prior to the collection thereof by Council or service provider.
 - (f) The user must not overload or overfill the medical and or infectious waste container.
 - (g) The user must ensure that the new container is received and returned in an undamaged condition after usage.
 - (h) The medical and infectious waste container must be used strictly for the purpose of storing the medical/infectious waste for which it has been designed and approved according to the relevant legislation.
 - (i) The user is responsible for ensuring that the containers are used in accordance with paragraph (h). Should it come to light that the user did not place the medical and or infectious 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 consists of blood and/or body fluids are placed in a sealed plastic container with plastic lining specially supplied for this purpose to prevent any leakages.
- (2) A person contravening any provisions of section 28 is committing an offence and is liable to a fine.

CHAPTER 8

RECYCLING OF WASTE

Recycling at the source

29. (1) Any person may recycle waste at the source, either by hand or by a mechanized process.
- (2) If waste is recycled at the source, the owner or occupier must ensure that the recycled waste is clearly identified and separated from the general waste stream.
- (3) All recycled waste shall be kept or stored in a refuse bin or container, or any other area approved by Council.

- (4) The occupier/owner of premises where waste is been recycled or stored, must ensure that no nuisance occurs on the premises.
- (5) If a nuisance occurs on any premises where recycled waste is separated, kept, or stored, the Council may instruct the occupier/owner of the premises to remove the recycled waste or take steps to rectify the nuisance, and any costs incurred in the process of rectifying the nuisance to be for the account of the relevant owner/s and or occupier/s.

Recycling at the landfill sites and transfer stations

30. (1) No person who does, or intends to do recycling at any municipal solid waste landfill site or transfer station, shall do recycling without a permit issued by the Council and/or a signed contract between the re-claimer and the Council.
- (2) Any person authorized/permitted to do recycling at any municipal solid waste landfill site or transfer station, shall ensure that-
- (a) all activities pertaining to recycling of the waste, complies to all conditions that is determined by the permit and/or signed contract by the municipality;
 - (b) the recyclable material is kept neatly together in bundles, bags or containers at an area demarcated by the municipality;
 - (c) any unwanted material he or she has collected is put back into the waste stream, landfill site or transfer station;
 - (d) the immediate area around his recyclable materials is kept in a clean and litter free condition;
 - (e) the recycled material is removed within a specified time as determined by Council;
- (3) No person who is permitted to do recycling at any municipal solid waste landfill site or transfer station, shall –
- (a) interfere with the operations at the landfill site or transfer station;
 - (b) cause a nuisance;
 - (c) cause waste collected for re-cycling purposes to accumulate for a period exceeding 30 days or any such period as may be determined by Council;

- (d) cause waste collected for re-cycling purposes to accumulate to such quantities that it may cause a nuisance or an obstruction.
- (4) The Council may-
 - (a) draw up and sign a written contract between the Council and any person who intends to recycle or does recycling at any municipal solid waste landfill site or transfer station;
 - (b) issue a permit to any person who intends to recycle or does recycling at any municipal solid waste landfill site or transfer station;
 - (c) levy a monthly fee to all authorized person/s doing recycling at a municipal solid waste landfill site or transfer station;
 - (d) renew a permit annually;
 - (e) withdraw a permit or signed contract at any time;
 - (f) remove any recycled material which is not removed within a specified period of time, or which is causing an obstruction or nuisance;
 - (g) refuse any access to any unauthorized person/s, claiming to do recycling at any municipal solid waste landfill site or transfer station.
- (5) The Council reserves the right to not permit any recycling activities at a municipal solid waste site or transfer station.
- (6) The Council reserves the right to use a service provider for the purpose of recycling at a municipal solid waste dumping site or transfer station.
- (7) A person contravening any provisions of subsection (1), (2) or (3) is committing an offence and is liable to a fine

Recycling on private, residential or any other premises

- 31. (1) No person shall accumulate recycled waste on a residential premises, except for the purpose of recycling waste at source.
- (2) No person shall accumulate recycled waste on a business or industrial premises, except for the purpose of recycling waste at source, without prior written consent of the municipality and a permit issued by the municipality, provided that –
 - (a) the premises is kept in such conditions as prescribed by the municipality;

- (b) no nuisance is caused;
 - (c) no waste collected for re-cycling purposes may accumulate for a period exceeding 30 days.
- (3) Any person contravening subsection (1) or (2) shall be instructed by the Council or authorized official to remove the refuse within a specified period of time.
- (4) When a person fails to remove the collected waste within the specified period of time, the municipality will take steps to remove the waste and rectify the nuisance, and any costs incurred in the process of removing the waste or rectifying the nuisance will be for the account of the relevant owner/s and or occupier/s.
- (5) Permits for the purpose of recycling on business or industrial stands shall be renewed annually by the municipality.
- (6) Failure to comply to subsection 1 or 2 above shall be an offence and liable to a fine.

CHAPTER 9

SOLID WASTE LANDFILL SITES AND TRANSFER STATIONS

Conduct a solid waste landfill sites and transfer stations

32. (1) Any person who, for the purpose of disposing waste, enters a landfill site or transfer station controlled by the Council, shall
- (a) enter the landfill site or transfer station only at an authorized entrance;
 - (b) provide the Council with all the particulars required with regard to the composition of the refuse; and
 - (c) follow all instructions issued to him/her with regard to access to the actual disposal point, the place where and the manner in which the refuse should be deposited.
- (2) No person shall –
- (a) dispose of waste at a solid waste disposal site where the disposal of the waste concerned is not permitted;
 - (b) bring intoxicating liquor or narcotic substances onto a solid waste landfill site or transfer station controlled by the Council or enter such facility under the influence of liquor or such substance;

- (c) enter a solid waste landfill site or transfer station controlled by the Council for any purpose other than the disposal of waste in terms of these By-laws and then only at such times and between such hours as the Council may determine from time to time;
 - (d) reside in or around the outside fenced boundaries of the solid waste disposal site or transfer station; and in the case where no fencing exists, in close proximity of the solid waste disposal site or transfer station;
 - (e) light a fire on a solid waste disposal site or transfer station without prior written consent of the person in charge of the municipality.
- (3) The person in charge of a solid waste disposal site or transfer station may at any time require a vehicle or a container on a vehicle brought into the waste disposal facility for the purposes of disposing of waste, to be weighed at a weighbridge.
 - (4) The person in charge of a solid waste disposal site or transfer station or an authorized official may, at a waste disposal facility, inspect the content and nature of waste to be disposed of or processed and may take samples and test any waste found on any vehicle to ascertain its composition.
 - (5) Any person contravening any preceding provisions of this section, may be refused entry or instructed by the person in charge or by an official of the municipality to leave a waste disposal facility and if such person fails or refuses to comply with such instructions, he or she may be removed from such facility by a member of the Traffic Section of the Municipality or the Police Department.
 - (6) The municipality reserves the right to remove any illegal structures from or in close proximity of the waste disposal site.
 - (7) Any person who contravenes subsection (2)(a) or (2)(e) , in addition to a fine, will be liable for all costs reasonably incurred by the municipality in removing or otherwise dealing with the waste concerned or for any damage to property or assets.
 - (8) Any person who contravenes subsection (6) will be liable for all costs reasonable incurred by the municipality in removing or otherwise dealing with the illegal structure.

