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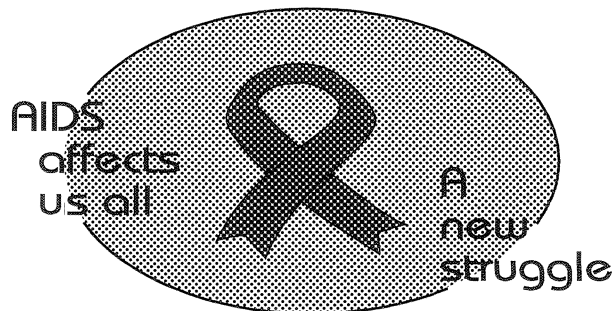
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(Extraordinary)

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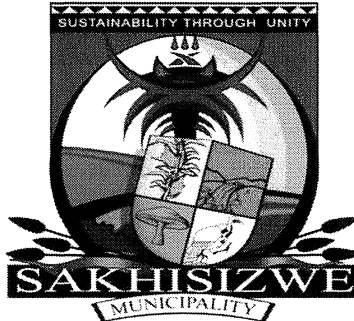
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LOCAL AUTHORITY NOTICE

No. 42



BUILDINGS CONTROL BY LAW

BE IT ENACTED by the SAKHISIZWE MUNICIPALITY, as follows:

1. Definitions

In this By-law, unless the context otherwise indicates:

"Act" means the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), and shall include any regulation made in terms of section 17 of the Act;

"Building" includes:

- a) any other structure, whether of a temporary or permanent nature and irrespective of the materials used in the erection thereof, erected or used for or in connection with:
 - I.the accommodation or convenience of human beings or animals;
 - II.the manufacture, processing, storage, display or sale of any goods;
 - III.the rendering of any service;
 - IV.the destruction or treatment of refuse or other waste materials;
 - V.the cultivation or growing of any plant or crop;
- b) any wall, swimming bath, swimming pool, reservoir or bridge or any other structure connected therewith;
- c) any fuel pump or any tank used in connection therewith;
- d) any part of a building, including a building as defined in paragraph (a), (b) or
- e) any facilities or system, or part or portion thereof, within or outside but incidental to a building, for the provision of a water supply, drainage, sewerage, storm water disposal, electricity supply or other similar service in respect of the building;

"Building control officer" means any person appointed or deemed to be appointed as building control officer by the Municipality in terms of section 5 of the Act;

"Municipality" means the SAKHISIZWE MUNICIPALITY; and

"Municipal Manager" means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

2. Purpose of the By-law

To provide for the control of buildings erected on land in the Sakhisizwe Municipality; and for matters connected therewith.

3. Buildings on land to be reflected on plans

- 1) Subject to the provisions of this By-law, the Municipality shall not issue a certificate referred to in section 118(1) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), regarding land, unless the Municipality is satisfied that:
 - a) any Building erected on the land, in respect of which plans and specifications are to be drawn and submitted to the Municipality for approval in terms of the Act, is properly erected and maintained in accordance with such plans and specifications; and
 - b) no building contemplated in paragraph (a), in respect of which plans and specifications have not been approved by the Municipality, is erected on the land; and
 - c) any building erected on the land complies with all the requirements of the Act; or
 - d) there is no building on the land, and in writing, makes a statement to that effect.
- 2) An application to the Municipality for the issue of a certificate referred to in section 118 (1) of the Local Government: Municipal Systems Act, 2000 (Act 1\10. 32 of 2000), shall, subject to section 4, be accompanied by the statement referred to in subsection (1).

4. Application for an issue of statement

- 1) Any application for the issue of a statement referred to in section 2(1) shall:
 - a) be directed to the Municipal Manager;
 - b) be in writing on the form made available by the Municipality for that purpose; and
 - c) be accompanied by the prescribed fees in terms of the tariff structure.
- 2) The Municipal Manager shall refer the application to the building control officer, who shall do, or cause to be done, an inspection of the land concerned and make a recommendation regarding the application to the Municipality.
- 3) After the Municipality has considered the recommendations of the Building control officer, it shall:
 - a) make the statement referred to in section 2(1); or
 - b) refuse to make such statement, and forthwith, in writing, notify the applicant accordingly.

- 4) If the Municipality refuses to make the statement, it must provide written reasons for its decision when notifying the applicant of the decision and indicate what steps must be taken before a new application in terms of subsection (1) could again be submitted.

5. Failure by the Municipality to act within a certain period

Should the Municipality fail to act in accordance with section 4(3) within a period of 30 days after the application was made in terms of section 4(1), it shall be deemed that the Municipality has made the statement referred to in section 3(1).

6. Delegation of powers

The Municipality may, subject to such conditions as it may determine, delegate any of its powers under this By-law to the Municipal Manager.

7. Short title

This By-law shall be called the **Buildings Control By-law 2/2012**.



CREDIT AND DEBT COLLECTION BY-LAW

BE IT ENACTED by the Sakhisizwe Municipality, as follows:

CHAPTER 1

1. Definitions

For the purpose of these bylaws, any word or expressions to which a meaning has been assigned in the Act shall bear the same meaning in these bylaws and unless the context indicates otherwise: -

"Account" means any account rendered for municipal services provided;

"Act" means the Local Government: Municipal System Act, 200 (Act No. 32 of 2000, as amended from time to time;

"Actual consumption" means the measured consumption of any customer;

"Applicable charges" means the rate, charge, tariff, flat rate, or subsidy determined by the Municipality;

"Average consumption" means the average consumption of a customer of a municipal service during a specific period, which consumption is calculated by dividing that customer's total measured consumption of that municipal service over the preceding three months by three;

"Agreement" means the contractual relationship between the municipality or its authorised agent and a customer, whether written or deemed;

"Area of supply" means any area within or partly within the area of jurisdiction of the municipality to which a municipal service or municipal services are provided;

"Arrears" means any amount due, owing and payable by a customer in respect of municipal services not paid on the due date;

"Authorised agent" means: -

(a) Any person authorised by the municipality to perform any act, function or duty in terms of, or exercise any power under these bylaws, and/or

(b) Any person to whom the municipality has delegated the performance of certain rights, duties and obligations in respect of providing revenue services; and/or

(c) Any person appointed by the municipality in terms a written contract, a service provider to provide revenue services to customers on its behalf to the extent authorised in such contract;

"Commercial customer" means any customer other than household and indigent customers, including without limitation, business, government and institutional customers;

"Connection" means the point at which a customer gains access to municipal services;

"Customer" means a person with whom the municipality or its authorised agent has concluded an agreement for the provision of municipal services;

"Defaulter" means a customer who owes or is in arrears;

"Due date" means the date on which the amount payable in respect of an account becomes due, owing and payable by the customer, which date shall be not less than 14 days after the date of the account;

"Emergency situation" means any situation that if allowed to continue, poses a risk or potential risk to the financial Viability or sustainability of the municipality or a specific municipal service;

"Estimated consumption" means the deemed consumption by a customer whose consumption is not measured during a specific period, which estimated consumption is rationally determined taking into account at least the consumption of municipal services for a specific level of service during a specific period in the area of supply of the municipality or its authorised agent;

"Household customer" means a customer that occupies a dwelling, structure or property primarily for residential purposes;

"Household" means a traditional family unit consisting of a combination of persons over the age of eighteen and persons eighteen years and younger living together as a family unit;

"Illegal connection" means a connection to any system through which municipal services are provided that is not authorised or approved by the municipality or its authorised agent;

"Indigent customer" means a household customer qualifying and registered with the municipality as an indigent in accordance with these bylaws;

"Municipality" means the Elundini Local Municipality and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any Official who has delegated powers in terms of Section 59 of the Local Government Municipal Systems Act (Act 32 of 2000);

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

(a) Acting in such a 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 service" means, for purposes of these bylaws, services provided by the municipality or its authorised agent, including refuse removal, water supply, sanitation, electricity services and rates or anyone of the above;

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

"Owner" means: -

- a. The person in who from time to time is vested the legal title to premises;
- b. In a case where the person in whom the illegal title to premises is vested is insolvent or deceased, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- c. In any case where the municipality or its authorised agent is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or buildings thereon;
- d. In the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;
- e. In relation to:

- i) A piece of land delineated on a sectional plan registered in terms of the Sectional Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property; or
- ii) A section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person.

f. A person occupying land under a register held by a tribal authority.

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

"Public notice" means publication in an appropriate medium that may include one or more of the following:

- a. Publication of a notice, in the official languages determined by the Municipality:
 - i) In the local newspaper or newspapers in the area of the municipality; or
 - ii) In the newspaper or newspapers circulating in the area of the municipality determined by the Municipality as a newspaper on record; or
 - iii) By means of radio broadcast covering the area of the municipality; or
 - iv) Displaying a notice at appropriate offices and pay-points of the municipality or its authorised agent, or
- b. Communication with customers through public meetings and ward committee meetings;

"Shared consumption" means the consumption of a customer of a municipal service during a specific period, which consumption is calculated by dividing the total metered consumption of that municipal service within the supply zone within which a customer's premises is situated for it for the same period by the number of customers within that supply zone; during the same period;

"Subsidized service" means a municipal service which is provided to a customer at an applicable rate which is less than the cost of actually providing the service including services provided to customers at no cost;

"Supply zone" means an area, determine by the municipality or its authorize agent, within which all customers are provided with service from the same bulk supply connection; and

"Unauthorised services" means receipt, use or consumption of any municipal service which is not in terms of an agreement, or authorised and approved by the municipality or its authorised agent.

CHAPTER 2

PROVISION OF MUNICIPAL SERVICES TO CUSTOMERS OTHER THAN INDIGENT CUSTOMERS

PART 1: APPLICATION FOR MUNICIPAL SERVICES

2. Application for services:

- 1) A customer who qualifies as an indigent customer must apply for services as set out in Chapter 4 of these bylaws.
- 2) No person shall be entitled to access municipal services unless application has been made to and approved by the municipality or its authorised agent on the prescribed form attached as Annexure A to these bylaws.
- 3) If, at the commencement of these bylaws or at any other time, municipal services are provided and received and no written agreement exists in respect of such services, it shall be deemed that:
 - a. An agreement in terms of subsection 2.7 hereof does exist; and
 - b. The level of services provided to that customer are the level of services so elected by the said customer until such time as the said customer may enter into an agreement in terms of subsection 2.2 hereof
- 4) The municipality or its authorised agent must on application for the provision of municipal services and the then applicable tariffs and/or charges associated with each level of service.
- 5) The municipality or its authorised agent is only obliged to provide a specific level of service requested if the municipality does provide for such service and also if the municipality has the necessary resources and capacity to provide such level of service.
- 6) A customer may at any time apply to alter the level of service so elected in terms of the agreement entered into, provided that such requested level of service is available and that any costs and expenditure associated with the altering the existing level of services is paid for by the customer.
- 7) An application for services submitted by a customer and approved by the municipality or its authorised agent shall constitute an

agreement between the municipality or its authorised agent and the customer, and such agreement shall take effect on the date referred to or stipulated in such an agreement.

- 8) In completing an application form for municipal services, the municipality or its authorised agent will ensure that the document and the process of interaction with the owner, customer or any other person making such an application are understood by the owner, customer or other person and be advised of the option to register as an indigent customer, if he/she deserves.
- 9) In the case of illiterate or similarly disadvantaged persons, the municipality or its authorised agent must take reasonable steps to ensure that the person is aware of and understands the contents of the application form and shall assist him or her in the completion such a form.
- 10) Municipal services rendered to a customer are subject to the provisions of these bylaws; any other applicable bylaws and the conditions contained in the agreement.
- 11) If the municipality or its authorised agent: -
 - a. Rejects an application for the provision of municipal services or a specific service or level of service;
 - b. Is unable to render such municipal services or a specific service or level on the date requested for such provision to commence; or
 - c. Is unable to render such municipal services or a specific service or level of services, the municipality or its authorised agent must, within a reasonable time, inform the customer of such rejection and/or inability, the reasons thereof and, if applicable, when the municipality or its authorised agent will be able to provide such municipal services or a specific service or level of service.

3. Special agreements for municipal services:

- a) The municipality or its authorised agent may enter into a special agreement for the provision of municipal services with an applicant: -
- b) Within the area of supply; if the services applied for necessitates the imposition of conditions not contained in the prescribed form or these bylaws;
- c) Receiving subsidies services; and
- d) If the premises to receive such services are situated outside the area of supply, provided that the municipality having jurisdiction over the premises has no objection to such special agreement.

The obligation is on the customer to advise the municipality having jurisdiction of such special agreement.

4. Change in purpose for which municipal services are used:

Where the purpose for or extent to which any municipal service used is changed/ the onus and obligation is on the customer to advise the municipality or its authorised agent of such change and to enter into a new agreement with the municipality or its authorised agent.

PART 2 APPLICABLE CHARGES

5. Applicable charges for municipal services:

- 1) All applicable charges payable in respect of municipal services/ including but not limited to the payment of connection charges/ fixed charges or any additional charges or interest as the case may be / as set out by the Municipality:
 - a. Its rates tariff policy;
 - b. Its credit control and debt collection policy;
 - c. Any bylaw in respect thereof; and
 - d. Any regulation in terms of national or provincial legislation.
- 2) Applicable charges may differ between different categories of customers/ users of services/ types and levels of services/ quantities of service/ infrastructure requirements and geographic areas.
- 3) Municipal Services will be terminated on non-fulfilment of the terms and conditions as prescribed by the municipality's credit control and debt collection policy.
- 4) Deferment of payment on service accounts can be granted to consumers only in terms of the Municipality's delegated powers and conditions approved in its credit control and debt collection policy.
- 5) The municipality may consolidate any separate accounts of a customer who is liable for payment of such accounts to the municipality and may credit all payments received from such a customer to any service in order of preference as determined by the Municipality from time to time in its credit control and debt collection policy.

6. Availability charges for municipal services

The Municipality may/ in addition to the tariffs or charges prescribed for municipal services actually provided/ levy a monthly fixed charge, annual fixed charge or once-off fixed charge where municipal services are available, whether or not such services are consumed or not.

7. Subsidized services

- 1) The Municipality may, from time to time, and in accordance with national policy, but subject to the principles of sustainability and affordability, by public notice/ implement subsidies for a basic level of municipal service.
- 2) The Municipality may, in implementing subsidies, differentiate between types of household customers, types and levels of services/ quantities of services, geographical areas and socio-economic areas.
- 3) Public notice in terms of subsection 7.1 above must contain at least the following details applicable to a specific subsidy,
 - a) Household customers who will benefit from the subsidy;
 - b) The type/ level and quantity of municipal service that will be subsidised;
 - c) The area within which the subsidy will apply;
 - d) The rate (indicating the level of subsidy);
 - e) The method of implementing the subsidy;
 - f) Any special terms and conditions which will apply to the subsidy.
- 4) If a household customer's consumption or use of a municipal service is: -
 - a) Less than the subsidised service, the unused portion may not be accrued by the customer and will not entitle the customer to cash or a rebate in respect of the unused portion; and
 - b) In excess of the subsidised service, the customer will be obliged to pay for such excess consumption at the applicable rate.
- 5) A subsidy implemented in terms of subsection 7.1 hereof, may at any time, be withdrawn or altered in the sole discretion of the Municipality, after:-
 - a) Service of notice as contemplated in section 115 of the Act on the customer affected by the Municipality's intention to consider such withdrawal or alteration; and
 - b) Consideration by the Municipality of any comments or request received from the customer affected.
- 6) Commercial customers may not qualify for subsidised services.
- 7) Subsidised services shall be funded from the portion of revenue raised nationally which is allocated to the municipality and if such funding is insufficient, the services may be funded from revenue

raised through rates, fees and charges in respect of municipal services.