The ownership of waste

33. (1) All waste removed by the Council and all refuse on solid waste landfill site or transfer station controlled by the Council shall be the property and responsibility of the Council and no person who is not duly authorized by the Council to do so, shall removed it or interfere with it.
- (2) Only waste, excluding any hazardous waste, medical or infectious waste or special industrial waste, which is generated on premises within the Municipal area of jurisdiction, may be disposed of on the solid landfill sites or transfer station/s of the Council.
- (3) The Council shall determine a tariff to be levied at the solid waste landfill site/s or transfer station/s for any generator or person, who brings their own waste to the solid waste landfill site/s or transfer station/s, or who do not make use of the waste removal service of the Council.
- (4) Any person who enters a solid landfill site or transfer station for the purpose of recycling, must be registered at the municipality and in possession of a permit.
- (5) The municipality reserves the right to limit the number of permits to be issued to re-claimers.
- (6) Any person in possession of a permit for recycling must comply with all permit conditions at all times.
- (7) The municipality reserves the right to withdraw a permit at any time or if permit conditions are not adhered to.

Private solid waste landfill site/s

34. Any person may operate a private solid waste landfill site within the jurisdiction of the Council, provided that-
- (a) Council has approved the site and operations at the private solid waste landfill site is conducted in accordance to all relevant legislation and other specifications;
- (b) the site has been approved and permitted under the Environmental Conservation Act, 1989 (Act No. 73 of 1989);
- (c) regular inspections shall be conducted and should the site not comply with the relevant legislation the approval shall be reconsidered.

CHAPTER 10**LITTERING, DUMPING AND AUXILIARY MATTERS****Littering**

35. (1) A person shall not –
- (a) throw, let fall, deposit, or spill or in any way discard, any waste into or onto any public place, farm portion, road, street, vacant stand, stream or watercourse, other than into a refuse container provided for the purpose or onto a solid waste landfill site or transfer station controlled by the Council;
 - (b) sweep any waste into a gutter on a road reserve or any other public place;
 - (c) allow any person/s under his control to do any of the acts referred to in paragraphs (a) and (b);
- that may interfere with the cleanliness of such street, public place, vacant stand, stream or watercourse, or cause annoyance, danger or accident to persons, animals, vehicles or other traffic using such street.
- (2) For the purpose of this section a person shall be deemed to have allowed the acts referred in subsection (1), a person under his control, unless the contrary is proved.
- (3) Any person contravening subsection (1) shall be instructed by the Council or authorized official to remove the waste within a specified period of time.
- (4) Failure to comply to subsection 34 (3) above shall be committing an offence and liable to a fine.

Illegal Dumping

36. (1) No person shall, subject to any provisions to the contrary in these By-laws contained, leave any item or allow any under his control to be left at a place, other than a solid waste landfill site or transfer station, with the intention of abandoning it.
- (2) A person shall not, whether temporary before collection or removal or for the purposes of abandoning the waste –
- (a) except with the permission of the occupier 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 –

- (i) a public road;
 - (ii) a public place;
 - (iii) any drain, watercourse, flood prone areas, tidal or other water in or abutting on any such road, highway, street, lane, public footway or pavement, roadside or other open space to which the public have access; or
 - (iv) private or municipal land or property.
- (3) If it has been proved that such person left or allowed waste to be at a place of which he is not owner or occupier he shall be deemed to have contravened the provisions of subsection (1) or (2), unless and until he proves the contrary.
- (4) Should a person perform any of the acts referred to in subsection 1 or 2, the municipality may by written notice require –
- (a) the person directly or indirectly responsible for dumping, accumulating, placing, depositing, or leaving the waste;
 - (b) the owner of the waste, whether or not he is responsible for dumping, accumulating, placing, depositing, or leaving the waste; or
 - (c) the occupier of the land or premises on which the waste was dumped, accumulated, placed, deposited, or left, whether or not he or she is responsible therefore; to remove the waste within the period and any conditions stated in the notice.
- (5) If a person fails to comply with the requirements of a written notice, the municipality may dispose of, destroy or remove the waste and may recover the cost of doing so from the person or persons to whom the notice was issued.
- (6) If waste has been deposited in or on any land in contravention of subsection 1 or 2 –
- (a) in order to remove or prevent pollution of land, water or air or harm to human health, it is necessary that the waste be forthwith removed or other steps be taken to eliminate or reduce the consequences of the deposit;
 - (b) there is no occupier of the land; or

- (c) the occupier neither made nor knowingly permitted the deposit of the waste, the municipality may remove the waste from the land or take other steps to eliminate or reduce the consequences of the deposit or, as the case may require, to remove the waste and take those steps, and is entitled to recover the cost incurred by it in removing the waste or taking the steps or both and in disposing of the waste –
 - (i) from the occupier of the land, unless he or she proves that he or she neither made or knowingly caused nor knowingly permitted the deposit of the waste; and
 - (ii) from any person who deposited or knowingly caused or knowingly permitted the deposit of any of the waste.
- (7) Any person who contravenes the provisions of subsection (1) or (2) or in addition to the costs incurred by the Council as contemplated in subsection (5) shall be guilty of an offence and shall be liable to a fine.

Abandoned material

37. Any material, other than a vehicle deemed to have been abandoned in terms of the Road Traffic Act, No. 29 of 1989 (Act 29 of 1989), which taking into consideration the place where it is found, the period it has been lying at such place and the nature and condition of such material is reasonably regarded by Council as having been abandoned, may be removed and disposed of by the Council as it may deem fit and Council may recover the cost from the owner, and/ or the owner will be liable to a penalty.

Liability of the responsible person

38. (1) Where any material has been removed and disposed of by the Council in terms of section 37, the person responsible shall be liable for the costs incurred by the Council and/or levies in respect of such removal and disposal.
- (2) For the purpose of subsection (1) the person responsible shall be –
- (a) The last owner of the material and shall include any person who is entitled to be in possession of the material by virtue of a hire purchase agreement or any agreement of lease at the time when it was abandoned, or put in the place from where it was removed, unless he can prove that he was not concerned with and did not know of the material being abandoned or put in such 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 material in the place aforesaid.

Dead animals contaminated food

39. (1) No person shall, subject to any provisions to the contrary in these By-laws contained, leave, throw or dump, any dead animal or pet under his control on any public place, street corner or vacant stand with the intention of abandoning it.
- (2) No person shall, subject to any provisions to the contrary in these By-laws contained, leave, throw or dump, any dead animal or pet under his control on any solid waste disposal site or transfer station of the municipality, without prior consent of the Council and under the supervision of the Environmental Health Practitioner.
- (3) If it has been proved that such person left or allowed any dead animal or pet to be at a place of which he is not the owner or occupier he/she shall be deemed to have contravened the provisions of subsection (1), unless and until he proves the contrary.
- (4) Any person who contravenes the provisions of subsection (1) shall be guilty of an offence and shall be instructed by Council or an authorized official to remove the abandoned dead animal or pet within a specified period of time, or Council may itself or through an approved service provider remove and dispose the abandoned dead animals or pet and, in addition to a fine, the cost(s) incurred will be recovered from the responsible person.
- (5) Any person who contravenes the provisions of subsection (2) shall be guilty of an offence and Council shall remove and properly dispose of the abandoned dead animal or pet, or Council shall through an approved service provider remove and properly dispose the dead animals or pet and, in addition to a fine, the cost(s) incurred will be recovered from the responsible person.
- (6) The Council may remove or appoint an approved service provider to remove any abandoned dead animal or pet from any premises at a prescribe tariff.

Contaminated food

40. (1) The Council may on request remove any contaminated food from premises at a prescribe tariff after the food is certified unfit for human consumption in terms of the Health Act, 2003 (Act 61 of 2003).
- (2) The owner or Manager of a business, which is in possession of

contaminated foodstuffs, may dispose or destroy such foodstuffs himself, only –

- (a) at an approved solid waste landfill site or transfer station;
 - (b) after the Environmental Health Practitioner and Council has been notified;
 - (c) under the supervision of the Environmental Health Practitioner.
- (3) Following subsection 40(2), the Council reserves the right to levy an applicable tariff for the use of the dumping site.

Burning of waste

41. (1) No person shall burn waste except at –
- (a) an authorized incinerator operated by the municipality;
 - (b) an incinerator which is permitted to incinerate such waste according to all relevant legislation which is owned by an institution or private owner;
 - (c) a place designated by the municipality for such purpose.
- (2) A person who contravenes a provision of subsection 1 commits an offence and shall be liable to a penalty.

CHAPTER 11

GENERAL PROVISIONS

Accumulation of waste

42. When any category of refuse as defined in Chapter 1 of these regulations accumulates on a premises in such way as to constitute a nuisance or to render it likely that a nuisance may be created thereby, the Council may remove such refuse and the owner shall be liable in respect of such removal and pay the charges thereto.

Charges

43. (1) Unless where otherwise provided in these By-laws, the person to whom any services mentioned in these By-laws has been rendered by the Council or a registered service provider shall be liable to the Council for the levies in respect thereof.
- (2) Services rendered by the Council or a registered service provider of the Council in respect of which a monthly charge is prescribed, shall only be discontinued by the Council after receipt of a written notification from the

owner or occupier of the premises to which the services are rendered that the generation of domestic or business waste on the premises has ceased or that they no longer require the service.

- (3) Monthly levies shall be payable until receipt by the Council of the notice mentioned in subsection (2), is received.

Offences and Penalties

44. (1) Any person who contravenes or fails to comply with any provision of these By-laws, shall be guilty of an offence and shall be liable on conviction to a fine or to community correctional services for a period not exceeding six months, or to both such fine and community correctional service.

Repeal of By-laws

45. The by-laws published under Administrator's Notice _____ of _____ are hereby repealed.

O.N. Nkosi

Municipal Manager

P.O. Box 17, Belfast 1196

(Notice No. : _____)

LOCAL AUTHORITY NOTICE 67 OF 2016

EMAKHAZENI LOCAL MUNICIPALITY



NUISANCES AND OFFENSIVE CONDITIONS BY-LAWS

In terms of and under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 (Act108 of 1996), the Highlands Municipality enacts as follows:-

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1. Definitions

In these By-laws, except as otherwise expressly provided or unless the context otherwise requires:

"camp" when used as a verb includes the use of a vehicle for the purpose of habitation or sleeping, whether or not such vehicle is designed or adapted for any such purpose;

"canopy" means a rigid roof-like projection from the wall of a building;

"Council" means the Highlands Municipal Council and includes, in relation to a duty, function or power under these By-laws, a committee or official of the Council to whom it has assigned or delegates such duty, function or power;

"dependence- producing substance" means a dependence- producing substance as defined in the Drugs and Drug Trafficking Act, 1992 (Act 140 of 1992);

"discharge" includes, in relation to the use of a gun, the act of discharging a blank cartridge;

"gun" includes a weapon of any description from which any bullet, pellet, shot or any missile of any description can be discharged, whether or not activated by explosive;

"nuisance" means any act, omission or condition which-

- a) is offensive;
- b) is injurious or dangerous to health;
- c) materially interferes with the ordinary comfort, convenience, peace or quiet of the public; or
- d) adversely affects the safety of the public;

"official" means an officer of the Council to whom it has assigned or delegated a duty, function or power under these By-laws, in relation to the exercise or performance of that duty, function or power and includes any employee acting under the control and direction of such officer;

"police officer" means a member of any police force established under any law;

"prescribed" means prescribed by the Council;

"public place" means any square, park, recreation ground, sports or sanitary lane which has –

- a) in connection with any subdivision or layout of land into erven, lots or plots, been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, lots or plots, whether or not it is shown on a general plan, of subdivision or diagram;
- b) at any time been dedicated to the public;
- c) been used without interruption by the public for a period of at least thirty years;
- d) at any time been declared or rendered such by the Council, and includes a street;

"road traffic sign" bears the meaning given to it by the Road Traffic Act, 1989 (Act 29 of 1989);

"sidewalk" means the portion of a verge intended for the exclusive use of pedestrians;

"street" means any street, road, highway, thoroughfare, lanes, footpath, sidewalk, alley, passage, bridge or any place of a like nature or any portion of the width or length thereof and includes all appurtenances of whatsoever nature thereto;

"vehicle" bears the meaning given to it by the Road Traffic Act, 1989 (Act 29 of 1989)

"verge" means that portion of a street which is not constructed or intended for vehicular traffic;

"workplace" has the meaning given to it by the Occupational Health and Safety Act, 1993 (Act 85 of 1993) and the regulations there under.

2. Principles and objectives

The Highlands Municipal Council, aware of its duty the Constitution to control public nuisances, and to prevent the occurrence of any nuisance or offensive condition, or where a nuisance has so occurred, to abate, or cause to be abated such nuisance, or remedy, or cause to be remedied, such condition, as the case may be, therefore in addition to national and provincial legislation and other by-laws (of the Highlands Municipal Council) in which specific nuisances conditions are controlled, adopts these By-laws with the aim to –

- 2.1.1. control public nuisances and offensive conditions; and
- 2.1.2. where public nuisances and offensive conditions has occurred, to be abated or cause to be abated such nuisances, or remedy or cause to be remedied such offensive conditions.

3. Application

These By-laws apply to all persons in, including travelers passing through, areas under the jurisdiction of the Highlands Municipal Council.

CHAPTER 1**NUISANCES AND OFFENSIVE CONDITIONS****4. Noise and light**

- 4.1. No person may, unless he or she acts lawfully in the exercise of a right or in the performance of a duty and to the extent that is expressly authorized by law, in a public place or on premises by act or omission cause or create or allow to arise or exist if it is under his or her control –
- 4.1.1. that noise or vibration which arises from or is caused by the operation or use of equipment or machinery is produced;
 - 4.1.2. that noise or vibrations by or arising from or caused by the operation or use of any device which produces, reproduces or amplifies sound is reproduced;
 - 4.1.3. that noise produced by the striking of any object;
 - 4.1.4. that noise is produced by the discharge of any gun, firework or other explosive device;
 - 4.1.5. that any loud or disturbing noise is made, such as quarreling, shouting, screaming, or swearing; or
 - 4.1.6. that an excessively bright or a flashing or intermittent light is produced

5. Dust, fumes, gases, smells, and smoke

- 5.1. No person may, unless he or she acts lawfully in the exercise of a right or in the performance of a duty and to the extent that is expressly authorized by law, in a public place or on premises by act or omission cause or create or allow to arise or on premises by act or omission cause harmful, noisome or is caused by –
- 5.1.1. any act or activity
 - 5.1.2. the operation or use of equipment or machinery; or
 - 5.1.3. the condition of any property, movable or immovable
- 5.2. A person who contravenes subsection (1) commits an offence.

6. Motor vehicle's alarm

- 6.1. The registered owner of a vehicle to which a theft prevention alarm device has been fitted may not allow the device to continue sounding either continuously or intermittently for more than ten minutes after it has been activated by any cause whatsoever, whether the motor vehicle is in a street or on public place or on premises, and the device is deemed to be sounding intermittently for the purpose of this subsection so long as it continues to sound at any interval without the intervention of a new cause.