8. Authority to recover additional costs and fees

- 1) The municipality or its authorised agent has the authority to, notwithstanding the provisions of any other section contained in these bylaws, recover any additional costs incurred in respect of implementing these bylaws against the account of the customer, including but not limited to:
 - a) All legal cost, including attorney and client costs incurred by the municipality in the recovery of amounts in arrears shall be levied against the arrears account of the customer, and/or
 - b) The average cost incurred relating to any action taken in demanding payment from the customer or reminding the customer, by means of telephone, fax, e-mail letter or otherwise.

PART 3: PAYMENT

9. Payment of deposit

- 1) The municipality may, from time to time, determine different deposits for different categories of customers, users of services, debtors, services and service standards, provided that the deposit will not be more than two and a half times the monetary value of the most recent measured monthly consumption of the premises for which an application is made.
- 2) A customer must on application for the provision of municipal services and before the municipality or its authorised agent will provide such services, pay a deposit, if such a deposit has been predetermined.
- 3) The municipality or its authorised agent may annually review a deposit paid in terms of subsection 9.2 above and in accordance with such a review, require that an additional amount be deposited by the customer where the deposit is less than the most recent deposit determined by the Municipality.
- 4) If a customer is in arrears, the municipality or its authorised agent may require that the customer:-
 - a) Pay a deposit if that customer was not previously required to pay a deposit, in accordance with subsection 9.2 above.
 - b) Pay an additional deposit where the deposit paid by that customer is less than the most recent deposit determined by the Municipality.

- 5) Subject to subsection 9.7 hereunder, the deposit shall not be regarded as being any payment or part payment of an account.
- 6) No interest shall be payable by the municipality or its authorised agent on any deposit held.
- 7) The deposit, if any, is refundable to the customer on termination of the agreement. A deposit shall be forfeited to the municipality if it has not been claimed by the customer within 12 months of termination of the agreement.

10. Method for determining amounts due and payable

- 1) The municipality or its authorised agent must in respect of municipal services that can be metered, endeavour to, within available financial and human resources, meter all customer connections and/or read all metered customer connections on a regular basis, subject to subsection 10.2 hereunder.
- 2) If a service is not measured, a municipality or its authorised agent may, notwithstanding subsection 10.1 hereof, determine the amount due and payable by a customer, for municipal services supplied to him, her or it, by calculating:-
 - a) The shared consumption; if not possible; and
 - b) The estimate.
- 3) If a service is metered but it cannot be read due to financial and human resources constraints or circumstances out of the control of the municipality or its authorised agent and the customer is charged for an average consumption, the account following the reading of the metered consumption must articulate the difference between the actual consumption and the average consumption and the resulting credit or debit adjustment.
- 4) Where water supply services provided through communal water services network (Standpipe), the amount due and payable by customers gaining access to water supply services through that communal water services network, must be based on the shared or estimated consumption of water supplied to that water services network.
- 5) Where in the opinion of the municipality or its authorised agent, it is not reasonably possible or cost effective to meter all customer connections and/or read all metered customer connections within a determined area, the Municipality may, on the reconnection of the municipality or its authorised agent, determine a basic tariff (flat rate) to be paid by all the customers within that area, irrespective of actual consumption.

- 6) The municipality or its authorised agent must inform customers of the method for determining amounts due and payable in respect of municipal services provided which will apply in respect of their consumption or supply of zones.

11. Payment for municipal services provided

- 1) A customer shall be responsible for payment of all municipal services consumed by him/her or it from the commencement date of the agreement until his/her or its account is settled in full and the municipality or its authorised agent must recover all outstanding charges due to the municipality.
- 2) If a customer uses municipal services for a use other than which it is provided for, as result thereof the charge becomes lower than the applicable charge rate, the municipality or its authorised agent may make an adjustment of the amount charged and recover the balance as may be outstanding, from the customer.
- 3) If amendments to the applicable charge become operative on a date between measurements for purposes of rendering an account in respect of the applicable charges and the date of payment:-
 - a) It shall be deemed that the same quantity of municipal services was provided in each period of twenty-four hours during the interval between the measurements; and
 - b) Any fixed charge shall be calculated on a pro rata basis in accordance with the charge that applied immediately before such amendment and the amended applicable charge.

12. Full and final settlement of an account

- 1) Where an account is not settled in full, any lesser amount tendered and accepted shall not be deemed to be in full and final settlement of such an account.
- 2) Subsection 12.1 hereof shall prevail notwithstanding the fact that such lesser payment was tendered and/or accepted in full and final settlement, unless the municipal manager or the manager of the municipality's authorised agent made such acceptance in writing.

13. Responsibility for amounts due and payable

Notwithstanding the provisions of any other section of this bylaw, the owner of the premises shall be liable for the payment of any amount due and payable to the municipality or its authorised representative in respect of the preceding two years, where the owner is not the customer and the municipality or its authorised agent after taking reasonable measures to recover any amounts due and payable by the customer from the latter, could not recover such amounts.

14. Dishonoured payments

Where a payment made to the municipality or its authorised agent by negotiable instrument is later dishonoured by the bank, the municipality or its authorised agent:-

- a) May recover the average bank charges incurred in relation to the dishonoured negotiable instrument against the account of the customer; and
- b) Shall regard such an event as a default on payment.
- c) In that event, only bank guaranteed cheques will be accepted from the said customer.

15. Incentive scheme

The Municipality may institute incentive schemes to encourage prompt payment and reward customers that pay accounts on a regular and timeous basis.

16. Pay-points and approved agent

- 1) A customer must pay his/her or its account at pay-points specified by the municipality or its authorised agent from time to time, or at approved agents of the municipality or its authorised agent.
- 2) The municipality or its authorised agent must inform a customer of the location of the specified pay-points and approved agents for payment of accounts.

PART 4: ACCOUNTS

17. Accounts

- 1) Accounts will be rendered monthly to customers at the address last recorded with the municipality or its authorised agent. The customer may receive more than one account for different municipal services if they are accounted for separately.
- 2) Failure to receive or accept an account does not relieve a customer of the obligation to pay an amount due and payable to the municipality in respect of any service rendered by the latter.
- 3) The municipality or its authorised agent must, if administratively possible, issue a duplicate account to a customer on request upon payment of a fee as may be prescribed in the Municipality's tariff of charges.

- 4) Accounts must be paid not later than the last date of payment specified in such account, which date will be at least 14 days after the date of the account.
- 5) Accounts to be issued by the municipality for its customers will reflect at least:-
 - a) The services rendered;
 - b) The consumption of metered services or average shared or estimated consumption;
 - c) The period stipulated in the account;
 - d) The applicable charges;
 - e) Any subsidies;
 - f) The amount due (excluding value added tax);
 - g) Value added tax;
 - h) The adjustment, if any, to metered consumption which has been previously estimated;
 - i) The arrears, if any;
 - j) The interest payable on arrears, if any;
 - k) The final date for payment;
 - l) The methods, places and approved agents where payment may be made; and state that:
 - i) The customer may conclude an agreement with the municipality or its authorised agent for payment of the arrear amount in instalments at the municipality or its authorised agent's offices before the final date for payment, if a customer is unable to pay the full amount due and payable;
 - ii) If no such agreement is entered into, the municipality or its authorised agent will limit the services after sending a final demand notice to the customer;
 - iii) Legal action may be instituted against any customer for the recovery of any amount 90 days in arrears.
 - iv) The account may be handed over to a debt collector for collection; and
 - v) Proof of registration as an indigent customer in terms of the municipality Policy, must be handed in at the offices of the municipality or its authorised agent before the final date for payment.

18. Consolidated debt

- 1) If one account *is* rendered for more than one municipal service provided, the amount due and payable by a customer constitutes a consolidated debt, and any payment made by customer of an amount less than the total amount due, will be allocated at the discretion of the municipality between service debts.
- 2) If account is rendered for only one municipal service provided, any payment made by a customer of an amount less than the total amount due will be allocated at the discretion of the municipality.
- 3) A customer may not elect how an account is to be settled if it is not settled in full or if there are arrears.

PART 5: QUERIES, COMPLAINTS AND APPEALS**19. Queries or complaints in respect of account**

- 1) A customer may lodge a query or complaint in respect of any accuracy of an amount due and payable in respect of a specific municipal service as reflected on the account rendered.
- 2) A query or complaint must be lodged with the municipality or its authorised agent before the due date for payment of the account.
- 3) A query or complaint must be accompanied by the payment of the average of the last three month's accounts where history of the account is available or an estimated amount provided by the municipality before payment due date until the matter is resolved.
- 4) The municipality will register the query or complaint and provide the customer with a reference number.
- 5) The municipality:-
 - a) Shall cause the query or complaint to be investigated; and
 - b) Inform the customer, in writing, of its findings within 10 working days after the query or complaint had been registered.
 - c) Failure to make such agreed interim payment or payments as set out in Subsection 19.3 hereof, will render the services provided to customer liable for disconnection.

20. Appeals against findings of municipality in respect of queries or complaints

- 1) A customer may appeal in writing against a finding of the municipality in terms of section 19 above;
- 2) An appeal and request in terms of subsection 20.1 hereof must be made in writing and lodged with the municipality within 21 days

after the customer became aware of the finding referred to in section 19.5 and must:-

- a) Set out precisely grounds for the appeal; and
- b) Be accompanied by any security determined for the testing of a measuring device, if applicable

PART 6: ARREARS

21. Interest

- 1) Interest will be charged on all arrear accounts on the prevailing prime interest rate as may be determined or at a rate prescribed by the Municipality from time to time.
- 2) The costs associated with the limitation or disconnection of municipal services shall be borne by the customer and shall be included in the account following the reconnection.

22. Accounts 90 days in arrears

- 1) Where an account rendered to a customer remains outstanding for more than 90 (ninety) days, the municipality may:-
 - a) Institute legal action against a customer for the recovery of the arrears; and
 - b) Hand the customer's account over to a debt collector or an attorney for collection.
- 2) In that event, a customer will be liable for any legal fees including costs on an attorney and own client scale, cheque costs, postal charges, administration fees, costs incurred in taking action for the recovery of arrears and any penalties, including the payment of a higher deposit, as may be determined by the Municipality from time to time.

PART 7: AGREEMENT FOR SETTLEMENT OF ARREAR ACCOUNTS

23. Agreements

- 1) The following agreements for settlement of arrears in instalments may be entered into:
 - a) An acknowledgement of debt.
 - b) Consent to judgment.
 - c) An emolument attachment order.

- 2) The customer shall acknowledge that interest will be charged at the prescribed legal rate or at such a rate as the municipality may determine from time to time.
- 3) Customers with arrears on electricity accounts or prepaid meter, must agree to the conversion to a prepayment meter, the cost of which, together with the total arrears, will be paid off either by:-
 - a) Adding it to the arrears account and repaying it over the agreed period; or
 - b) Adding it as a surcharge to the prepaid electricity cost, and repaying it with each purchase of electricity until the debt is settled.
- 4) The municipality shall require a customer to pay at least its current account before entering into an agreement for the payment of arrears in instalments"
- 5) The municipality reserves the right to raise the security deposit requirement of debtors who seek arrangements as set out herein above.

24. Copy of agreement to customer

A copy of the agreement to settle arrear account on instalments shall be made available to the customer.

25. Failure to honour agreements

If a customer fails to comply with an agreement for the payment of arrears in instalments, the total of all outstanding amounts, including the arrears, any interest thereon, administration fees, costs incurred in taking relevant action, and penalties, including payment of a higher deposit, shall immediately become due owing and payable without further notice or correspondence to the customer and in that event, the municipality may:-

- a) Disconnect the electricity services provided to the customer, subject to the provisions of section 4.3.7 of nrs. 047-1-1999 issued by the National Electricity regulator, as amended from time to time.
- b) In the event that no electricity services are provided by the municipality, disconnect or limit, as the case may be, the water supply services provided to the customer;
- c) Institute legal action for the recovery of the arrears; and
- d) Hand the customer's account over to a debt collector or an attorney for recovery thereof.

26. Re-connection of services

- 1) An agreement for payment of arrear amount in instalments, entered into after the electricity services was discontinued and/or the water services was limited or disconnected, will not result in the services being restored unless or until:-
 - a) The arrears, any interest thereon, administration fees, cost incurred in taking relevant action and any penalties, including payment of higher deposit, are paid in full; or
 - b) In addition to any payments referred to in subsection 26.1 a) above, the customer shall be responsible for payment of the standard re-connection fee as may be determined by the municipality from time to time.

CHAPTER 3**RATES ASSESSMENT****27. Amount due for assessment rates**

- (1) All assessment rates due by owners of properties are payable on a fixed date as is determined by the municipality in its credit control and debt collection policy.
- (2) Joint owners of property shall be jointly and severally liable for the payment of assessment rates.
- (3) Assessment rates will be levied in equal monthly instalments.
- (4) When levied in equal monthly instalments, the amount due, owing and payable by the property owner/s will be included in the municipality's main account.
- (5) A property owner remains liable for the payment of assessment rates included in municipal accounts, notwithstanding the fact that: -
 - (a) The property is not occupied by the owner thereof; and/or
 - (b) The municipal account is registered in the name of a person other than the owner of the property.

CHAPTER 4**PROVISION OF MUNICIPAL SERVICES TO INDIGENT CUSTOMERS****28. Qualification for registration as indigent customer**

All households where the combined gross income of all members of the household over the age of 18 years old is less than the amount of two pensioners combined, qualify for registration as indigent customers.

29. Application for registration

- 1) A household who qualifies as an indigent customer must complete the application form entitled "Application for Registration as Indigent Customer" attached as Annexure B to these bylaws.
- 2) Any application in terms of subsection 29.1 hereof, must be accompanied by:-
 - i) Documentary proof of income, such as a letter from the customer's employer, a salary advice, a pension card, unemployment fund card; or
 - ii) An affidavit declaring unemployment or income; and
 - iii) The customer's latest municipal account in his/her possession; and
 - iv) A certified copy of the customer's identity document; and
 - v) The names and identity numbers of all occupants over the age of 18 years who are resident at the property.
- 3) A customer applying for registration as an indigent customer shall be required to declare that all information provided in the application form and other documentation and information provided in connection therewith is true and correct.
- 4) The municipality shall counter-sign the application form and certify that the consequences and conditions of such an application for the customer were explained to the customer, and that the customer indicated that the content of the declaration was understood.

30. Approval of application

- 1) The municipality or its authorized agent may send authorised representatives to premises or households applying for registration as indigent customers to conduct an on-site audit of information provided prior to approval of an application.
- 2) An application shall be approved for a period of 12 months only. Subsidies will be forfeited if the applicant fails to submit proof of income or re-apply for the subsidy.

31. Conditions

The municipality or its authorised agent may upon approval of an application or at any time thereafter:-

- a) Install a pre-paid electricity meter for the indigent customer where electricity is provided by the municipality;
- b) Limit the water supply services of an indigent customer to a basic supply of not less than 6 (six) kiloliters per month per individual in the household.

32. Application every 12 months

- 1) An indigent customer must re-apply for indigent support every 12 months, failing which the assistance will cease automatically.
- 2) The provisions of sections 33 and 34 of these bylaws shall apply to any application in terms of subsection 32.1 hereof.
- 3) The municipality cannot guarantee a renewal for indigent support.

33. Subsidised services for indigent customers

- 1) The Municipality may, annually as part of its budgetary process, determine the municipal services and levels thereof which will be subsidised in respect of indigent customers in accordance with national policy, but subject to principles of sustainability and affordability.
- 2) The Municipality will in the determination of municipal services which will be subsidised for indigent customers, give preference to subsidising at least the following services:-
 - a) Water supply services of 6 kiloliters per person per household per month.
 - b) Sanitation services of daily night soil removal or an improved ventilated pit latrine per household whichever is most affordable to the municipality; and
 - c) Refuse removal services to a maximum of one removal per household per week.
 - d) All rates levied on properties of which the municipal value is less than R20 000 provided that if, in the case of any property or category of properties, it is not feasible to value or measure such, property, the basis on which the property rates thereof shall be determined, shall be as prescribed by the Municipality.
- 3) The municipality must, when making a determination in terms of subsection 33.1 hereof, give public notice of such determination.
- 4) Public notice in terms of subsection 33.3 hereof shall contain at least the following:-
 - a) The level or quantity of municipal service which will be subsidised
 - b) The level of subsidy;
 - c) The method of calculating the subsidy;
 - d) Any special terms and conditions which will apply to the subsidy, not provided for in these bylaws.
- 5) Any other municipal services rendered by the municipality or municipal services consumed in excess of the levels or quantities determined in terms of subsection 33.1 hereof, shall be charged for

and the indigent customer shall be liable for the payment of such charges levied on the excess consumption.

- 6) The provisions of Chapter 3 shall mutatis mutandis apply to the amounts due and payable in terms of subsection 33.5 hereof.

34. Funding of subsidized services

- 1) The subsidised services referred to in section 33 herein above shall be funded from the portion of revenue raised nationally which is allocated to the municipality and if such funding is insufficient, the services may be funded from revenue raised through rates, fees and charges in respect of municipal services.
- 2) The subsidy amount to be funded from revenue raised nationally which is allocated to municipality shall be calculated by dividing the amount allocated by estimated number of customers which may qualify for registration as indigent customers.

35. Existing arrears of indigent customers

Arrears accumulated in respect of the municipal accounts of customers prior to registration as indigent customers will be either:-

- a) Written off;
- b) Applied as a surcharge to prepaid electricity coupons; or
- c) Be attempted to be recovered through legal proceedings and/or extended term arrangements.

36. Audits

The municipality may undertake regular random audits carried out by the municipality to:-

- a) Verify the information provided by indigent customer;
- b) Record any changes in the circumstances of indigent customers; and
- c) Make recommendations on the de-registration of the indigent customer.

37. De-registration

- 1) Any customer who provides or provided false information in the application form and/or any other documentation in connection with the application, shall automatically and without notice, be de-registered as an indigent customer from the date on which the municipality became aware that such information is false.
- 2) An indigent customer must immediately request de-registration by the municipality if his/her circumstances has changed to the extent that he/she no longer meets the requirements set out in Section 28.

- 3) An indigent customer shall automatically be de-registered if an audit or verification concludes that the financial circumstances of the indigent customer has changed to the extent that he/she no longer meets the requirements set out in Section 28.
- 4) An indigent customer may at any time request de-registration.

CHAPTER 5

BUSINESSES WHO TENDER TO THE MUNICIPALITY

38. Procurement policy and tender conditions

The procurement policy and tender conditions may provide that:-

- 1) When inviting tenders for the provision of services or delivery of goods, potential contractors may submit tenders subject to a condition that the consideration and evaluation thereof will necessitate that the tenderer obtain from the municipality a certificate stating that all relevant municipal accounts owing by the tenderer or its directors, owners or partners have been paid or that suitable arrangements have been made for payment of any arrears;
- 2) A municipal account shall mean any municipal service charge, tax or other fees, fines and penalties, due in terms of a contract or approved target or rate, which is outstanding after the due date normally appearing on the consolidated account or overdue in terms of the contract or any other due date that has passed; and
- 3) Tender conditions contain a condition allowing the municipality to deduct from contract payment in terms of a reasonable arrangement with the debtor.

CHAPTER 6

UNAUTHORISED SERVICES

39. Unauthorised services

- 1) No person may gain access to municipal services unless it is in terms of an agreement entered into with the municipality for the rendering of such services.
- 2) The municipality or its authorised agent may, irrespective of any other action it may take against such person in terms of these bylaws, by written notice, order a person who is using unauthorised services to:-
 - a) Apply for such services in terms of Chapter 2 Part 1 of these By-Laws.

- b) Undertake such work, as may be necessary to ensure that the customer installation through which access was gained complies with the provisions of these or any other relevant bylaws.
- 3) Any agreement entered into before the date of coming into effect of these bylaws, and which is of full force and effect, shall be deemed to have been entered into in terms of these bylaws and shall remain of full force and effect until cancelled.

40. Interference with infrastructure for the provision of municipal services

- 1) No person other than the municipality itself shall manage, operate or maintain infrastructure through which municipal services are provided.
- 2) No person other than the municipality itself shall effect a connection to an infrastructure through which municipal services will be provided.

41. Obstruction of access to infrastructure for the provision of municipal services

- 1) No person shall prevent or restrict physical access to infrastructure through which municipal services are provided.
- 2) If a person contravenes subsection 41 (1) hereof, the municipality may:-
 - a) By written notice, require such person to restore access at his/her own expense within a specified period, or
 - b) If in the opinion of the municipality, the situation has become urgent, the municipality may and without any access to the infrastructure, recover the costs thereof from such a customer.

42. Illegal re-connection

- 1) A person who unlawfully and intentionally or negligently reconnects to services or unlawfully, intentionally and, or negligently interferes with the infrastructure through which municipal services are provided, after such customer's access to municipal services have been limited or disconnected, shall immediately be disconnected.
- 2) A person who re-connects to municipal services in the circumstances referred to in subsection 42 (1) hereof, shall be guilty of an offence and be liable for the costs associated with any consumption, notwithstanding any other action that the municipality may take against such a person.

43. Immediate disconnection

The provisioning of municipal services may immediately be disconnected if any person:-

- a) Unlawfully, intentionally and/or negligently interferes with the municipal infrastructure through which the municipality provides municipal services;
- b) Fails to provide information or provide false information reasonably requested by the municipality in relation to the unlawful conduct set out in Section 42.

CHAPTER 7

OFFENCES

44. Offences and Penalties

Any person who: -

- a) Fails to give information reasonably required by the municipality in terms of these bylaws;
- b) Assist any person in providing false or fraudulent information or assist in wilfully concealing information;
- c) Uses, tempers or interferes with municipal equipment, service supply equipment, reticulation network or consumption of services rendered;
- d) Fails or refuses to give the municipality such information as may reasonably be required for the purpose of exercising the powers or functions under these bylaws or gives the municipality false or misleading information, knowing it to be false or misleading;
- e) Contravenes or fails to comply with any provision of these by-laws;
- f) Fails to comply with the terms of a notice served upon him/her in terms of these bylaws, sentence shall be guilty of an offence and liable upon conviction to the penalty as would be determined by a competent Court of competent jurisdiction.

CHAPTER 8

DOCUMENTATION

45. Signing of notices and documents

A notice or document issued by the municipality in terms of these bylaws and signed by a duly authorized staff member of the municipality, shall be deemed to be duly issued and must on its mere production be accepted by a court of law as evidence of the facts therein set out.

46. Notices and documents

- 1) A notice or document issued by the municipality in terms of these bylaws shall be deemed to have been duly authorised if an authorized person signs such a notice or document.
- 2) Any notice or other document that is served on an owner, customer or any other person in terms of these bylaws is regarded as having been properly served: -
 - a) If it has been delivered to that person personally;
 - b) When it has been left at that person's place of residence, business or employment situate within the Republic of South Africa with a person over the age of sixteen years;
 - c) When it has been posted by registered or certified mail to that person's last known residential address or business within the Republic of South Africa and an acknowledgement of posting thereof from the postal service is obtained;
 - d) If that person's address within the Republic of South Africa is unknown, when it has been served on that person's agent or representative within the Republic of South Africa in the manner provided for in sub-sections (a) - (c); or
 - e) It has been posted in a conspicuous place on the property or premises, if any, to which it relates.
- 3) When any notice or other document must be authorised or served on the owner, occupier or holder of any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and is not necessarily the name of that person.
- 4) In instances where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of delivery or sending of such notice or service on the last known address as has been provided for by the owner, customer or any person to the municipality.

47. Authentication of documents

Every order, notice or other document requiring authentication by the municipality shall be sufficiently authenticated if signed by the municipal manager or by a duly authorised officer of the municipality having the necessary powers to do so.

48. Prima facie evidence

In any legal proceedings by or on behalf of the municipality, a certificate reflecting the amount due and payable to the municipality or its authorised agent, under the hand of the municipal manager, or suitably

qualified municipal staff member authorised by the municipal manager or the manager or Chief Financial Officer (CFO) of the municipality, shall upon its mere production thereof be accepted by any court of law as proof of the indebtedness to the municipality.

CHAPTER 9

GENERAL PROVISIONS

49. Power of entry and inspection

Subject to the Provisions of Section 101 of the Act, the municipality or its authorised agent may enter and inspect any premises for any purpose connected with the implementation or enforcement of these bylaws, at all reasonable times, after having given reasonable written notice to the occupier of premises of its intention to do so.

50. Exemption

- 1) The municipality may, in writing, exempt an owner, customer, any other person or category of owners, customers, ratepayers, users of services from complying with a provision of these bylaws, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable; provided that the municipality agent shall not grant exemption from any section of these bylaws that may result in:-
 - a) The wastage or excessive consumption of municipal services;
 - b) The evasion or avoidance of water restrictions;
 - c) Significant negative effects on public health, safety or the environment;
 - d) Non-payment for services;
 - e) Not complying with any act or regulations upon which these By-Laws have been formulated.
- 2) Notwithstanding the provisions of subsection 50.1 hereof, the municipality may, after giving a thirty (30) days notice withdraw any exemption that it previously granted in terms of these By-Laws. The municipality at any time after giving written notice of at least 30 days withdraws any exemption given in terms of subsection 50.1 above.

51. Availability of bylaws

- a) A copy of these bylaws shall be included in the Municipality Municipal Code as is required by legislation.

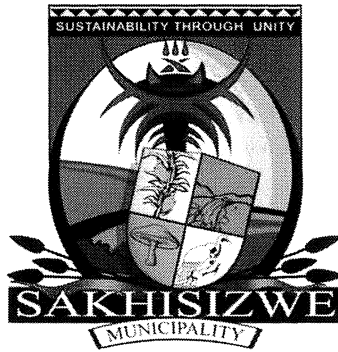
- b) The municipality or its authorised agent shall take reasonable steps to inform customers of the contents of the credit control and debt collection bylaws.
- c) A copy of these bylaws shall be made available for inspection at the municipal offices or at the offices of its authorised agent at all reasonable time.
- d) A copy of the bylaws shall be obtainable from the municipality against payment of a fee as prescribed in the Municipality's tariff of charges.

52. Conflict of laws

- 1) When interpreting a provision of these bylaws, any reasonable interpretation which is consistent with the purpose of the Act as set out in the Credit Control and Debt Collection Policy, must be preferred over any alternative interpretation which is inconsistent with that purpose.
- 2) If there is any conflict between these bylaws any other bylaws of the Municipality, these bylaws shall prevail.

53. Short title and commencement

- 1) These are called the Credit Control and Debt Collection Bylaws of the Sakhisizwe Local Municipality and shall take effect on the 1st day of the month following the date of being promulgation.
- 2) The municipality may, by a resolution, determine that certain provisions of these bylaws as would be listed in the resolution, shall not apply in certain areas within its area of jurisdiction from a date specified in the notice.
- 3) Until any decision as contemplated in subsection 53.2 hereof, is taken, these bylaws are binding within the area of jurisdiction of the Sakhisizwe Local Municipality.



KEEPING OF ANIMALS, POULTRY AND BEES CONTROL BY-LAW

BE IT ENACTED by the SAKHISIZWE MUNICIPALITY, as follows:

1. Definitions

In this By-law, unless the context otherwise indicates:

"Animals" means any horses, mules, donkeys, cattle, pigs, sheep, goats, indigenous mammals and other wild animals;

"Municipality" means the SAKHISIZWE MUNICIPALITY;

"Municipal Manager" means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"Nuisance" means, amongst other things, any act, omission or condition which is, in the opinion of the Municipality, detrimental to health or offensive or injurious or which materially interferes with the ordinary comfort or convenience of the public or adversely affects the safety of the public or which disturbs the quiet of the neighbourhood;

"Pets" means any dogs, cats, guinea pigs, hamsters, rabbits, chinchillas or birds not kept for breeding or business purposes;

"Poultry" means any fowl, goose, duck, turkey, peafowl, guinea fowl, muscovy duck, pigeon or dove, whether domesticated or Wild; and

"Special resolution" means a resolution carried by a majority of the total number of councillors of the Municipality.

2. Purpose of this By-law

To provide for control of the keeping of animals, poultry and bees in the SAKHISIZWE MUNICIPALITY and for matters connected therewith.

3. Written permission

No person shall keep or permit to be kept on any premises or property any animals (excluding pets) without the written permission of the Municipality and such permission may be withdrawn if at any time a

nuisance is caused or the requirements of this By-law are not complied with.

4. Number of animals

- 1) For the purpose of controlling and restricting the keeping of animals:
- 2) No animals, (except pets) are allowed to be kept in the townships,
- 3) The Municipality may from time to time, by special resolution, determine the number, kinds and sex of animals that may be kept per unit area and the areas within which such animals shall be prohibited (both in rural and urban areas).

5. Plans for structures to be approved

- 1) An application for permission to keep animals shall be accompanied by a detailed site plan indicating all structures and fences, existing and proposed, on the premises.
- 2) Detailed plans and specifications shall be submitted to and approved by the Municipality in respect of all structures where animals are to be accommodated.
- 3) The number, kinds and sex of animals shall be indicated on the plan.
- 4) Notwithstanding anything to the contrary contained in this By-law, the Municipality may refuse to approve the application and plans if, in its opinion, the property, owing to its location, sitting or geographical features, is unsuitable for the keeping of animals thereon.

6. Structures shall comply with requirements

- 1) All structures housing animals shall be constructed in a workmanlike manner and of materials approved by the Municipality.
- 2) No structure shall be sited within a distance of 15 meter from any dwelling and staff quarters or the boundary of a residential erf and 8 meter from any road boundary.
- 3) Every part of the structure shall be properly maintained and painted as often as the Municipality may deem necessary.
- 4) No animals shall be kept in a structure or on land which is considered by the Municipality to be undesirable or objectionable by reason of its locality, construction or manner of use.

7. Premises to be kept clean

- 1) All manure from animals shall be stored in a manner approved by the Municipality and disposed of on a regular basis so as to prevent any nuisance from being created.

- 2) All feed shall be stored in a rodent-proof place.
- 3) The premises shall be kept in such condition as not to attract or provide shelter for rodents.

8. Animals kept in an unsatisfactory manner

- 1) Whenever, in the opinion of the Municipality, any animals kept on any premises, whether or not such premises have been approved by the Municipality under this By-law, are a nuisance or danger to health, the Municipality may by written notice require the owner or occupier of such premises, within a period to be stated in such notice, but not less than 24 hours after the date of such notice, to remove the cause of and to abate such nuisance or danger to health and to carry out such work or do such things as the Municipality may deem necessary for the said purpose.

9. Requirements for premises

- 1) No person shall keep a kennel or cattery unless the requirements listed hereunder are complied with:
 - a) Every dog or cat shall be kept in an enclosure complying with the following requirements:
 - i) It shall be constructed of durable materials and the access thereto shall be adequate for cleaning purposes.
 - ii) The floor shall be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending over the full width of the floor and situated within the enclosure, which channel shall be graded and shall drain into a gully connected to the Municipality's sewer system by means of an earthenware pipe or a pipe of any other approved material with a minimum diameter of 100 mm, or to another approved disposal system.
 - iii) A kerb 150 mm high shall be provided along the entire length of the channel referred to in subparagraph (II) and on the side thereof adjacent to the surrounding outside area, to prevent storm water from such area from entering the channel.
 - b) Every enclosure referred to in paragraph (a) shall contain a roofed shelter for the accommodation of dogs and cats which shall comply with the following requirements:
 - i) Every wall shall be constructed of brick, stone, concrete or other durable material and shall have a smooth internal surface without cracks or open joints.
 - ii) The floor shall be of concrete or other impervious and durable material brought to a smooth finish without cracks

or open joints, and the surface between the floor and the walls of a permanent structure shall be coved.