- 6.2. If a motor vehicle alarm has sounded for longer than ten minutes the vehicle is, if it is in a street or public place, deemed to have been abandoned by the owner and may be removed by an official or police officer, and the provisions of subsections 114(2) to (7) of the Road Traffic Act, 1989 (Act 29 of 1989) apply with the necessary changes
- 6.3. An owner who contravenes subsection (1) commits an offence; however it is a defence to a charge of contravening this subsection if he or she proves that an automatic cut-off mechanism which is fitted to the device had failed to operate for reasons beyond his or her control and without negligence on his or her part.

7. Burglar alarm

- 7.1. The occupier of premises in which a burglar alarm device has been installed may not allow the burglar alarm to continuously or intermittently for more than ten minutes after it has been activated by any cause whatsoever, and the device is deemed to be sounding intermittently for purposes of this subsection so long as it continues to sound at any interval without the intervention of a new cause.
- 7.2. If a burglar alarm device has been installed in any premises the occupier of the premises, unless an automatic cut –off mechanism has been fitted, must –
 - 7.2.1. either erect and maintain at the main entrance to the premises a notice which specifies the names and telephone numbers of persons who have access to the premises at all times for the purpose of deactivating the device; or
 - 7.2.2. arrange for an automatic response to an alarm to operate at all times
- 7.3. An occupier who contravenes subsection (1) or who does fails to comply with subsection (2) commits an offence, however it is a defence to charge of contravening subsection (1) if he or she proves that an automatic cut-off mechanism which is fitted to such device has failed to operate for reasons beyond his or her control and without negligence on his or her part.

8. Air- conditioning appliance

- 8.1. The owner or occupier of a building, who has installed therein or who maintains and operates therein an air-conditioning appliance must ensure that the appliance is so installed, maintained and operated –
 - 8.1.1. that the generation of noise, smell or vibration which constitutes a nuisance to the public, any other occupier of the building or any occupier of premises in the neighbourhood is prevented; and

- 8.1.2. that the discharge or generation of condensate onto a public place or as to be a source of danger or nuisance to the public is prevented.

8.2. A person who contravenes subsection (1) commits an offence.

9. Use of premises

9.1. No occupier of premises may –

- 9.1.1. use the premises for a purpose;
- 9.1.2. cause, allow or permit the use of the premises for a purpose; or
- 9.1.3. organize or allow or permit an activity, event or function in or on the premises,

9.2. If subsection (1) is contravened, an official or police officer of the rank of sergeant or higher may instruct the occupier of the premises and any person responsible for or participating in the use, activity, event or function to take such steps as he or she 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 immediately or to cause it to be brought to end within a time prescribed by him or her.

9.3. A person who contravenes subsection (1) or who fails to comply with an instruction issued in terms of subsection (2) commits an offence.

10. Lighting of fire

10.1. No person may on any premises light a fire or burn or attempt to burn, or cause or allow any of these actions to be done, any rubbish or refuse or any grass or 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.

10.2. A person who contravenes subsection (1) commits an offence.

11. Obstruction caused by plant and overhanging vegetation

11.1. An owner or occupier must ensure that a tree, shrub or other plant (or any portion of such plant) growing on any part of his or her premises which abuts a street or public place does not –

- 11.1.1. obstruct the view of the driver of any vehicle in the street or in a public place;
- 11.1.2. obstruct or cause a nuisance to persons using the street or public place;
- 11.1.3. obscure a road traffic sign; or
- 11.1.4. cause or is likely to cause nuisance or a source of danger to a person using a street or public place.

- 11.2. An owner or occupier of premises may plant and maintain grass and plants on that portion of the verge of a street which abuts his or her premises as long as-
- 11.2.1. the lawful passage of vehicular and pedestrian traffic and the lawful parking of vehicles is not thereby obstructed; and
 - 11.2.2. the grass and plants are properly maintained and do not give rise to a nuisance,
- And a person who contravenes paragraph (a) or (b) commits an offence.
- 11.3. Should a person contravene subsection (1) an official may serve a notice of compliance on the owner of the premises or, if the premises are occupied by a person other than the owner, on the occupier thereof, requiring him or her 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.
- 11.4. The provisions of subsections (5) to (7) replace the common law regarding the rights of a neighbour to trim vegetation growing on premises other than his or her premises and which overhangs onto his or her premises.
- 11.5. Where an owner or occupier of land wishes to trim a plant, tree or vegetation growing on premises other than his or her own, which plant, tree or vegetation overhangs a fence between his or her premises and the other premises, he or she must, in writing, notify the owner or occupier of the other premises of his intention to do so, and must in the notice request such owner or occupier to trim such plant, tree or vegetation within a reasonable time, which time may not be less than 30 days, and up to a height not exceeding 10 metres from ground level, and –
- 11.5.1. where such owner or occupiers trims such plant, tree or vegetation, it will be at his or her own cost;
 - 11.5.2. where such owner or occupiers trims such plant, tree or vegetation within the time stipulated in the notice, the owner or occupier of land who served the notification, may –
 - a) himself or herself trim the plant, tree or vegetation;
 - b) recover the costs from the owner or occupier who failed to do so; and
 - c) deposit the cuttings onto the premises on which the plant, tree or vegetation is growing.
- 11.6. Where an owner or occupier of land trim a plant, tree or vegetation growing on premises other than his or her own, which plant, tree or vegetation overhangs a fence between his or her premises, without serving a notice as contemplated in subsection (5), or without the permission of the owner or occupier of the property on which the plant, tree or vegetation is growing, such owner or commits an offence.
- 11.7. The provisions of subsections (1) to (3), with the necessary changes, apply to intruding roots.

12. Breach of peace

12.1. No person in a public place may –

- 12.1.1. accost, insult, interfere with, jostle, threaten or harass another person;
- 12.1.2. association or act in concert with other persons in a manner which causes or is likely to cause a breach of the peace;
- 12.1.3. fight or incite or invite another person to fight;
- 12.1.4. behave in a disorderly, indecent or unseemly manner,
- 12.1.5. throw anything at any person or object; or
- 12.1.6. behave in a violent or offensive manner, or cause a nuisance.

12.2. A person who contravenes subsection (1) commits an offence.

13. Loitering

13.1. No person may loiter in a public place.

13.2. No person may jostle or loiter at or within 20m of the entrance of any place of public worship during the –

- 13.1.1. time of divine service;
- 13.1.2. assembly at the place of worship; or
- 13.1.3. departure from such place of the congregation, so as to obstruct or annoy any persons going to, attending at, or leaving the place of worship.

13.2. If an official suspects a person of loitering, the official may instruct the person to leave.

13.3. A person who contravenes subsections (1) or subsections (2) or who refuses to comply with an instruction by an official to leave commits an offence.

14. Games

14.1. No person may in a public place play any game or indulge in any pastime.

14.2. A person who contravenes subsection (1) commits an offence

15. Drying of clothes or object

15.1. No person may in a public place expose, hang up or lay out to dry any article of clothing or other object.

15.2. No person who contravenes subsection (1) commits an offence.

16. Dangerous act

16.1. No person, unless he or she 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 the official, may –

- 16.1.1. in a public place activate, handle or use any material, object or thing –
 - a) which is likely to cause injury to a person; or
 - b) which is likely to intimidate a person;
 - c) which is likely to damage property; or
 - d) in a manner which is likely to result in injury, intimidation or damage
- 16.1.2. introduce into or handle in a public place any material, object or thing or any liquid or solid substance which by its nature or by reason of the manner of its introduction or handling creates a new source of danger to person or property or is likely to do so;
- 16.1.3. light, use or benefit from a fire other than in or on a facility provided by the Council for that purpose;
- 16.1.4. attach any object to or suspend any object from canopy, verandah or other projection or a pillar, pole or post, except if allowed to do so by the Outdoor Signs (Advertising and other) By- laws, 2005; or
- 16.1.5. perform any other act which may cause injury to persons or damage to property.

16.2. A person who contravenes subsection (1) commits an offence.

17. Intoxication

- 17.1. No person may be in a public place if he or she is in a state of intoxication or under the influence of a dependence- producing substance.
- 17.2. No person may, if he or she is in a state of intoxication or under the influence of a dependence-producing substance, remain a in public if he or she is instructed by an official to leave the place.
- 17.3. No person may in a public place administer a dependence-producing drug to himself or another person.
- 17.4. A person who contravenes subsections (1) or subsection (3) or who refuses to comply with an official to leave a public place commits an offence.

18. Defecating, urinating , spitting or using of toilet

- 18.1. No person may –
 - 18.1.2. Defecate or urinate in a public place except in a facility which is provided by or on behalf of the Council for the purpose;
 - 18.1.3. enter or use a public toilet which reserved or set aside for members of the opposite sex; or
 - 18.1.4. spit in a public place.
- 18.2. A person who contravenes subsection (1) commits an offence.

19. Obstruction

19.1. No person may, in a public place –

- 19.1.1. leave anything unattended, if he or she has introduced or placed it there, so as to cause or be likely to cause an obstruction to a persons or vehicles;
- 19.1.2. carry, deposit, handle or introduced anything so as to be likely –
 - a) to obstruct or interfere with the free movement of persons or vehicles; or
 - b) to obstruct or interfere with the use of a street or public place by the persons or vehicles;
 - c) to cause injury to person or damage to any property, and perform any other act which has or is likely to have a result contemplated in paragraphs (i), (ii) or (iii);
- 19.1.3. deposit on the surface of the public place anything for the purpose of or in the course of –
 - a) loading or unloading a vehicle; or
 - b) delivering an such thing to premises having access to the street or public place,

For a longer period than is reasonably necessary for that purpose;
- 19.1.4. in whatever manner obscure a road traffic sign;
- 19.1.5. hang or suspend anything above the surface of the public place or causes or allows anything to protrude above such surface or to encroach upon it, except if allowed to do so by the Outdoor Signs (Advertising and other) By- laws, 2005;
- 19.1.6. gather with or cause a gathering of other persons in a place or manner as to or 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.

19.2. A person who contravenes any of the provisions of subsection (1) commits an offence, and should a person contravene subsection (1) (a), an official may furthermore serve on the person a notice of compliance as contemplated in section 31.

20.Littering

20.1. No person may, in a public place –

- 20.1.1. abandon, discard, discharge or spill or cause or allow to be discharged or spilt any rubbish or other waste material or thing, whether liquid or solid, except in a receptacle for the purpose;

- 20.1.2. remove from a receptacle provided for the disposal of refuse any of its contents and cause the same to be discharged from such a receptacle.
- 20.2. Any material or thing that person drops or allows to fall without being immediately retrieved by him is for the purposes of subsection (1) (a) deemed to have been discarded by him or her.
- 20.3. Any material or thing found in a street or public place in circumstances giving rise to a suspicion that an offence has been committed under subsection (1) (a) and which bears the name of a person or in respect of which there is reasonable suspicion that it is or was the property or under the control of that person is for the purposes of subsection (1) (a) deemed to have been abandoned or discarded by that person until the contrary is proved.
- 20.4. A person who sweeps or in any other way introduced any rubbish or waste material or thing into a street or public place is deemed to have discarded it there for the purposes of subsection (1) (a).
- 20.5. A person who has been observed by an official or police officer to contravene the provisions of the paragraph (1) (a) or (b) may be directed by the official or police officer to remove the rubbish, material or thing or to place it in a receptacle provided by or on behalf of the Council.
- 20.6. A person who performs or incites another person to perform any of the acts described in subsection (1) commits an offence, or who fails to comply with a direction by an official or police officer, commits an offence.

21. Offences relating to Council's property

- 21.1. A person, unless he or she does so in the performance of a lawful right or duty or with the prior consent of the Council or accordance with the provisions of any law, 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 or she –
- 21.1.1. willfully or negligently damages or destroys such property or any part thereof;
- 21.1.2. removes any earth, sand, shale, stone, turf or any other material or part thereof;
- 21.1.3. breaks, cuts, destroys or removes any bush, shrub, tree or other plant or removes any branch, flower, leaf or other part thereof
- 21.1.4. 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;
- 21.1.5. hangs or suspends anything on or from it;
- 21.1.6. defaces any such property whether by the use of chalk, ink or paint or by means whatsoever;
- 21.1.7. extinguishes any lamp or light;
- 21.1.8. displaces or removes any barricade, enclosure, fence, lamp, light, notice or sign;

- 21.1.9. make any excavation in or disturbs the surface of such property;
 - 21.1.10. climbs or sits upon, hangs onto or mounts any such property;
 - 21.1.11. introduces any objects or material or erects any structure on such property;
 - 21.1.12. enters such property or remains there; or
 - 21.1.13. allows, causes or permits any other person to commit any of the aforesaid acts
- 21.2. A person who contravenes subsection (1) commit an offence and must, if convicted, pay to the Council the cost of remedying any loss or damage suffered by the Council as result of the commission of that offence and the cost of the removal and disposal of any material, object or structure involved in the offence.
- 21.3. If a person applies for the consent of the Council in terms of subsection (1), the Council may –
- 21.3.1. require the person to furnish information in support of application;
 - 21.3.2. pay a deposit or give security for the costs of removal of the thing to which the application relates and for the repair of any damage caused thereby; and
 - 21.3.3. impose such conditions or restrictions as the Council deems necessary or desirable; or
 - 21.3.4. refuse content if it the act to which the application relates will or may be unlawful or will cause offence to any person or to a section of the community
 - 21.3.5. If the material, object or structure is not removed in compliance with a condition impose in terms of subsection (3), or should the removal result in any damage to the property, the cost of the removal or of the repair of the damage is recoverable by the Council as a civil debt from the to whom consent was given to the extent that any deposit or security furnished in terms of subsection (3) (b) proves inadequate.

22. Offences relating to private property

- 22.1. a person commits an offence if on any premises he or she –
- 22.1.1. excavates or removes soil or other material in a position in relating to a boundary of the premises with other premises or a street or public place so as to or be likely to removed lateral support from those premises or that street or public place or to create a source of danger to life or damage to property;
 - 22.1.2. being the owner or occupier of such premises allows any well, pond, reservoir, pit, hole, excavation or earthwork or any tree or other vegetation on such premises to be in such a condition or to be so unprotected as to constitutes a danger to the safety of person or property;

- 22.1.3. causes allows anything to project from the premises over or into a street or public place, except in the an area zoned for industrial purposes under a town planning scheme, and to an extent necessarily consistent with the use to which premises are put;
 - 22.1.4. being the owner or occupier of such premises, deposits, stores or causes, allows or permits to be deposited or stored or to accumulate so as to be visible from a street or public place abandoned, derelict or disused furniture, machinery, vehicles or other objects or parts thereof or scrap metal or other derelict or waste materials;
 - 22.1.5. without the consent of the owner or occupier thereof or places anything to or places anything to or on any premises or 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.
- 22.2. A person who contravenes subsection (1) commits an offence.
- 22.3. Should a person contravene subsection (1) (c) or (e) the Council may serve on the person a notice of compliance as contemplated in section 31.