- iii) Every shelter shall have adequate access thereto for the cleaning thereof and for determination.
- c) In the case of dogs, a dog kennel of moulded asbestos or other similar material, which is movable and placed on a base constructed of concrete or other durable material with an easily cleaned finish, without cracks or open joints, may be provided instead of a shelter contemplated in paragraph (b), and if the base of such kennel is not rendered waterproof, a sleeping board which will enable the dog to keep dry shall be provided in every such kennel.
- d) A concrete apron at least 1 meter wide shall be provided at the entrance of the enclosure over its full width, the apron to be graded for the drainage of water away from the enclosure.
- e) A supply of potable water, adequate for drinking and cleaning purposes, shall be provided in or adjacent to the enclosure.
- f) All food shall be stored in a rodent-proof store-room, and all loose food shall be stored in rodent-proof receptacles with close-fitting lids in such store-room.
- g) At least 5 meter of clear, unobstructed space shall be provided between any shelter or enclosure and the nearest point of any dwelling, other building or structure used for human habitation or any place where food is stored or prepared for human consumption.
- h) Isolation facilities for sick dogs and cats shall be provided to the satisfaction of the Municipality.
- i) If cages are provided for the keeping of cats, such cages shall be of durable, impervious material and constructed so as to be easily cleaned.

10. Requirements for premises

- 1) No person shall conduct the business of a pet shop upon any premises unless the premises are constructed and equipped in accordance with the following requirements:
 - a) Every wall, including any partition of any building, shall be constructed of brick, concrete or other durable material, shall have a smooth internal surface and shall be painted with a light-coloured washable paint or given some other approved finish.
 - b) The floor of any building shall be constructed of concrete or other durable and impervious material brought to a smooth finish.

- c) The ceiling of any building shall be constructed of durable material, have a smooth finish, be dustproof and be painted with a light-coloured washable paint.
- d) Sanitary facilities shall be provided in terms of the National Building Regulations.
- e) A rodent-proof store-room shall be provided to the satisfaction of the Municipality.
- f) Facilities for the washing of cages, trays and other equipment shall be provided to the satisfaction of the Municipality.
- g) If required, change-room or locker facilities shall be provided to the satisfaction of the Municipality.
- h) No door, window or other opening in any wall of a building within the premises shall be within 2 meter of any other door, window or other opening to any other building in which food is prepared, stored or sold for human consumption or is consumed by humans.
- i) There shall be no direct access to any habitable room or, any room in which clothing or food for human consumption is stored.

11. Business requirements

- 1) Every person who conducts the business of a pet shop shall:
 - a) Provide movable cages for the separate housing of animals, poultry or birds, and the following requirements shall be complied with:
 - i) The cages shall be constructed entirely of metal or other durable, impervious material and shall be fitted with a removable metal tray below the floor thereof to facilitate cleaning.
 - ii) Every cage shall be free from any recess or cavity not readily accessible for cleaning and every tubular or hollow fitting used in connection therewith shall have its interior cavity sealed.
 - iii) If rabbits are kept in a cage, the metal tray referred to in subparagraph (i) shall drain into a removable receptacle.
 - iv) Every cage shall be fitted with a drinking vessel kept filled with water and accessible to pets kept in the cage;
 - b) Provide rodent-proof receptacles of impervious material with close-fitting lids in the store-room in which all pet food shall be stored;

- c) Maintain the premises and every cage, tray, container, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet shop in a clean, sanitary condition, free from vermin and in good repair;
- d) Make effective measures to prevent the harbouring or breeding of, and to destroy flies, cockroaches, rodents and other vermin, and to prevent offensive odours arising from the keeping of pets on the premises;
- e) Provide overalls or other protective clothing for use by persons employed in connection with the pet shop and ensure that such apparel is worn by every employee when on duty;
- f) At all times keep every pet in the building on the premises unless otherwise approved by the Municipality;
- g) Provide isolation facilities in which every pet which is or appears to be sick shall be kept whilst on the premises;
- h) Ensure that there is a constant supply of potable water for drinking and cleaning purposes;
- i) Ensure that the premises are at all times so ventilated as to ensure sufficient movement of air for the comfort and survival of the pets; and
- j) Ensure that the number of pets per cage is not such that the free movement of such pets is impeded.

12. Requirements for premises

- 1) No person shall conduct the business of a pet salon in or upon any premises unless the premises are constructed and equipped in accordance with the following requirements:
 - a) A room shall be provided with a minimum floor area of 6,5 m² for the washing, drying and clipping of dogs or cats.
 - b) The floor of such room shall be constructed of concrete or other durable, impervious material brought to a smooth finish and graded to a channel drained in terms of the National Building Regulations.
 - c) The surface between the floor and the wall of such room shall be coved and the coving shall have a minimum radius of 75 mm.
 - d) Every internal wall surface shall be smooth-plastered and be painted with a light coloured washable paint.
 - e) The room shall be equipped with:

- I. A bath or similar facility with a constant supply of hot and cold water, drained in terms of the National Building Regulations
 - II. An impervious-topped table; and
 - III. A refuse receptacle of impervious, durable material with a close-fitting lid for the storage of cut hair pending removal.
- f) If cages are provided for the keeping of cats and kennels for the keeping of dogs, such cages and kennels shall be of durable material and constructed so as to be easily cleaned.

13. Business requirements

- 1) Every person who conducts the business of a pet salon shall:
- a) Ensure that every cage, including its base, is of metal construction and movable;
 - b) Ensure that all pesticide preparations, and preparations used for the washing of dogs and cats and the cleaning of equipment and materials are stored in separate metal cupboards;
 - c) Ensure that all tables used for the drying and grooming of dogs and cats are of metal with durable and impervious tops;
 - d) Maintain the premises and every cage, tray, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet salon in a clean, sanitary condition, in good repair and free of vermin;
 - e) At all times keep every dog or cat inside the building on the premises, unless otherwise approved by the Municipality;
 - f) Provide portable storage receptacles of impervious material with close-fitting lids for the storage of dog and cat faeces; and
 - g) Remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles referred to in paragraph (f).

14. Keeping of Poultry

- 1) No person who at the date of the promulgation of this By-law keeps or causes or allows to be kept any poultry in any poultry-house or enclosed run may continue to keep, allow to or cause to be kept any poultry as aforesaid after a period of 12 months from the date of coming into force of this By-law, unless all the requirements of this Part have been fully complied with.
- 2) No person shall keep or cause to be kept any poultry on any premises in and around the urban areas without the written permission of the Municipality.

- 3) An application for such permission shall be accompanied by a site plan indicating the situation of all structures, in which the poultry are to be kept, as well as the material that will be used, and the kind and the number of poultry that will be kept.
- 4) The Municipality has the right, when granting permission for the keeping of poultry, to determine the number and kind of poultry that may be kept and no person may keep more poultry than or poultry of a different kind to that determined by the Municipality.
- 5) The Municipality shall not grant permission for the keeping of poultry if it appears from the site plan that the requirements of this Part cannot be complied with,
- 6) The Municipality may withdraw such permission if at any stage the requirements of this Part are not complied with.
- 7) The Municipality may prohibit the keeping of any kind of poultry in any area if the environment or the density of the population is such that the keeping of any poultry creates or may create a nuisance or health hazard.
- 8) No person shall keep poultry in a poultry-house, enclosed run or structure other than a poultry-house, enclosed run or structure for which the Municipality has granted permission, and no person shall change or move such poultry-house, enclosed run or structure without the written permission of the Municipality.
- 9) No person, except members of a pigeon club, shall let loose any poultry outside the poultry-house or enclosed run for which permission has been granted.

15. Specifications for structures

- 1) No person shall erect or use for the purpose of keeping poultry any poultry-house or enclosed run, any part of which is:
 - a) Within 1,5 meter of any door or window of any dwelling, domestic worker's quarters or inhabited outbuildings, or of any building where food is handled, kept or prepared, or of any street; or
 - b) Closer than 1,5 meter from any building as mentioned in paragraph (a), or any fence; or
 - c) Of a vertical height more than 2,4 meter or less than 1,2 meter at any point: Provided that where pigeons are kept the overall height shall not be more than 3,6 meter.

16. Requirements for construction of structures

- 1) No person shall erect or use for the purpose of keeping poultry any poultry-house which does not conform to the following requirements and which is not erected in workmanlike manner to the satisfaction of the Municipality:
 - a) The walls, floor and roof shall be free from hollow spaces, enclosed inter-spaces or holes capable of harbouring rodents, vermin or poultry parasites.
 - b) The floor shall be of brick, concrete, asphalt or other material approved by the Municipality, and the surface thereof shall be smooth and graded to permit all swill and washings to be drained off.
 - c) The walls shall be constructed of brick or concrete or other suitable material approved by the Municipality for that purpose, and shall, except in the case of a pigeon-house for the keeping of pigeons, be plastered with smoothed off cement plaster and be white-washed or painted with an oil paint inside and outside.
 - d) The roof shall be of asbestos or corrugated iron or other suitable material approved by the Municipality.

17. Requirements for the keeping of poultry

- 1) Every person keeping or causing to be kept poultry in any poultry-house or enclosed run shall:
 - a) Maintain such poultry-house or enclosed run at all times in a thoroughly clean condition and free from rodents, vermin and parasites;
 - b) Cause all poultry manure to be properly stored in a non-corrugated metal bin with a close-fitting cover or other container as approved by the Municipality;
 - c) Feed such poultry in a proper manner so as not to cause a nuisance or to attract rodents, flies or other vermin, and any residual food or other putrescible matter shall be removed at least once every day from the poultry-house or enclosed run;
 - d) Store all poultry food in metal or other rodent-proof containers, so as to be inaccessible to rodents; and
 - e) Keep or cause to be kept no greater number of poultry in anyone poultry-house or enclosed run than one bird, and in the case of pigeons two birds, per 0,36 m² of the total floor area of such poultry-house or enclosed run, and shall not keep any poultry that creates a nuisance by crowing or cackling.

18. Health requirements

- 1) No person shall place, throw, leave or allow to remain on any premises any poultry litter, refuse or manure in such manner or for such period as to favour the breeding of flies or attract rodents or other vermin to such premises.

19. Municipality may prohibit the use of certain structures

- 1) The Municipality may by notice in writing addressed to any person keeping or causing to be kept any poultry in a poultry-house or enclosed run, prohibit the use of any such poultry-house or enclosed run if, in the opinion of the Municipality, it is unfit, undesirable or objectionable by reason of its locality, construction or manner of use.

20. Specifications for crates

- 1) No person shall confine poultry in crates which do not conform to the following requirements:
 - a) The floor area of a crate containing turkeys or geese shall be not less than 0,09 m² per bird confined therein, and the height of such crate shall be not less than 750 mm.
 - b) The floor area of a crate containing other poultry shall be not less than 0,045 m² per bird and the height of such crate shall be not less than 500 mm.
 - c) The floors of such crates shall be constructed of solid wood or other solid material.
 - d) Each crate shall be provided with two drinking vessels fixed in opposite corners of the crate and filled with fresh water. Such vessels shall be of the unspillable type and not less than 125 mm in depth and 100 mm in diameter.
 - e) Each crate shall be provided with suitable receptacles containing food.
 - f) Different species of poultry shall not be placed in the same crate.

21. Keeping of bees

- 1) The provisions of this Part shall apply only within that part of the Municipality's area of jurisdiction demarcated by the Municipality by notice in the Provincial Gazette for the purpose of controlling the keeping of bees and shall in this Part be referred to as a "controlled area".
- 2) No person shall keep bees within a controlled area:
 - a) Without a permit issued in terms of section 22(2)(b);
 - b) On premises less than 3750 square metres in extent;

- c) Except in a bar-framed hive approved by the Municipality, situated not less than 100m from any street, dwelling, place of business or fowl-house or place where animals or birds are kept, and enclosed by means of a sound wire fence or wall of a height not less than 1,5m at a distance of not less than 5m in any direction from such hive so as to render such hive inaccessible to animals or unauthorised persons;
- d) On premises whereon is situated any building used for the purpose of industry, business or trade; or
- e) On premises being within 400 metres, measured from the nearest point of the nearest boundary of such premises, of the nearest point of the nearest boundary of any church, school, hospital or cinema or any other place of amusement, gathering or recreation.

22. Permits for keeping of bees

- 1) An application for a permit must be done on the form provided by the Municipality and must:
 - a) Be directed to the Municipal Manager; and
 - b) Be accompanied by the fees determined by the Municipality.
- 2) After receipt of the application referred to in subsection (1), the Municipal Manager may:
 - a) Inspect, or cause to be inspected, the premises and facilities of the applicant;
 - b) Issue the permit subject to such conditions as he or she may deem necessary for public safety; or
 - c) In writing, refuse to issue the permit and state his or her reasons for such refusal.
- 3) A permit issued in terms of subsection (2)(b) shall be valid for a period of one year and may be renewed by the permit holder before it lapses by:
 - a) Paying the fee determined by the Municipality for such renewal; and
 - b) Convincing the Municipal Manager that all permit conditions pertaining to public safety are still being adhered to.
- 4) A permit issued in terms of subsection (2)(b) may be withdrawn by the Municipality if the permit holder contravenes or does not comply with any provision of this Part or any condition subject to which the permit was issued.

23. Penalty clause

- 1) Any person contravening any of the foregoing sections or refusing to comply with any order lawfully made there under shall be guilty of an offence and liable upon conviction to a fine or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

24. Short title

This By-law shall be called the Keeping of Animals, Poultry and Bees Control By-law



KEEPING OF DOGS CONTROL BY-LAW

BE IT ENACTED by the SAKHISIZWE MUNICIPALITY, as follows:

1. Definitions

In this By-law, unless the context otherwise indicates:

"Authorised officer" means:

- a) A peace officer as defined in section 1 of the Criminal Procedures Act, 1977 (Act No. 51 of 1977) in the Municipality's service;
- b) Any other person, whether in the service of the Municipality or not, who is appointed an authorised officer of the Municipality;

"Dog" for the purpose of section 3(1) and (2), means a dog over the age of six months;

"Keep" in relation to a dog, includes having such dog in possession, [under control or in custody or to harbour such dog;

"Municipality" means the SAKHISIZWE MUNICIPALITY;

"Owner" in relation to a dog, means any person who keeps a dog and includes any person to whom a dog has been entrusted or who has control of a dog in respect of any site within the area of jurisdiction of the **Municipality where such dog is kept or is permitted to live or remain;**

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

"Street" includes a sidewalk; and

"Zoned" means a land-use attached to premises by or under any law, the town planning scheme or a title deed.

2. Purpose of this By-law

To provide for control of the keeping of dogs in the SAKHISIZWE MUNICIPALITY; and for matters connected therewith.

3. Application of By-law

(1) The provisions of sections 4(1) and 5 shall not apply to premises which are zoned for agricultural purposes: Provided that a person keeping dogs on premises zoned for agricultural purposes shall not be exempted from compliance with any other provision of this By-law or any other legislation which may be applicable.

4. Number of dogs

- 1) Subject to the provisions of subsection (2), no person shall keep more than two dogs on any erf or premises without the prior written consent of the Municipality.
- 2) A breeder of dogs who wishes to keep more than two dogs on:
 - a) Premises zoned for agricultural purposes, shall be entitled to do so without any restrictions;
 - b) Premises zoned for any purpose other than agricultural purposes, must obtain the prior written consent of the Municipality.
- 3) An application for the Municipality's consent in terms of subsection (2) shall not be considered by the Municipality unless:
 - a) The Municipality is satisfied that the size of the premises on which the dogs are to be kept is not smaller than 5 000 square meter; and
 - b) Such an application is accompanied by an application for the alteration of the land use restrictions applicable to the premises concerned, where it is necessary.
- 4) The Municipality's consent in terms of subsection (2)(b) to keep more than two dogs on a premises, shall be granted:
 - a) Only in those instances where there are no objections against the proposed departure of the land-use restrictions after having advertised the proposal in terms of the relevant legislation; and
 - b) Subject to such conditions and restrictions as the Municipality may deem fit to impose.
- 5) The Municipality may, after due process, revoke a consent granted in terms of subsection (2) (b).

5. Control of dogs

- 1) No person shall:

- a) Permit any bitch on heat owned or kept by him or her to be in any public place;
- b) Urge any dog to attack, worry or frighten any person or animal, except where necessary for the defence of such first-mentioned person or his or her property or of any other person;
- c) Abandon any dog owned or kept by him or her;
- d) Keep any dog which:
 - I. By barking, yelping, howling or whining;
 - II. By having acquired the habit of charging any vehicles, animals, poultry, pigeons or persons outside any premises where it is kept; or
 - III. By behaving in any other manner, or interferes materially with the ordinary comfort, convenience, peace or quiet of neighbours; or
- e) Permit any dog owned or kept by such person:
 - I. To be in any public place while suffering from mange or any other infectious or contagious disease;
 - II. Which is ferocious, vicious or dangerous to be in any public place, unless it is muzzled and held on a leash and under control of some responsible person;
 - III. To trespass on private property;
 - IV. To constitute a hazard to traffic using any road or street;
 - V. To constitute or to his or her knowledge be likely to constitute a source of danger or injury to any person outside the premises on which such dog is kept; or
 - VI. To be in any public place except on a leash and under control of some responsible person.

6. Fencing of property

- 1) No person shall keep a dog if the premises where such a dog is kept, is not properly and adequately fenced to keep such dog inside when it is not on a leash.

7. Dogs shall not be a source of danger

- 1) Any person who keeps a dog on any premises shall:
 - a) Take reasonable precaution to ensure that the dog does not constitute a source of danger to the employees of the Municipality entering upon such premises for the purpose of carrying out their duties; and
 - b) Display in a conspicuous place a notice to the effect that a dog is being kept on such premises.

8. Removal of offensive matter

- 1) If a dog defecates at a public place, the person in charge of the dog shall forthwith remove the excrement, place it in a plastic or paper bag or wrapper and dispose of it in a receptacle provided for the deposit of litter or refuse.

9. Dogs on premises where food is sold

- 1) Any person being the owner or person in control of any shop or other place where food is prepared, sold or exposed for sale shall not permit any dog to be or remain in or at such shop or place.

10. Seizure, impounding and destruction of dogs

- 1) Any dog, found at a public place suffering from mange or any other infectious or contagious disease, or which is ferocious, vicious or dangerous, or which is badly injured, may be seized and destroyed by an authorised officer of the Municipality.
- 2) An authorised officer may seize and impound at a place designated by the Municipality, any dog which is found at a public place in contravention with the provisions of this Bylaw.
- 3) A dog impounded in terms of subsection (2), may:
 - a) Be released to the owner of such dog upon payment of a fee determined by the Municipality in addition to any costs, fines or taxes which may be outstanding in respect of such dog; or
 - b) After the expiry of 30 days, be destroyed by the Municipality or be dealt with as the Municipality deems expedient.

11. Liability

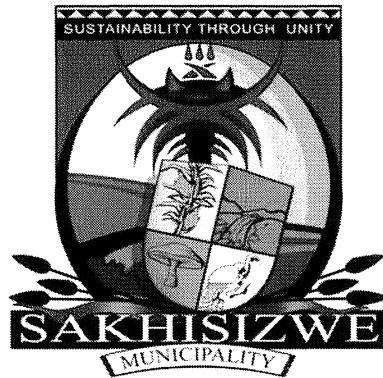
- 1) Neither the Municipality nor any authorised officer or any employee of the Municipality shall be liable for or in respect of any injury suffered or disease contracted by or damage caused to any dog as a result of or during its seizure, impounding, detention or destruction in terms of this By-law.

12. Penalty clause

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

13. Short title

This By-law shall be called the **Keeping of Dogs Control By-law 4/2012**



LAW ENFORCEMENT BY-LAW

BE IT ENACTED by SAKHISIZWE MUNICIPALITY, as follows:

1. Definitions

In this By-law, unless the context otherwise indicates:

"Car guard" means a person rendering a service to another person for reward at a public place or at a place which is commonly used by the public or any section thereof by making himself or herself available for the protection of vehicles in accordance with an arrangement with such other person, and "organisation for car guards" shall have a corresponding meaning;

"Law enforcement officer" means a person authorised by or under any law to police or enforce any by-law of the Municipality;

"Municipality" means SAKHISIZWE MUNICIPALITY;

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

"Public property" includes any bridge, building, structure or permanent fixture that forms part of a public place or is to be found in, on or at a public place, or is by law public property; and

"Street" includes a sidewalk.

2. Purpose of this By-law

To provide for the prevention of crime in the Sakhisizwe Municipal area and matters connected therewith.

3. Damage to public property prohibited

- 1) No person shall remove, damage, deface, conceal or tamper with public property.

4. Surface of streets may not be defaced

- 1) Except in the performance of his or her official duties, no person shall mark, paint or, in any manner, deface the surface of any street or part thereof.

5. Display of signs, posters and banners regulated

- 1) No person shall display any sign, poster or banner that is indecent, offensive or lewd:
 - a) In, on or at a public place; or
 - b) In such a manner that it is readily visible from a public place.
- 2) Except with the prior written permission of the Municipality and in accordance with the conditions determined by the Municipality, no person shall:
 - a) At a public place; or
 - b) On private property (except private property zoned for business related or industrial related purposes by or under any law, guide plan, town planning scheme or title deed) in such a manner that it is readily visible from a public place;
 - c) Advertise by displaying any sign, poster or banner.

6. Display of street numbers

The owner or occupant of built up premises must display the street number allocated to such premises by the Municipality, at a prominent place, facing the street concerned in such a way that it is readily legible from the street.

7. Damage of street names and street numbers prohibited

- 1) No person shall damage, deface, remove or render illegible:
 - a) A plate displaying a street name;
 - b) A street number contemplated in section 5; or
 - c) Any sign authorised or erected by the Municipality.

8. Regulation of begging in or from public places

- 1) Except with the prior written permission of the Municipality and in accordance with the conditions determined by the Municipality, no person shall:
 - a) Beg or collect alms in or from a public place;

- b) Beg or collect alms from door to door.
- 2) Conditions contemplated in subsection (1) must include, but shall not be limited to:
 - a) Delimitation of the area in which such person may beg or collect alms;
 - b) Hours during which such person may beg or collect alms;
 - c) Places prohibited for such person to beg or collect alms; and
 - d) The period (not exceeding one year) for which the permission is granted.
- 3) A person who begs or collects alms in accordance with a written permission contemplated in subsection (1) must be in possession of such written permission and produce it on request to:
 - a) A person approached by that person;
 - b) Any person with an apparent interest in his or her conduct; or
 - c) A law enforcement officer.

9. Regulation of car guards

- 1) No person shall act as a car guard unless that person is:
 - a) Registered as a security service provider in terms of the Private Security Industry Regulation Act, 2001 (Act No. 56 of 2001); and
 - b) Employed by an organisation for car guards and acts in the employ of and under the control of that organisation.
- 2) An organisation for car guards shall not render a car guard service unless that organisation:
 - a) Has obtained the prior written permission of the Municipality and acts in accordance with the conditions set out in that written permission;
 - b) Is a "security business" as defined in the Private Security Industry Regulation Act, 2001, and complies with the provisions of section 20(2) of that Act;
 - c) Ensures that any of its employees rendering a car guard service:
 - i) Is at all times duly registered as a security service provider in terms of the Private Security Industry Regulation Act, 2001; and
 - ii) Complies with the provisions of the code of conduct for security service providers referred to in section 28 of the Private Security Industry Regulation Act, 2001.

- 3) Conditions contemplated in subsection (2)(a) must include, but shall not be limited to:
- a) Delimitation of the area in which such organisation for car guards may render a car guard service;
 - b) Hours during which such organisation for car guards may render a car guard service;
 - c) Places prohibited for such organisation for car guards to render a car guard service; and
 - d) The period (not exceeding one year) for which the permission is granted.

10. Unlawful acts in relation to public places

- 1) No person shall leave, spill, drop or place in, on or at a public place any matter or substance:
- a) That may impede the cleanliness of such public place; or
 - b) That may cause annoyance or danger to any person, animal or vehicle using such public place.
- 2) No person shall spit, urinate or defecate in, on or at a public place.

11. Inhalation, provision or disposal of certain substances prohibited

- 1) Subject to the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992), no person shall inhale the fumes of any glue, adhesive or volatile substance that has an intoxicating or hallucinating effect.
- 2) No person shall dispose of any container of a substance referred to in subsection (1):
- a) Through the municipal refuse system; or
 - b) By leaving it in, on or at a public place.
 - c) Subject to the Drugs and Drug Trafficking Act, 1992, no person shall, for payment or otherwise, provide a substance referred to in subsection (1) to any person if it is reasonably evident that the substance is acquired with the purpose of contravention of that subsection.

12. Dumping, leaving or accumulation of certain objects or substances in public places prohibited

- 1) No person shall dump, leave or accumulate any garden refuse, motor vehicle wreck or spare part, building waste, rubbish or other waste:
- a) In, on or at a public place;
 - b) Except at a place designated by the Municipality for dumping.

- 2) Except with the prior written permission of the Municipality and in accordance with any condition as may be determined by the Municipality, no person shall place or permit any object or substance referred to in subsection (1) to be placed in, on or at a public place from premises owned or occupied by such person.

13. Unlawful acts in relation to trees in public places

- 1) No person shall:
 - a) Break or damage a tree in a public place; or
 - b) Mark or paint such tree.
- 2) Except with the prior written permission of the Municipality, no person shall:
 - a) Display an advertisement on a tree in a public place;
 - b) Chop, top, trim, cut down or remove such tree.

14. Gathering or obstruction of streets prohibited

- 1) Subject to the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993); no person shall gather, sit, lie or walk in a street in such manner as to cause obstruction to traffic or to jostle or otherwise impede any other person using such street.

15. Prohibitions in relation to places of religious worship

- 1) No person shall, without reasonable cause, linger in the immediate proximity of a place of religious worship immediately before, during or after assembly of the congregation.
- 2) No person shall vex, hinder or impede any member of a congregation attending religious worship or proceeding to or leaving from a place of religious worship.

16. Nuisance prohibited

- 1) No person shall, in, on or at a public place:
 - a) Use indecent, offensive or lewd language;
 - b) Ignite or burn rubble or refuse;
 - c) Burn any matter that produces an offensive smoke;
 - d) Cause an offensive smell;
 - e) Cause a disturbance to other persons by fighting, shouting or arguing;
 - f) Cause excessive noise by:
 - i) Singing;
 - ii) Playing musical instruments;

- iii) The running of an engine;
- iv) The use of a loudspeaker, radio, television or similar device; or
- v) Any other means.

17. Disturbance of peace prohibited

- 1) No person shall disturb the peace in a residential area by causing excessive noise or by fighting, shouting or arguing in a boisterous way.
- 2) Except with the prior written permission of the Municipality and in accordance with any condition that may be determined by the Municipality, no person shall explode a firecracker or any other firework causing a loud noise.

18. Advertising by sound-amplifying equipment regulated

- 1) Except with the prior written permission of the Municipality and in accordance with any condition that may be determined by the Municipality, no person shall, by the use of any sound-amplifying equipment on business premises:
 - a) Play music; or
 - b) Use a microphone or recording to invite any member of the public to enter that premises or to do business there, in such a way that it can be heard from a public place.

19. Touting regulated

- 1) Except in an area designated by the Municipality and during hours determined by the Municipality, no person shall, in or from a public place:
 - a) Tout; or
 - b) In any way indicate to any member of the public his or her willingness to do for reward any work or perform any task.

20. Exhibition of obscene visual images regulated

- 1) Except in a separate private room to which access can only be attained through a door on which the words "Admittance only for persons of 18 years and older" have been printed boldly and which is situated inside the business premises concerned, no person conducting business in:
 - a) The selling, hiring out or screening of films; or
 - b) The selling of publications,shall exhibit a film or publication, the container or cover, as the case may be, of which contains a drawing, picture, illustration,

painting, photograph or image or combination thereof, depicting sexual conduct.

For the purposes of subsection (1):

"Film" means:

- a) Any sequence of visual images recorded on any substance, whether a film, magnetic tape, disc or any other material, in such manner that by using such substance such images will be capable of being seen as a moving picture;
- b) The soundtrack associated with and any exhibited illustration relating to a film as defined in paragraph (a);
- c) Any picture intended for exhibition through the medium of any mechanical, electronic or other device;

"Publication" means:

- a) Any newspaper, book, periodical, pamphlet, poster or other printed matter;
- b) Any writing or typescript, which has in any manner been duplicated;
- c) Any drawing, picture, illustration or painting;
- d) Any print, photograph, engraving or lithograph;
- e) Any record, magnetic tape, soundtrack, except a soundtrack associated with a film, or any other object, in or on which sound has been recorded for reproduction;
- f) Computer software, which is not a film;
- g) The cover or packaging of a film;
- h) Any figure, carving, statue or model;
- i) Any message or communication, including a visual presentation, placed on any distributed network, including, but not confined to, the Internet; and

"Sexual conduct" means the display of genitals, masturbation, sexual intercourse, which includes anal sexual intercourse, the fondling, or touching with any object, of genitals, the penetration of a vagina or anus with any object, oral genital contact, or oral anal contact.

2. The provisions of subsection (1) shall not apply to a person contemplated in section 24(1) of the Films and Publications Act, 1996 (Act No. 65 of 1996), who is the holder of a licence to conduct the business of adult premises, while such person conducts business on such premises.

21. Parking of heavy vehicles, trailers or caravans

- 1) No person shall park:
 - a) A vehicle with a gross mass exceeding 9000 kg, or a trailer with a gross mass exceeding 1000 kg, for longer than 2 hours; or
 - b) A caravan for longer than 24 hours, in a street.

22. Distribution of handbills regulated

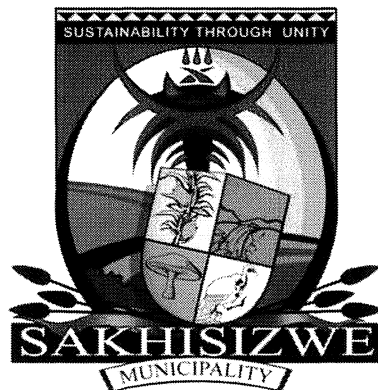
- 1) Without the prior written permission of the Municipality, no person shall:
 - a) Place or cause a handbill or similar advertising item to be placed in or on any vehicle parked at a public place; or
 - b) Hand out or cause a handbill or similar advertising item to be handed out to any person in or at a public place.

23. Penalty clause

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

24. Short title

This By-law shall be called the Law Enforcement By-law.



LEASE OF HALLS AND CONFERENCE FACILITIES BY-LAW

BE IT ENACTED by SAKHISIZWE MUNICIPALITY, as follows:

1. Definitions

In these by laws unless the context otherwise indicates:

"Caretaker" means any official of Council appointed as caretaker to exercise control over municipal halls or conference facilities, or acting in that capacity;

"Chief Fire Officer" means the person appointed as Chief Fire Officer by the Councillor or any other person lawfully acting in that capacity.