23. Cleaning of sidewalk and verge

- 23.1. An occupier of premises which are a factory or in or on which there is carried on any business, occupation or trade must at all times –
- 23.1.1. while any activity is being carried on in the factory;
 - 23.1.2. while the premises are open for business;
 - 23.1.3. while the occupation or trade is being carried on; or
- during business hours,
- 23.2. Whichever is applicable, keep any sidewalk or verge which abuts or adjoins the premises, including the gutter and kerb, free of litter and put and keep the same in a clean and satisfactory state and to this end remove all litter there from.
- 23.3. The occupier must cause all litter removed to be placed in refuse receptacles provided by on behalf of the Council or, with the written consent of an official, to be disposed of in a manner approved of by the official.
- 23.4. A person who contravenes subsection (1) or subsection (2) commits an offence.

24. Begging and gambling

- 24.1. No person may, in a public place –
- 24.1.1. beg for money or goods or ask for or solicits anything, whether by gesture, word or otherwise;

- 24.1.2. cause or induce another person to beg for money or goods or ask for or solicits anything, whether by gesture, word or otherwise; or
- 24.1.3. gamble or play any game for gain, whether monetary or otherwise.

24.2. A person who contravenes subsection (1) commits an offence.

25. Vagrancy

25.1. A person who leads –

- 25.1.1. a vagrant life and who has no ascertainable and lawful means of livelihood; or
- 25.1.2. an idle, dissolute or disorderly life, may not enter or be in a public place.

25.2. A person who contravenes subsection (1) commits an offence.

26. Camping and sleeping

26.1. No person may, in a public place or on any premises or property owned by or under the control of the Council, which public place, premises or property is not intended to be used for such purpose –

- 26.1.1. camp, sleep or use any portion thereof for the purpose of habitation, except with the express permission of the Council;
- 26.1.2. lie and sleep on any bench or seat provided for the use of the public.

26.2. A person who contravenes subsection (1) commits an offence

CHAPTER 2

ENFORCEMENT

27. Disposal of property found in street or public place

- 27.1. When anything has been left in a street or public place in contravention of section 22 (1) (a) an official or police officer may remove it to a store established by the Council for the purpose, however if such thing is of no commercial value he or she may dispose of the thing in such manner as he or she deems fit, and the person who has committed the offence is liable to the Council for the costs of such disposal as determined by the official or police officer.
- 27.2. A thing which has been removed to a store in terms of subsection (1) may be released to any person who, within seven days after the removal or within such longer period as may be allowed by the official in charge of the store, proves to the officials that he or she is its owner or is entitled to possession of the thing, after payment of the cost of the removal and storage as

determined by the official in accordance with a prescribed tariff of charges, however, the official may cause a thing which is of a perishable nature and has not been claimed before it has ceased to have a commercial value or before it has become offensive or danger to health, to be destroyed or otherwise disposed of in such manner as he or she deems fit or to be removed to a municipal refuse dump.

- 27.3. A thing which has not been released or disposed of in terms of subsection (2) shall be sold in such notice as the authorized officer in charge of the store deems fit, having regard for its nature.
- 27.4. The proceeds of any sale in terms of subsection (3) shall first be applied in payment of:
 - 27.4.1. The cost of removal and storage as determined in terms of subsection (2);
 - 27.4.2. any costs which may have been incurred in attempting to trace the owner; and
 - 27.4.3. the cost of sale,

And the balance is forfeited to the Council if not claimed within one year from the date of sale by a person who establishes his or her legal right thereto.

- 27.5. If the proceed 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 any offence in terms of these By- law in relation thereto are jointly and severally liable to the Council for payment of the unsatisfied balance.
- 27.6. If the thing cannot be sold in terms of subsection (3), the official in charge of the store may dispose thereof in such manner as he or she deems fit and the provisions of subsection (5) apply, with the necessary changes in respect of any costs incurred in effecting such disposal.
- 27.7. The exercise of any powers conferred by this section does not render the Council or an official or police officer liable for any loss or theft of or any damage to removed in terms of subsection (1).

28. Notice of compliance and representations

- 28.1. A notice of compliance must state –
 - 28.1.1. the name and residential and postal address, if either or both of these be known, of the affected person;
 - 28.1.2. the condition which was imposed and which has not been complied with, or the provision which has not been complied with in terms of these by- laws;
 - 28.1.3. in sufficient detail to enable compliance with the notice, the measures required to remedy the situation;

- 28.1.4. that the person must within a specified time period take the measures to comply with the notice, to diligently continue with the measures, and to complete the measures before a specified date;
 - 28.1.5. that failure to comply with the requirements of the notice within the period contemplated in paragraph (d) is an offence;
 - 28.1.6. that written representations, as contemplated in subsection (3), may within the time period stipulated under paragraph (d) above, be made to Council at a specified place.
- 28.2. Council, when considering any measure or time period envisaged in subsection (1) (c) and (d), must have regard to –
- 28.2.1. the principles and objectives of these by-laws;
 - 28.2.2. the nature of the non-compliance;
 - 28.2.3. any measures proposed by the person on whom measures are to be imposed; and
 - 28.2.4. any other relevant factors.
- 28.3. A person may within the time period contemplated in subsection (1) (f) make representations, in the form of a sworn statement or affirmation to Council at the place specified in the notice.
- 28.4. Representations not lodged within the time period will not be considered, except where the person has shown good cause and Council condones the lodging of the representations
- 28.5. Council must consider the representations and any response thereto by an authorized official or any other person, if there be such a response.
- 28.6. Council may, on its own volition, conduct any further investigations to verify the facts if necessary, and the results of the investigations must be made available to the person, who must be given an opportunity of making a further response if he or she so wishes, and Council must also consider the further response.
- 28.7. Council must, after consideration of the representations and response, make an order in writing and serve a copy of it on the person.
- 28.8. The order must –
- 28.8.1. set out the finding of Council;
 - 28.8.2. confirm, alter or set aside in whole or part, the notice of compliance; and
 - 28.8.3. specify a period within which the person must comply with the order made by the Council
- 28.9. If the notice of compliance is confirmed, in whole or in part, or is altered but not set aside, Council will inform the person that he or she –
- 28.9.1. must discharge the obligations set out in the notice; or
 - 28.9.2. may elect to be tried in court.
- 28.10. If the person elects to be tried in court he or she must, within seven calendar days, notify Council of his or her intention to be so tried.

- 28.11. If the person does not elect to be tried in court, he or she must, within the prescribed manner and time discharges his or her obligations under the order.
- 28.12. Where there has been no compliance with the requirements of a notice, the Council may take such steps as it deems necessary to remove the remedy the situation and the cost thereof must be paid to the Council in accordance with section 32.

29. Costs

- 29.1. Should a person fail to take the measures required of him or her by notice, Council may, subject to subsection (3) recover all costs incurred as a result of it acting in terms of paragraph 31(12) from that person and any or all of the following persons:
- 29.1.1. the owner of the land, building or premises; or
 - 29.1.2. the person or occupier in control of the land, building or premises or any person who has or had a right to use the land at the time when the situation came about; or
- 29.2. The cost claimed must be reasonable and may include, without being limited to, costs relating to labour, water, equipment, administrative and overhead costs.
- 29.3. If more than one person is liable for costs incurred, the liability must be apportioned among the person concerned according to the degree to which each was responsible for the emergency resulting from their respective failures to take the required measures.