"City Electrical Engineer" means the person appointed as City Electrical Engineer by the Council or any other person lawfully acting in that capacity;

"City Engineer" means the person appointed as City Engineer by the Council or any other person lawfully acting in that capacity.

"Municipal manager" means the person appointed as Municipal manager by the Council or any other person lawfully acting in that capacity.

"Council" means the SAKHISIZWE MUNICIPALITY and its successors in law, and includes the Council of that municipality or its Executive Committee or any other body acting by virtue of any power delegated to it in terms of legislation, as well as any officer to whom the Executive Committee has delegated any powers and duties with regard to these bylaws;

"Lessee" means the person who signs the application form referred to in section 2 hereunder;

"Premises" means any hall, conference facility, auditorium or group activities room which is the property of the Council and being leased in terms of these bylaws, and include such amenities as are incidental thereto.

2. Purpose of the By-law

To provide for the regulation and management for the leasing of halls and other facilities and other matters connected therewith.

3. Application / Reservation for use of a Hall

- 1) Persons desiring to lease premises shall apply to the Municipal manager on the official application form provided for that purpose and the person making the application shall be deemed to be the lessee.
- 2) No reservation of premises shall be made until such time as a properly completed application form has been received, together with the prescribed tariff and deposit.
- 3) No tickets or invitations may be distributed nor may any public announcement be made before the application has been approved by Council in writing.

4. Discretion to refuse or cancel reservations

- 1) Council has the right to refuse any application for the lease of premises without giving any reasons and shall also have the right to cancel any booking already made, if the premises are required for Council purposes and, in the latter event, Council shall have no liability other than to refund any monies which may have been paid to Council.

5. Payments and Refunds

- 1) All charges, including deposits, for the lease of premises or equipment as determined in Council's tariff of charges are payable in advance and the lessee shall not be permitted to use any premises reserved by him/her until the relevant tariff and deposit has been paid in full.
- 2) If the lessee cancels or abandons a reservation, Council may in its discretion, where it is satisfied that such abandonment or cancellation was due to unforeseen circumstances beyond the control of the lessee, pay the lessee a refund of up to 75% of the tariff and a refund of the full deposit. Where cancellations are made 30 days prior to the booking date, a 100% refund will apply.
- 3) Lessees, except those lessees who use the premises for activities of a professional nature, commercial activities or activities where admission fees are charged, and who meet the following criteria, are exempted from paying a deposit:
 - a) Produce a current paid up Sakhisizwe Municipal services/rates account;

- b) Supply proof of identification; and
 - c) Enter into an agreement whereby the lessee accepts and understands that the costs resulting from damages/losses as mentioned in section 5 will be debited against his/her account and undertakes to settle such amount on the due date.
- 4) Only cash or bank guaranteed cheques are accepted as hall deposits.

6. Losses, Breakage and Damages

- 1) The lessee shall be responsible for and make good any breakage or damage of any nature to the premises, furniture, fittings or other property of Council as well as any loss occasioned by missing articles, breakage or defacement that occurred during the lease period. Should the lessee find any piece of furniture, fitting or other property of Council to be defective prior to the function for which the premises have been leased, the same shall be pointed out in writing to the caretaker before use. Where no such defect has been pointed out it shall be deemed to have been in proper order.
- 2) In the event of damage or loss of property such damage or loss shall be made good from the deposit paid by the lessee and the balance, if any, shall be refunded to the lessee once repairs and/or replacements have been completed. Any further amount by which the cost of repairs, and/or replacements exceeds the amount of the deposit shall be recovered from the lessee.
- 3) The current service account of lessees exempted as per section 5(3) shall be debited with the total cost of all incidents as mentioned in section 6(1).

7. Use of Equipment

- 1) The lessee may only use the equipment for which the prescribed fees have been paid, together with such other gratis equipment as Council may from time to time decide upon, provided that in the case of gratis equipment the lessee shall still book such equipment in advance.

8. Lighting Arrangements

- 1) No additional or special lighting may be installed in or on the premises without the prior approval of the Municipal manager and any additional or special lighting so authorised shall be carried out, at the expense of the lessee, by a person approved by the Town Electrical Engineer on terms and conditions to be arranged between the Town Electrical Engineer and such person, or between the Town Electrical Engineer and the lessee.

9. Admission arrangements

- 1) The lessee shall be responsible for all arrangements in connection with the admission of the public, the sale of tickets, the provision of ushers, police, security and such other staff as may be necessary to control the admission and conduct of persons on the premises.

10. Indemnity

- 1) Council shall under no circumstances be responsible or liable for any loss or damage of whatsoever nature and whether direct or consequential, caused to the lessee or any other person including, without limiting the generality of the a foregoing, any property, articles, or things that may be in, on, or at the premises, due to any cause whatsoever, including, but not limited to, the failure or defect of any machinery, equipment, lighting or scenery, or any defect whether latent or patent, in or on any part of the premises.
- 2) Council shall under no circumstances be responsible for any loss of or damage to any article brought onto the premises or left there by the lessee or any other person, irrespective of how the loss or damage was caused.
- 3) By submitting the application referred to in section 3 the lessee indemnifies Council against any claim arising from such lease instituted by any person on any ground whatsoever.

11. Council-owned property

- 1) No furniture or article belonging to Council shall be moved or taken from the premises leased or any other part of the buildings by any person other than Council's officials, or except under the direction of such officials.

12. Specific obligations of the lessee

- 1) The lessee may not sublet the premises under any circumstances.
- 2) The lessee shall ensure that the premises and equipment leased are kept in a clean, tidy and proper condition and that no furniture or equipment is removed from the premises or damaged in any way.

13. Additional cleaning services

- 1) Council shall not be obliged to provide any additional facilities or services, provided that if the purpose for which the lessee proposes to use the premises is such as to require special cleaning work to be undertaken, the lessee shall pay to the Council such additional sum as may be required by Council to cover the cost of the additional work.
- 2) Upon termination of any function the lessee shall be responsible for the cleaning of the interior of the premises as well as the exterior surrounding, failing which Council shall clean the premises at the at the rate to be determined by Council.

14. Animals

- 1) No person shall, without the written consent of Council, bring or permit to be brought into the premises any animal.

15. Inspection after each function

- 1) On the first working day after the function for which the premises were leased, the premises shall be inspected by the caretaker and the lessee or anyone deputed by him on his behalf and any damages shall be recorded at the time of the inspection.

16. Notices, placards, movable scenery and use of pre-treated timber

- 1) No notices, posters, advertisements, decorations, flags, emblems or other attachments shall be placed or erected upon the inside or outside of the premises leased by the lessee without the permission of the Municipal manager first being obtained and no nails, screws, drawing-pins, or sticky material may be knocked into or affixed to any portion of the premises, except against the wooden railings in the premises where such railings have been specifically installed for this purpose.
- 2) No movable lighted scenery other than that which is electrically lit shall be used in the premises and no wood shall be brought into the premises unless the same has been pre-treated in terms of the relevant regulations for combating and preventing the spread of insect pests affecting wood. The lessee shall, if called upon by the Council to do so, submit evidence of such treatment before the wood is brought to the premises.

17. Catering

- 1) The lessee shall be responsible for all catering arrangements in the premises and shall ensure that the caterers keep and leave such premises in a clean and tidy condition.

18. Stage and other shows

- 1) Where the premises are leased for a cinema performance, the lessee shall ensure that all projectors and other apparatus are placed, situated and operated in a manner approved by the Chief Fire Officer and that the requirements and directions of the Chief Fire Officer as to fire precautions are observed.
- 2) A fireman's attendance, which shall be at the expense of the lessee, is compulsory at all demonstrations, stage shows, exhibitions or meetings where the use of open flames or heat producing equipment may be used in such a way where, in the opinion of the Chief Fire Officer, a danger of fire exists.

19. Boxing or wrestling

- 1) Persons staging a boxing or wrestling tournament shall provide the ring with sponge plated broad supporting discs, approximately 20 cm in diameter, or some other suitable protective device, in order to ensure that the floors are not damaged and the erection of the ring shall be to the satisfaction of the City Engineer.

20. Requirements of the Liquor Act

- 1) When intoxicating liquor is to be supplied on the premises, the lessee shall observe all the requirements of the Liquor Act, 1977 (Act No 87 of 1977), and no liability whatsoever shall be attached to the Council or any of its officials in respect of any failure of the licensee or any of his servants or agents to carry out and observe the provisions of the said Act and of the terms and conditions of any licence issued.

21. Intoxicating liquor

- 1) No person shall take any intoxicating liquor onto the premises save and except:
 - a) The licensee or his servant or agent acting under and by virtue of a temporary liquor licence;
 - b) The lessee or his servant or agent in cases where the lessee is serving liquor free of charge to his guests; and
 - c) The lessee or his guests or their servants or agents are providing their own supply of intoxicating liquor for personal consumption.

22. Dangerous practices

- 1) The firing of live ammunition, the throwing of knives and any other performance which may be potentially dangerous to persons or property are strictly prohibited.

23. Overcrowding

- 1) No overcrowding of the premises is permitted. The number of persons admitted shall be limited to the seating accommodation available, and no persons shall be allowed to congregate in passages, aisles or doorways of or adjoining the premises let unless the written permission of the Councillor or of an official deputed by him is first obtained.
- 2) When the available seating accommodation and other permitted accommodation have occupied, the lessee shall prevent the admittance of any person in excess of such accommodation.

24. Orderly behaviour

- 1) The lessee shall be responsible for ensuring that:

- a) No person who is intoxicated or who is unsuitably or indecently clad shall be permitted to the premises or, having gained admission, be permitted to remain therein;
- b) No person or persons become noisy or create a disturbance or nuisance or be unsuitably or indecently clad. The lessee shall have such person removed from the premises immediately and in the event of the function becoming unruly, or should it appear that a disturbance is imminent; the lessee shall forthwith terminate the function and clear all persons from the premises.

25. Right of entry

- 1) Council's officials shall at all times have the right to enter upon any premises or part of the premises for the performance of their duties in connection with the premises.

26. Fireman's Attendance

- 1) In the event of there being an activity on the premises which, in the opinion of the Chief Fire Officer, constitutes or can lead to a fire or other hazard, he may place one or more firemen on duty for the duration of the activity and the lessee will be liable for the costs thereof.

27. Lessee to conform to provisions of bylaws and other legislation

- 1) The lessee of the premises shall ensure that the provisions of these bylaws and of any other bylaws and rules which may relate to the premises as well as any applicable legislation, including the Copyright Act, 1978 (Act No 98 of 1978) are duly observed and that any lawful instructions of Councillor or any member of the South African Police Services are fully and immediately complied with.

28. Rules and Regulations

- 1) The Council may make rules and regulations applicable to specific venues.

29. Penalties

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

30. Short title

This By-law shall be known as the Lease of Halls and other Facilities By-law .../2012

ANNEXURE "A"**SAKHISIZWE MUNICIPALITY****RULES AND REGULATIONS FOR THE LEASE OF THE SAKHISIZWE TOWN HALLS**

- 1.The lessee shall at all times comply with and be governed by the bylaws relating to the lease of halls and conference facilities as promulgated in the Government Gazette under Notice No .
- 2.No booking is confirmed before the applicable deposit and tariff have been paid in full.
- 3.The hours for the use of the premises expire at midnight and 50% of the normal tariff will be charged per hour or part thereof after 01h00.
- 4.The day prior to the function can be booked for preparation of the premises at 50% of the normal tariff per day.
- 5.The day following the function can be booked for clearing-out the premises at 50% of the normal tariff per day.
- 6.Whenever the main hall is leased, the use of the relevant foyer, entrance, veranda, dressing rooms and stage is included in the tariff.
- 7.Whenever the supper room is leased, the use of the relevant foyer, entrance and veranda is included in the tariff only in the event where the main hall is not leased, in which case the side entrance is to be used.
- 8.The main hall and supper room foyer in the town hall may only be used for the serving or consuming of refreshments with the Municipal manager's prior written approval.
- 9.The lighting control unit shall only be used if prior written approval has been obtained from the Municipal manager and may then only be operated by a person competent to do so or as determined by the City Electrical Engineer.
- 10.The hoisting equipment shall only be used if prior approval has been obtained from the Municipal manager and may then only be operated by a person competent to use such equipment as determined by the City Electrical Engineer.
- 11.The lessee shall, at least three days prior to the commencement of the function for which the premises have been leased, come to an agreement with the caretaker as to the opening of the premises and issue of equipment.

12. The lessee shall furnish to the caretaker full particulars of any cloakroom or dressing room accommodation required before 12:00 on the last working day prior to the date for which the hall is let.
13. The cloakrooms are in the care and custody of the lessee who shall provide his own attendants and be responsible for any damage or loss which may occur.
14. The lessee shall be responsible for cleaning the cloakrooms and shall hand them over to the caretaker in a clean and tidy condition not later than 08:00 in the morning after the conclusion of the function.
15. The exits shall not be obstructed with decor or furniture.
16. The lessee shall leave the premises, as well as the exterior surrounding, in a neat and tidy condition. All litter must be placed in the bins and decor removed from the premises.
17. The kitchen shall be left in a clean and tidy condition, excluding the washing of cutlery and crockery which has been leased from the Council. Food must be scraped off the plates and the crockery must be neatly stacked.
18. Failure to comply with 14, 16 and 17 above will result in Council having the premises cleaned at the expense of the lessee.
19. The caretaker may remove, or have removed from the premises, a person or persons who, in the opinion of the caretaker, are creating a disturbance or nuisance.
20. This building is a public facility in terms of the Tobacco Products Control Amendment Act, 1999 (Act No 12 of 1999) and as a result smoking is strictly prohibited. Any person who fails to comply shall be prosecuted and may be liable to a fine.

SAKHISIZWE MUNICIPALITY

RULES AND REGULATIONS FOR THE USE OF COMMUNITY HALLS

1. The lessee shall at all times comply with and be governed by the bylaws relating to the lease of halls and conference facilities as promulgated in the Government Gazette under Notice No ..
2. No booking is confirmed before the applicable deposit and tariff have been paid in full.
3. The following are exempt from the payment of tariff and deposits:
 - a) Meetings administered by National or Provincial Departments associated with National or Provincial initiatives to promote

upgrading, upliftment or development within council's area of jurisdiction;

- b) Pension Payout Committees;
- c) Meetings of Senior Citizens Clubs;
- d) Councillors' ward committee meetings.

4. The Municipal Manager may refuse any application for the lease of the premises.
5. Applications for advanced bookings in respect of activities of a professional nature, commercial activities and activities where admission fees are charged, will only be considered three months prior to the event/activity and the applicant will be responsible for payment of the applicable deposit when making such booking.
6. Applications in respect of charitable/welfare organisations, amateur sports institutions and religious activities will be considered up to a year in advance on condition that a year plan is submitted in respect of the organisations which use the halls daily/weekly from Monday - Friday noon and subject to the payment of a once-off refundable deposit for the year (as stipulated in the Tariff of Charges).
7. Applications for advanced bookings by persons/institutions without profit motive, excluding weddings, will only be considered three months prior to the event/activity and the applicant will be responsible for the payment of a deposit per booking when making such booking. Advanced bookings in respect of weddings will be considered six months prior to the event and subject to payment of the applicable deposit.
8. The lease of the hall includes usual seating accommodation i.e. 30 tables and 240 chairs.
9. No additional electrical apparatus other than that provided by Council may be plugged into or connected to any point of electrical supply without the prior written approval of the Municipality Electrical Engineer.
10. The lessee shall be responsible for the locking of all external windows and doors in the hall prior to leaving the premises and shall return the keys of the premises to the caretaker on the first normal working day after the day on which the premises was leased. In the event of the loss of a door key the lessee shall be required to pay for the replacement of the lock and key of the door concerned.