CHAPTER 3

MISCULLANEOUS PROVISIONS

30. Offence relating to officials

- 30.1. No person may –
- 30.1.1. assault, resist, obstruct, hinder , delay or interfere with any official or police officer in the exercise of his or her powers or the performance of his or her duties or functions or in any other way attempt to prevent the exercise of such powers or the performance of such duties or functions;
 - 30.1.2. offer any inducement to any such official or police officer or make any threat, whether of violence or otherwise, in relation to such member or member of his or her family or a person dependent on him or her property in order persuade or prevent such member from exercising any of his or her powers or performing any of his or her duties or functions;
 - 30.1.3. not being an official, by words, conduct or demeanor pretend that he or she is such a member, or

30.1.4. not being an official, wear a uniform or part of a uniform or an insignia designed an intended for use by an official of the Highlands Municipality, or an imitation of such uniform or insignia.

30.2. A person who contravenes subsection (1) commits an offence.

31. Penalties

31.1. A person is guilty of a continuing offence if he or she continues to commits an offence after –

31.1.1. notice has been served on him or her to cease committing such offence;

31.1.2. He or she has been instructed by the an official to cease committing such offence; or

31.1.3. he or she has been convicted of such offence.

31.2. A person who is guilty of an offence under these By- laws is liable, upon conviction, to fine or imprisonment, or to imprisonment without the option of a fine or both such fine imprisonment, and in the case of continuing offence, to an additional fine or additional imprisonment, or to such additional imprisonment without the or option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued.

32. Presumptions

32.1. When an employee of a person in the course of his or her employment performs any act or is guilty of an omission which constitutes an offence under these By-laws, the employer is deemed also to have performed the act or to be guilty of omission and the employer is liable on conviction to the penalties referred to in section 34, unless the employer proves to the satisfaction of the Court that –

32.1.1. in performing the actor being guilty of the omission, the employee was acting without the employer's knowledge or permission;

32.1.2. all reasonable steps were taken by the employer to prevent the act or omission in question; and

32.1.3. it was not within the scope of the authority or the course of the employment of the employee to perform an act of the kind in question.

32.2. The fact that an employer issued instructions forbidding any act or omission of the kind referred to in subsection (1) is not itself sufficient proof that he or she took all steps referred to in paragraph (1) (b).

32.3. When an employer is by virtue of the provisions of subsection (1) liable for any act or omission of his or her employee shall also be liable to prosecution for the offence.

32.4. In any prosecution for an offence under these By-laws an allegation in charge concerned that any place was situate in a street or public place or within a

particular area or was a place of a specified kind shall be presumed to be correct unless the contrary is proved.

- 32.5. In any prosecution for an offence under these By-laws the accused is deemed to know the provisions of these By-laws and to know that the offence with which he or she is charged is a contravention thereof unless he or she proves to the satisfaction of the Court that he or she did not have and could not reasonably be expected to have that knowledge.

33. Application of other by-laws

The provisions of these By-laws are in addition to and not in substitution for any provision in any by-law in which particular nuisances or offensive conditions are controlled, and if a provision in these By-laws is inconsistent with any provision of such other by-law applies.

34. Repeal

By-laws on nuisances and offensive conditions previously made by the Council or its constituent predecessors in respect of any portion of the area of the Highlands Municipality are hereby repealed in so far as they are inconsistent with the provisions of these By-laws.

35. Short title and commencement

These By-laws may be cited as the Highlands Municipality Nuisances and Offensive Conditions By-laws, 2005, and commence on a date decided on by the Council.

LOCAL AUTHORITY NOTICE 68 OF 2016

EMAKHAZENI LOCAL MUNICIPALITY



BARBERS, HAIRDRESSERS AND BEAUTICIANS BY-LAW

Under the provisions of section 156 of the Constitution of the Republic of South Africa, 1996 (Act 108 of 1996), the Emakhazeni Local Municipality, enacts as follows:-

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Schedules

1. Interpretation

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

"barber" means a person who carries on the business of barber, which business comprises any one or the services or activities contemplated in section 4;

"beautician" means a person who carries on the business of beautician, which business comprises any one or more of the services or activities contemplated in section 4;

"Council" means the Highlands Municipal Council;

"hairdresser" means a person who carries on the business of hairdresser, which business comprises any one or more of the services or activities contemplated in section 4;

"salon" means a place where any one or more of the services or activities contemplated in section 4 are normally carries on.

2. Principles and objectives

The Emakhazeni Municipal Council, is aware of its duty to ensure the health, safety and well- being of all residents in and visitors to the municipal area, adopts these By-laws with the aim of regulating the businesses of barber, hairdresser and beautician.

3. Permit by Council

- 1) No person may, for gain, carry on the business of barber, hairdresser or beautician without being in possession of a permit has been issued by the Council.
- 2) A person who wishes to obtain a permit must apply to the Council and must submit to the Council a completed form similar to the form contained in Schedule 1, which schedule refers.
- 3) The following particulars must be included in the application:
 - a) The nature of the business to be carries on;
 - b) the nature of the materials to be dealt with;
 - c) the process to be carried on the premises;
 - d) the products of the process;
 - e) the volume, composition, and nature of production wastes that require disposal;
 - f) the means proposed to be adopted for the disposal of, and to prevent nuisance arising from, atmospheric pollutants, waste material, noise or vibrations; and
 - g) any circumstance which could cause a hazard to employees or the public.

- 4) The Council may require the submission of further particulars, plans or drawing.
- 5) The Council may refuse to issue a permit, or may issue a permit on a form similar to the form in Schedule 2, which schedule refers, on such conditions and for such a period as the Council deems necessary, against payment of the prescribe fee, and should the permit be issued for a specified period, it may be renewed from time to time on application before expiry of the permit.
- 6) The granting of a permit is conditional on the effective prevention of any nuisance or danger to the health of the employees of the business or the public in general.
- 7) If, at any after the issue of the permit the Council is satisfied that a condition or restriction is not being properly complied with, the Council may serve a notice of compliance contemplated in section 7 on the permit holder or the owner, occupier or person in charge of the premises upon which the business is carried on, and should the permit holder fails to comply with the compliance notice, the Council may immediately withdraw the permit.
- 8) A person who contravenes a provision of subsection (1) commits an offence

4. Services and activities

The business of barber, hairdresser or beautician as contemplated in section 3(1), whether carried on in a salon or another place, comprises any one or more of the following or similar services or activities, or a combination thereof, which are applied to the male or female human body:

- a) cutting, shaving, singeing, shaping, shampooing, cleansing, conditioning, treating, chemical reformation (such as but not limited to permanent waving) relaxing, straightening and colouring (such as but not limited to it to tinting, dyeing, colouring, whether by permanent or temporary or semi-permanent means, and including the use of colour rinses, shampoos, gels or mousses, and lightening by means of tint, bleaches, highlights or high lifting tints or toners) of the hair on the human head;
- b) other than by a process contemplated in paragraph (a), removing hair by means of , but not limited to, waxing, chemical compounds (such as but not limited to depilatories), electrical or mechanical means, whether or not heat or an appliance or apparatus is used in any of these activities;
- c) treating hair by means of a trichological process or method;
- d) adding to hair of natural or artificial hair by means of, but not limited to an extension, board work, or a wig;
- e) shaping, shaving, plucking, treating or tinting an eyebrow or eyelashes or applying an artificial eyebrow or eyelashes;
- f) skin care of the face, including but not limited to the application of cosmetics;
- g) applying nail technology, such as but not limited to manicuring, pedicuring, or applying false mails or extensions;
- h) piercing of skin (" body piercing") or tattooing;
- i) massaging;

- j) bronzing such as by means of, but not limited to ultraviolet radiation; and
- k) contouring, such as but not limited to, slimming.