11. All equipment or such items used by the lessee shall upon termination of any function, be cleaned and locked up in the appropriate storage place provided for this purpose.
12. Upon termination of any function the lessee shall be responsible for the cleaning of the interior of the premises as well as the immediate exterior surrounding, failing which Council shall clean the premises at the expense of the lessee. Where the hall is used for entertainment for own profit (Le. where the premium tariff applies) the hourly tariff may be reduced by fifty percent (50%) for the time when the lessee is preparing or cleaning the hall, provided that such reduced tariff shall be limited to half the total hours that the hall was used or 3 hours whichever is the lesser.
13. This building is a public facility in terms of the Tobacco Products Control Amendment Act, 1999 (Act No 12 of 1999) and as a result smoking is strictly prohibited. Any person who fails to comply shall be prosecuted and may be liable to a fine.



LIQUOR TRADING HOURS BY-LAW

BE IT ENACTED by SAKHISIZWE MUNICIPALITY, as follows:

1. Definitions

In these by-laws unless the context otherwise indicates:

"Act" means the Eastern Cape Liquor Act, 2003 (Act No. 10 of 2003);

"Board" means the Eastern Cape Liquor Board established by Section 4 of the Liquor Act;

"Council" means the Sakhisizwe Municipal Council;

"Premises" includes any place, land, building or conveyance or any part thereof which is registered or seeking to be registered, to permit trade in liquor;

"Regulations" means the regulations, published as Notice No. 1143 of 8 April 2004, made under the Act;

"Residential premises" means premises zoned to permit residential purposes as per the applicable Zoning Scheme Regulations;

"Trading hours" means time when an establishment opens to the time that the establishment shall cease to trade or operate as effected in Schedule 1 of this By-law.

2. Purpose of by-laws

To determine the hours during which liquor may be sold in the areas that fall within the Sakhisizwe Municipal area.

3. Application of by-law

- 1) This By-law shall be applicable in respect of all registered premises situated within the area of jurisdiction of the Council where trading in liquor is conducted or intended to be conducted.

4. Legislative framework

- 1) This By-law fall within the legislative framework of the:
 - a) Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);
 - b) Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);
 - c) Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);
 - d) Eastern Cape Liquor Act, 2003 (Act No. 10 of 2003).

5. Trading hours

The Council has determined the trading hours of the different types of registrations listed in SCHEDULE 1.

6. Penalties

Any person who contravenes or fails to comply with the provisions of this By-law is guilty of an offence and upon conviction will be liable to a fine of R3000, 00 or imprisonment of 3 years, or both.

7. Short title

This By-law shall be known as the Liquor By-law 2012.

SCHEDULE 1

TYPE OF REGISTRATION TRADING HOURS

1. Section 20 (a) - Registration in terms of the Liquor Act for retail sale of liquor for consumption off the premises where liquor is sold:

Monday to Saturday

08h00 to 20h00

Sunday

08:00 to 13h00

2. Section 20 (b) - Registration in terms of the Liquor Act for the retail sale of liquor for consumption on the premises where liquor is sold:

Monday to Saturdays

10h00 to 24h00

Sunday

10h00 to 22h00

3. Sec.20 (d) Registration in terms of the Liquor Act for the retail sale of liquor and consumption at special events.

Trading hours to be determined by Liquor Board

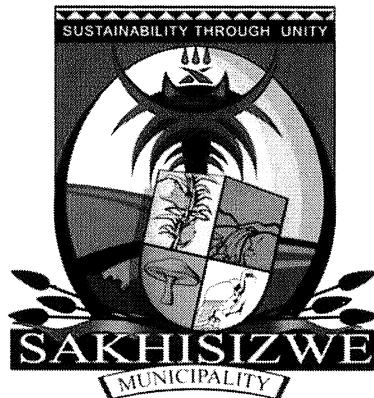
4. Sec.20 (e) Registration in terms of the Liquor Act for micro-manufacturing.

Monday to Saturday

08h00 to 17h00

Sunday

08h00 to 13h00



MUNICIPAL COMMONAGE BY-LAW

BE IT ENACTED by SAKHISIZWE MUNICIPALITY, as follows:

1. Definitions

In this By-law, unless the context otherwise indicates:

"Municipality" means SAKHISIZWE MUNICIPALITY;

"Municipal land" means land situated inside the area of jurisdiction of the Municipality, but outside the boundaries of any township, of which the Municipality is the owner, or of which the control, to the entire exclusion of the owner, is vested in the Municipality;

"Municipal Manager" means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"This By-law" includes the prescripts issued in terms of section 7; and

"Township" a township as defined in section 1 of the Land Survey Act, 1997 (Act No.8 of 1997).

2. Purpose of this By-law

To provide for a municipal commonage for SAKHISIZWE MUNICIPALITY; and for matters connected therewith.

3. Reservation of land as common pasture

- 1) The Municipality may, subject to the provisions of any law or any restriction regarding the use of land in the title deed of that land, by notice in the Provincial Government Gazette and with effect from a date mentioned in the notice:
 - a) Reserve as common pasture municipal land;

- b) At any time add any additional defined piece or pieces of municipal land to the common pasture so reserved; and
 - c) Subject to the provisions of subsection (2), at any time, withdraw partly or wholly any land which forms part of the common pasture, from the reservation thereof as such pasture.
- 2) The Municipality shall not alienate or deal with the land referred to in subsection (1) (a) under subsection (1) (b) except:
- a) After a notice in the Provincial Government Gazette:
 - i) Stipulating which piece or pieces of land it intends to withdraw or alienate;
 - ii) Calling on interested persons to attend a meeting at a venue and on a date mentioned in the notice, to discuss the intended withdrawal or alienation;
 - iii) Stating the intended date or dates of withdrawal or alienation of any such piece or pieces of land; and
 - b) After the lapse of any permit for grazing of stock on the piece or pieces of land it intends to withdraw or alienate.

4. Office of the Commonage Manager

- 1) The Municipality shall appoint a person as Commonage Manager, who shall report directly to the Municipal Manager.
- 2) The Commonage Manager shall be responsible for the proper management and maintenance of all land forming part of the commonage.
- 3) In the Office of the Commonage Manager, the Municipality shall appoint:
 - a) For each piece of land forming part of the commonage, a ranger who shall deal with the day-to-day administration of that piece of land;
 - b) Such persons as may be necessary to maintain proper records regarding land forming part of the commonage, maps, camps, allocation of stock, movement of stock, holders of grazing permits on the commonage, marking of stock, stock disease, payments and other matters regarding the administration of the commonage;
 - c) A veterinary surgeon on a full time or part time basis, to fulfil the functions prescribed by or under any law relating to stock.
 - d) A single ranger may be appointed for more than one piece of land if the pieces of land are so situated that it is practically

possible for one ranger to maintain proper control over each of the pieces of land.

- e) A ranger shall visit the land for which he or she is appointed on a regular basis and shall, subject to the labour legislation relating to leave, be present on the land for at least one full working day during each week of the year.
- f) The veterinary surgeon appointed by the Municipality, shall on a regular basis, but at least once every three months, do an inspection on, report on and make recommendations to the Commonage Manager regarding the state of health of each animal on the commonage.

5. Grazing permit required to graze stock on common pasture

- 1) No person shall graze stock on the common pasture of the Municipality, unless:
 - a) He or she is the holder of a grazing permit issued by the Municipality and subject to the conditions of such permit;
 - b) The animal is the progeny of a female animal grazed in terms of a grazing permit contemplated in paragraph (a) and is not older than 6 months; and
 - c) He or she has paid the commonage fees, determined by the Municipality, in respect of the period for which the grazing permit was issued: Provided that a permit holder may partly or wholly be exempted of such payment in terms of the indigent policy of the Municipality.

6. Application for an issue of grazing permit

- 1) Any application for the issue of a grazing permit shall:
 - a) Be directed to the Municipal Manager;
 - b) Be in writing on the form made available by the Municipality for that purpose;
 - c) Contain adequate proof that the applicant is a permanent resident within the area of jurisdiction of the Municipality; and
 - d) Contain such further particulars as the Municipality may require.
- 2) On receipt of the application, the Municipal Manager shall refer it to the Commonage Manager, who shall verify the particulars contained in the application and report thereon to the Municipal Manager.
- 3) When considering the application, the Municipal Manager shall take into account:
 - a) The report of the Commonage Manager;

- b) The availability and condition of land in the common pasture of the Municipality to accommodate the required number of stock for which application is made;
 - c) The criteria for categories of preference that applicants shall take as set out in a notice by the Municipality in the Provincial Government Gazette.
- 4) After consideration of the application, the Municipal Manager shall:
- a) Issue the permit as applied for by the applicant;
 - b) Issue a permit for a lesser number of stock than applied for; or
 - c) In writing notify the applicant that his or her application was not successful and state the reasons thereof.
- 5) A person whose rights are affected may appeal to the Municipality against a finding of the Municipal Manager and, in respect of such appeal, the provisions of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), shall *mutatis mutandis* apply.
- 6) A permit for the grazing of stock on the municipal common pasture is issued:
- a) For a period of one year or less and shall lapse on the last day of June of each year;
 - b) Subject to the conditions set out in the permit;
 - c) Subject to prior payment of the fees determined by the Municipality.
- 7) A permit for the grazing of stock on the municipal common pasture may be renewed twice without submitting a new application by paying the renewal fees determined by the Municipality no later than the last day of May of the year in which the permit lapses:

Provided that the Municipal Manager may refuse to renew the permit if he or she is of the opinion that:

- a) Due to the condition of the land to which the permit holder's stock is allocated, the permit should not be renewed; or
 - b) There is sufficient evidence that the circumstances of the permit holder have changed to such an extent that the application of any new applicant must take preference in terms of a notice referred to in subsection (3)(c).
- 8) A permit for the grazing of stock on the municipal common pasture may be withdrawn by the Municipality if the holder of the permit contravenes or fails to comply with:
- a) a condition subject to which the permit was issued;

- b) any provision of this By-law; or
 - c) A lawful direction by the ranger in charge of the land on which his or her stock is grazed or of the veterinary surgeon appointed by the Municipality.
- 9) A permit to graze stock on the common pasture of the Municipality may not be transferred.

7. Specific tasks of the Commonage Manager

- 1) It shall be the duty of the Commonage Manager to:
- a) Divide each piece of land reserved as common pasture in terms of section 2(1) in camps suitable for the grazing of stock and allocate a number to each camp;
 - b) Provide, in each camp, such facilities as may be necessary for the maintenance of stock in that camp;
 - c) Draft, or cause to be drafted, proper maps of each piece of land reserved as part of the common pasture, indicating at least the boundaries of camps, gates and waterholes;
 - d) Allocate the stock of each permit holder to a specific camp or camps and notify such permit holder accordingly;
 - e) Develop, implement and adjust according to changing circumstances, a proper program of rotation of grazing on land reserved as common pasture by the Municipality; and
 - f) Keep proper records, open for inspection by any person who has an interest therein, regarding:
 - i) All permit holders;
 - ii) Dates of expiry of all permits;
 - iii) Payments or exemptions of payment of all permit holders; and
 - iv) Any other matter which, in his or her opinion, needs to be recorded.

8. Prescripts

- 1) The Municipality may issue prescripts relating to the control, management and use of the municipal common pasture, including:
- a) The construction and maintenance of dipping tanks, the moneys payable in connection with the use thereof, and the persons responsible for the payment thereof;
 - b) The marking of stock kept thereon;
 - c) The prohibition of the keeping of dangerous and undesirable animals thereon, and the definition of such animals;

- d) The prevention and treatment of stock diseases in respect of stock kept thereon, and the exclusion of stock which in the opinion of the veterinary surgeon appointed by the Municipality may spread such diseases;
 - e) The destruction of carcasses of animals;
 - f) The impounding of animals trespassing thereon or grazed thereon without a permit;
 - g) The planting, care and protection, and the destruction, chopping or cutting off of grass, trees, shrubs or any other plants or crop, and the sale thereof;
 - h) The burning of grass and the eradication of noxious weeds;
 - i) The hunting of game thereon by any means, including the use of firearms or dogs;
 - j) The duties and functions of rangers;
 - k) The prohibition to put out poison; and
 - l) Generally, any matter which the Municipality deems necessary or expedient in connection with the control, management or use of the common pasture or the achievement of the objects of this By-law.
- 2) Any prescript issued in terms of subsection (1) must be published in the Provincial Government Gazette.
- 3) If the Municipality is of the opinion that it is in the public interest, it may, for such period and subject to such conditions as it may deem fit, exempt any person, group or category of persons in writing from compliance with any prescripts issued in terms of subsection(1).

9. Penalty Clause

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

10. Short title

This By-law shall be called the Municipal Commonage By-law.



PARKS AND OPEN SPACE BY LAW

BE IT ENACTED by the SAKHISIZWE MUNICIPALITY, as follows:

1. Definitions

In this By-law, unless the context otherwise indicates:

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

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

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

"Municipality" means the SAKHISIZWE MUNICIPALITY;

"Municipal Manager" means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998); "Property" means, with regard to a person doing business as a street trader, any article, receptacle, vehicle or structure used or intended to be used in connection with such business;

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

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

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

2. Purpose of this By-law

- 1) To provide in conjunction with other applicable legislation an effective legal and administrative framework to ensure that the way the municipality controls, manages and develops public open spaces is environmentally sustainable and is in the interest of its community including future generations.

3. Principles of this by law

- 1) Public open spaces must be managed and where appropriate developed in the interest of the Sakhisizwe community and in so determining the following should be taken into consideration:
 - a) The long term collective interest of the people in the Municipal area of Sakhisizwe and of South Africans at large must be prioritised over those of any specific interest group or sector of the society;
 - b) A long term perspective taking into accounts the interest of future generations;
 - c) The interest of other living organisms which depend on public spaces;
- 2) Public open spaces must be managed in an environmentally sustainable manner.
- 3) Subject to the provisions of subsection (8) people must be given access to public open spaces on a non-discriminatory and equitable basis.
- 4) If necessary special measures must be taken to facilitate access to the public open spaces by historically disadvantaged persons and disabled community.
- 5) Access to public open spaces may be restricted in a manner which does not unjustifiably discriminate against any person or class of persons if the restriction is:
 - a) Authorised by these By-laws or any other applicable law;
 - b) In order to achieve the purpose of these By-laws.
- 6) The recreational, educational, social and other opportunities with the public;
- 7) Local communities must be encouraged to use and care for public open spaces in their areas.
- 8) The natural environment and heritage resources within the public open spaces must be identified, preserved, protected and promoted for the benefit of the local community and future generation.

4 Application of the principles

- 1) The public open space management principles must be applied by any person:
 - a) Exercising a power or function or performing a duty under these by-laws;
 - b) Formulating or implementing any policy which is likely to have a significant effect on or of which concerns the use of public open spaces within the area of jurisdiction SAKHISIZWE MUNICIPALITY; or
 - c) (Exercising a public power or function or performing a public duty which is likely to have a significant effect on, which concerns the use of public open spaces within the area of jurisdiction SAKHISIZWE MUNICIPALITY.

5 General Powers of the Municipality

- 1) The Municipality may in relation to any public open space:
 - a) Designate any area within a public open space as an area within which one or more activities otherwise prohibited in terms of these by laws may be undertaken, and display a prominent notice to this effect at every entrance to the designated area;
 - b) Develop any public open space in accordance with the principles set out hereunder;
 - c) Erect, construct, establish or demolish municipal property; and
 - d) Exercise any other power reasonably necessary for the discharge of the Municipality's obligation as set out in the by laws relating to the public open spaces.