5. Health requirements

- 1) No person may use the premises of the salon for a purpose other than for the carrying on the business of barber, of barber, hairdresser or beautician.
- 2) A person who carries on the business of barber, hairdresser or beautician, in a salon or another place, must –
 - a) at all times keep a first aid kit on the premises, and treat an injury or wound which may occur on the premises;
 - b) install or have available in the salon an appliance or other means whereby an instrument that have come into contact with human skin, hair or bodily fluid, such as, but not limited to, blood, may be sterilized or disinfected;
 - c) after each use of an instrument which was used for the piercing of the skin or for tattooing, sterilize the instrument;
 - d) after each use of a blade, razor, pair of scissors, comb, bush, roller, nail file, clippers, or other instrument which was applied to the human hair, nail or skin, disinfect the instrument;
 - e) wear new disposable glove when he or she implanted hair, pierces or tattoos skin, or uses a chemical or chemical compound in an activity;
 - f) disinfect his or her hands before and after rendering any service to a client;
 - g) directly after treatment of the client, clean and disinfect a surface that has been contaminated by body fluid; and
 - h) dispose of any disposable glove or other disposable material after each use;
 - i) at least once a day wash, with a disinfectant, all clothing such as aprons and caps, all surfaces such as, but not limited to, walls, floors, counters and chairs;
 - j) dispose of all waste water, sharp instruments, bloodied and otherwise contaminated disposable towels and paper in an approved manner;
 - k) store sharp instruments such as, but not limited to, a razor, blade or needle in a separate container;
 - l) after each use, wash and clean all plastic and cloth towels;
 - m) generally keep the premises, tools, equipment and clothing in a hygienic conditions at all times;
 - n) after every service, collect waste such as, but not limited to, waste in accordance with the Waste Management By-laws, 2005;
 - o) ensure that no animal, excluding a guide dog accompanying a blind person, enters the premises; and
 - p) provide his or her employees with protective clothing, train any person working on the premises, and ensure that the employee complies with the provisions of these by-laws.
- 3) A person who contravenes a provision of subsections (1) or (2) commits an offence.

6. Requirements for premises

- 1) A person who carries on the business of barber, hairdresser or beautician, in a salon or another place, must ensure that the premises comply with the following:
 - a) Basins, with a supply of running potable water, must be available for the washing of hair and hands;
 - b) lighting, ventilation, water and toilets facilities as prescribed in the National Buildings Standards Act, 1977 (Act No.103 of 1977) must be provided;
 - c) shelves, counters, table tops or other fixtures on which instruments are placed must be constructed of impervious material that is easy to clean;
 - d) adequate facilities for the storage of cloths, instruments and appliances must be provided;
 - e) facilities for the disposal waste water must be provided;
 - f) the walls and floors must be constructed of materials that are easy to clean; and unless separate by a wall, the premises may not be used for the storage and preparation of food, or sleeping.
- 2) Should the permit holder or the owner, occupier or person in charge of the premises upon which the business is carried on fail to comply with a provision in subsection (1), the Council may serve a notice of compliance contemplated in section 7 on the person.

7. Notice of compliance and representations

- 1) A notice of compliance must state –
 - a) the name and residential or postal address of the affected person;
 - b) the condition contemplated in section 3 (5) or (6) which has not been complied with or the provision of section 6(1) which has not been complied with;
 - c) in details the measures required to remedy the situation;
 - d) that the person must within a specified period taken measures to comply with the notice and to complete the measures before a specified date; and
 - e) that the 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 the non-compliance, and other relevant factors.
- 3) Where a person does not make representations in terms of subsection (1) (e), and the person fails to take the measures before the date contemplated in subsection (1) (d), he or she commits an offence, and the Council may, irrespective of any fines which may be imposed under section 1, act in terms of subsection (5).
- 4) Council may take the following measurements;
 - 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/she so wishes, and the Council must also consider the further response.
 - d) The Council must, after consideration of the representations and any response and further response make an order in writing and serve a copy of it on the person, which order must confirm, in whole or part, alter, or set aside the notice of compliance, and where the notice of compliance is confirmed, in whole or part, or altered, the Council must inform the person that he or she must, within the period specified in the order, discharge the obligations 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 offence and the Council may, irrespective of any fines which may be imposed under section 11, Act in terms of subsection (5).
- 5) The Council may take such measures as it deems necessary to remedy the situation, and the cost thereof must be paid to the Council in accordance with section 8.

8. Costs

- 1) Should a person fail to the measures required of him or her by a notice of compliance contemplated in section 7, the Council may, subject to subsection (3) recover, as a debt, all costs incurred as a result of it acting terms of section 7 (5) from that person and or all of the following person:
- 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 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 7 (5).
- 3) If more than one person is liable for costs incurred, the liability must be apportioned as agreed among the persons concerned to the degree to which each was responsible for the emergency resulting from their respective failures to the required measures.

9. 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 a 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 served on that person's agent or representative in the Republic in the manner provided by the paragraphs (a), (b) or (c);
 - e) if that person's address and agent or representative in the Republic is known, 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.

10. Appeal

- 1) A person whose rights are affected by a decision of an 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 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 a decision taken by-
- a) a staff member other than the Municipal Manager, the Municipal Manager is appeal authority;
 - b) the Municipal Manager, the Executive Mayor is appeal authority; or
 - c) a political structure or political officer bearer, or a Councilor of the Council is 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.

11. Penalties

A person who has committed an offence in terms of these by-laws is, on conviction, and subject to penalties prescribed in any other law, liable to a fine or in default of payment, to imprisonment for a period not exceeding XX months, or to such imprisonment without the option of a fine, or to both such fine and such

imprisonment, and in the case of successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment for a period not exceeding XX months.

12.Saving and transitional provision

as A person who, at the date of commencement of this By-law, carries on the business barber, hairdresser or beautician without being in possession of a permit as contemplated in section 3 (1) must, within a period of six months, comply with the provisions of this By-law.

13.Revocation of by-laws

The following are hereby revoked:

14.Short title and commencement

This By-law is called the Emakhazeni Barber, Hairdressers and Beauticians By-law, 2005.

SCHEDULE 1**(Section 3 (2))****APPLICATION FOR PERMITS FORM****A. PERSONAL PARTICULARS**

Name:

Address:

Telephone number:

B. BUSINESS PARTICULARS

Address of business premises:

.....

Type of business (e.g. hairdresser, barber):

Nature of activity or service that will be carried on:

Nature of the materials to be dealt with:

Products of the process:

Nature and composition of waste:

Estimated volume of waste:

Briefly explain how will the waste be disposed of:

.....

Signature applicant:

Date:

SCHEDULE 2**(Section 3 (5))****HIGHLANDS MUNICIPAL COUNCIL****PERMIT TO CARRY ON THE BUSINESS OF BARBER, HAIRDRESSER, OR
BEAUTICIAN**

This serves to confirm that..... (Name
of

person) of.....

..... (Address of a person) is permitted to carry on the
business of Barber/ Hairdresser/ Beautician within the Highlands Municipal Area at the
following address: (Address of business
premises), for the period
.....to.....

The following conditions apply to the business:

.....
.....
.....
...

Signed:

Date:

OFFICIAL CAPACITY

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