6. Fees

- 1) Any member of public must pay:
 - a) A prescribed fee to use the recreational or other facilities which the Municipality provides within any public open space;
 - b) A prescribed fee for entrance to any public open space which is significantly more expensive to maintain than other open public spaces such as botanical gardens;
 - c) A prescribed fee for the right to undertake a special event;
 - d) A prescribed fee for the right to exclusively use municipal property for a specific period;
 - e) A deposit prior to undertaking a prohibited activity permitted by the Municipality;

- f) An annual or monthly fee for the right to use urban agricultural public open space to the exclusion of any other person; and
- g) A prescribed fee for processing applications for permits or letters of permission under these by-laws if such fee or deposit has been determined by the Municipality.

7. Restricting access

- 1) The Municipality may restrict access to any open public space or any part thereof for a specific period of time:
 - a) To protect any aspect of the environment within an open public space;
 - b) To reduce vandalism and the destruction of property;
 - c) To improve the administration of that area;
 - d) To develop such open public space;
 - e) To enable a special event or to undertake any activity which the Municipality reasonable considers necessary or appropriate to achieve the purpose of these by-laws.

8. Powers of authorised officials

- 1) In relation to any public open space an authorised official may:
 - a) To the extent the authorised by the Municipality administer, implement and enforce the provisions of these by-laws;
 - b) Issue a notice in terms of any provision of these by-laws;
 - c) Instruct any person to leave a public open space if the authorised official reasonably believes that the person is contravening any provision of these by-laws and fails to immediately refrain from such contravention upon the instruction of the official; and
 - d) If such official is a peace officer, exercise any power which may be exercised by a peace officer under the Criminal Procedure Act 51 of 1977.

9. Obligations in relation to public open spaces

- 1) The Municipality must within a public open space display any notice required in terms of its by-laws.
- 2) In relation to recreational public open spaces, the Municipality must:
 - a) Ensure that they are open to the public between sunrise and sunset, unless otherwise specified in terms of a notice; and
 - b) Prominently display a notice at every entrance indicating:

- I. The opening and closing times of that recreational public open space; and
- II. Any rules made by the Municipality in relation to that recreational public open space.

10. General provisions in relation to public open spaces

1) Animals

a) A person may not:

- I. Take into or have an animal in any public open space where a notice prohibiting the admission of animals is exhibited; or
- II. Bring or allow any animal in his charge to enter onto a public open space unless such animal is kept under proper control and effectually restrained from causing a noise or danger to any person; or
- III. Bathe or wash any animal or allow any animal under his control to be washed in any pond, stream, fountain, ornamental water structure or dam;
- IV. Leave any faeces deposited by an animal under his control in a public open space but will remove such faeces provided that this provision will not apply to a blind person being led by a guide dog or grazing animals where permit was issued for such purpose.

2) Grazing animals

- a) Farmers, whether commercial or subsistence, may apply for a permit to use designated open spaces for animal grazing.
- b) Applications for such permits will be submitted in writing to the Municipality.
- c) The applicant will place a visible notice on the proposed site for a period of 30 calendar days, in which comments and or objections will be invited. The relevant departmental section within the municipality will review comments and objections and resolve them where possible.

3) A permit will then be issued under the following conditions:

- a) That the land in question is suitable for grazing in terms of vegetation, soil stability and gradient.
- b) That the numbers of animals not exceed the grazing potential benchmark of the land.
- c) That the permit be subject to annual renewal.

- d) That the Municipality has the right to withdraw such permit any time without giving any reasons whatsoever.
- e) That the applicant will be responsible for any damage to the land caused by the grazing animals.
- f) That the applicant will erect the necessary fences or provide supervision over the animals to ensure that they remain within the designated area to prevent them from becoming a nuisance.

4) Vehicles

a) A person may not:

- i) Drive, draw or propel any cycle or vehicle other than a wheeled chair, or a perambulator drawn or propelled by hand and used solely for the conveyance of a child or children or invalid, on any public open space, except in the places and at times which will be defined by these by-laws or notices affixed or set up at or near the entrance to any such public open space;
- ii) Drive any vehicle on an open space that may have been set aside by notice at a specified date;
- iii) Draw, propel, stand or place any vehicle upon or over any part of a flowerbed or lawn;
- iv) Use any part of the public open space for the cleaning of vehicle;
- v) Carry out repairs or maintenance to a vehicle in a public open space;
- vi) Park a vehicle in a public open space at any other place than at the parking area specially provided for such;
- vii) Drive a vehicle in a public open space while under the influence of alcohol or any narcotic drug;
- viii) Use recreational vehicles such as "All Terrain Vehicles" (ATV or quad bikes), 4x4's on any open space, road reserve or sidewalk where no specific amenity provision is made for such vehicle in the area in question. These vehicles are therefore prohibited to be used on any open space, road reserve or sidewalk unless the Municipality has clearly indicated with signage that such vehicles is permitted to these sites. The Municipality may in consultation with interested and affected parties set aside portions of land for use by ATV's and 4X4 vehicles, but is not compelled to provide such facilities

5) Play equipment

- a) Where play equipment is provided in a developed park are for the entertainment of children such equipment will not be used by a person older than 16 years.
 - b) No child under the age of 16 years will use the play equipment except under their direct supervision of an adult.
 - c) The Municipality will not be held responsible or liable for any personal injury sustained by, or the death of any person using the play equipment or loss or damage to his property arising out of the use of the play equipment unless the Municipality has acted negligently in performing its duty of care to such person
 - d) The Municipality will where possible erect appropriate notices to warn of dangers associated with the use of the play equipment in the immediate vicinity of the play equipment and advise the maximum age of children permitted to use the equipment
- 6) The Municipality will maintain the play equipment in a proper state of repair at all times.

7) Trading:

- a) No refreshments will be hawked or offered for sale on a public open space without written permission of the Municipality;
- b) No street vendor will be allowed to trade on a public open space without written permission by the Municipality acting through its directorate;
- c) No person may gamble, participate or present gambling or games of chance in a public space without the written consent of the Municipality.

11. General prohibitions

1) A person may not:

- a) Enter or leave a public open space which is enclosed except by one of the gates or openings provided for such purposes; or
- b) Enter or attempt to enter any public open space which is enclosed or any temporary enclosure on a public open space where entry is prohibited by notices affixed or set up at or near the entrance of such enclosed area or temporary enclosure or climb through or over any gate or fence;

12. Offences

1) Any person who:

- a) Contravenes or fails to comply with any provision of this By-law;
- b) Ignores, disregards or disobeys any notice, sign or marking displayed or erected in terms of this By-law;

- c) Contravenes or fails to comply with any approval granted or condition imposed in terms of this By-law;
- d) Fails to comply with a lawful written instruction by the Municipality to move or remove his or her property;
- e) Deliberately furnishes false or misleading information to an officer or an employee of the Municipality; or
- f) Threatens, resists, interferes with or obstructs an officer or employee of the Municipality in the performance of his or her powers, duties or functions under this By-law, shall be guilty of an offence.

13. Penalty clause

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

14. Vicarious responsibility of persons doing business as street traders

- 1) When an employee or assistant of a person doing business as a street trader, does or omits to do any act which would be an offence in terms of this By-law, that person shall be deemed himself or herself to have done or omitted to do the act, unless he or she satisfies the court that:
 - a) He or she neither connived at nor permitted the act or omission by the employee or assistant concerned; and
 - b) He or she took all reasonable steps to prevent the act or omission.
 - c) The fact that the street trader alleges that he or she issued instructions Whereby an act or omission is prohibited shall not in itself be sufficient proof that he or she took all reasonable steps to prevent the act or omission.

15. Vicarious responsibility of employees and assistants

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

16. Short title

This By-law shall be called the Parks and Open Spaces By-law.



NUISANCE BY LAW

BE IT ENACTED by SAKHISIZWE MUNICIPALITY, as follows:

1. Definitions

In this By-law, unless the context otherwise indicates:

"Authorised Official" means any person authorized as such by the Council for purposes of these by-laws to perform and exercise any or all of the functions specified therein, and any person in the service of the Council who has been appointed in the capacity of Peace Officer in terms of the Criminal Procedure Act, Act 1977 (Act No 51 of 1977);

"Chief Fire Officer" means the chief fire officer appointed by the Council in terms of Section 5 of the Fire Brigade Services Act, 1987 and includes any person appointed as action Chief Fire Officer;

"Municipal Engineer" means the person appointed as Municipal Engineer by the Council or any other person lawfully acting in that capacity

"Director Corporate services" means the person appointed as Director Corporate Services by the Council or any other person lawfully acting in that municipality;

"Council" means the SAKHISIZWE MUNICIPALITY or its successors in law, and includes the Council of that Municipality and its Executive Committee and any Committee or person or other body acting by virtue of any power delegate to it in terms of legislation;

"Environment" means the surroundings within which humans exist and that are 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 interrelationships 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;

"Fireworks" means any explosive device or substance that burns or explodes after ignition, including firecrackers, and which is regulated under the Explosives Act, 1956 or its regulations;

"Municipality property" means any structure or thing owned or managed by or on behalf of the Council and includes building, lapas, kiosk, benches, picnic table, playground equipment, fountains, statues, monuments, fences, poles, notices and signs;

"Nuisance" means any condition or conduct which is injurious or offensive to any person or which is dangerous to or compromises the health or safety of any person, or which causes an annoyance or disturbance to any person or to the environment or which caused harm or damage to the environment, or which may potentially harm or damage the environment;

"Person" means a natural person or a juristic person and includes an organ of the state;

"Public Health" means the mental and physical well-being of people in the area of jurisdiction of the Council;

"Public Place" includes any square, park, any area or centre, whether incorporating a community hall or not, at which group activities of a sporting, cultural or recreational nature can be pursued, garden, enclosed or open space within the area of jurisdiction vested in the Council and includes any open or closed space vested in the Council to which the public has a right to access, public road, and lane, foot pavement, overhead bridge, footpath, sidewalk and any other Municipality property;

"Use of Fireworks" means discharging, lighting or igniting;

"Waste" means any matter, material, by-product or residue of any process or activity, that has been discarded, accumulated or stored for the purpose of discarding, re-use, reclamation or recycling, and includes vehicles or machinery or parts thereof, scrap metal, building rubble, garden refuse, refuse debris, and any garbage. Waste products may be liquid or solid and may include products that contain a gaseous component and may originate from domestic, commercial or industrial activities.

2. Purpose of this By-law

To provide for a safe and a healthy environment for the community residing in the municipal area and other matters connected therewith.

3. Use of public place

- 1) A person may not advertise goods or services by shouting, hitting a gong, hooting or ringing bells so as to constitute a nuisance, and may not, without obtaining the prior permission of the Council, advertise goods or services in a public place by means of a megaphone, public address system or similar means.
- 2) A person may not conduct himself or herself in an unseemly or obnoxious manner or cause a nuisance or annoyance to other persons in or using any public place, or to any other person.
- 3) A person may not, without lawful cause, discharge any firearm, air gun, sling, catapult, bow and arrow, crossbow or any other similar weapon within the area of jurisdiction of the Council, provided that this section does not apply to any persons engaged in authorized target practice or drill in places set aside for this purpose or to any person to whom written permission to do so has been given by the Director Corporate services.
- 1) A person may not expose or exhibit, except for sale in a shop window, any article or thing offensive to decency.
- 2) A person may not hang any item of clothing, household linen or laundry over any boundary wall or fence or out of any window or from any balcony or part of building so as to be visible from a street or public place.
- 3) A person may not bathe or wash himself or herself or any animal or laundry in any stream, pool or water through to which the general public has access or at any public fountain or public water feature or any other place not designated for such purpose.
- 4) A person may not appear in any public place in a state of intoxication.
- 5) A person may not write, print or draw any obscene words or figures in a public place or use indecent or foul language in any public place within the hearing of any person therein.
- 6) A person may not loiter in any public place for the purpose of prostitution, or solicit of importune any other person for such purpose.
- 7) A person may not keep or manage or assist in the keeping or management of a brothel or knowingly permit any premises within the area of jurisdiction of the Council or any portion thereof, or any room therein, to be used as a brothel or for the purposes of prostitution, or be a party to continued use thereof for such purposes.
- 8) A person may not hold any auction or sale in any public place in or from any doorway, window or other opening of any premises

abutting on any public place without the written consent of the Director Corporate services and then only subject to such conditions as may be imposed in such consent.

- 9) A person may not sit or lie in or upon any public place or stand, walk, loiter or congregate or otherwise act in such manner as to obstruct free movement along any public place or to jostle or otherwise annoy the public.
- 10) A person may not leave any animal belonging to him or her unattended in any public place or permit such animal to obstruct the traffic in any street or create a nuisance or danger in any public place.
- 11) A person may not urinate in public view.
- 12) A person may not erect or place any structure, be it temporary or permanent, in or on any street, public footpath, verge or public place for the purpose of sale or storage.

4. Use of streets and public footpaths

- 1) A person may not deposit or throw any object upon any street or public footpath which might in any way endanger the safety of any person.
- 2) A person may not allow any goods, whether it be his own property or under his control, to be or to remain in or on any public place, street or public footpath so as to cause obstruction or inconvenience to the passage of any person for a longer time than may reasonably be necessary for loading and unloading, and in no case after being instructed by the Police or an Authorized Official requiring him or her to remove same.
- 3) Unless a permit has been issued by the Council for trading purposes, a person may not, for trading or for any other purposes, place any goods, wares or articles on any public footpath or street, or place any goods, wares or articles on any stand, veranda post, stairs or ceiling projecting over any public footpath or street. For the purposes of this subsection the words "public footpath or street" shall include that area adjacent to a commercial or industrial lot which is outside the commercial or industrial building and to which the public has free access regardless whether or not the area is the property of the Council of private property.
- 4) A person may not place any flower pot or box or other heavy object in any window or upon any window sill in any building abutting on any street, footpath or public place unless proper precautions have been taken to prevent such flower pot, box or object from being blown or falling into or onto such street, footpath or public place.

- 5) A person may not roll any hoop or wheel or fly any kite or throw stones or ride a bicycle or use any roller skates or similar device or play any game whatsoever in or upon any street or public footpath or public place in such a manner as to create a danger or nuisance to any person or animal or damage to any property.
- 6) A person may not empty any vessel or throw any matter, liquid or solid, or any lighted cigar, cigarette or match, or empty any pipe from any window of any premises abutting on any street or from any veranda or balcony erected over any public place.
- 7) (7) No queue formed up outside any place of business or entertainment shall be in such a manner so as to inconvenience the general public or extend across any public footpath or street. Persons standing in such queue shall yield and give free passage to persons desiring access to or egress from any premises. No queue shall in any circumstances extend on to or across any street, and no persons joining such queue shall take any position other than at the end thereof.
- 8) A person may not make or dig, or cause to be made or dug, any hole, pit, trench or excavation of any kind or for any purpose in or close to any public place without the written consent of the Municipal Engineer. Any excavation so made or dug shall be fenced off and shall have its position indicated during hours of darkness by red lights or any other similar device which is acceptable to the Municipal Engineer and which device shall be kept burning from sunset to sunrise.
- 9) A person may not place or deposit any waste in any public place or place not intended for such purpose, unless such waste is placed in approved receptacles or facilities intended for such purpose.

5. Nuisance relating to public health

- 1) A person may not keep or deposit or allow on any premises owned or occupied by him or her, or of which he or she is in charge, any matter or thing, solid or liquid, which is, or is likely to, become offensive or dangerous or injurious to the public health.
- 2) A person may not carry or convey, or cause or permit to be carried or conveyed, across or in any public place, any matter or thing, liquid or solid, which is or is likely to become offensive or dangerous or injurious to public health, unless such matter or thing is carried or conveyed in a closed vehicle or receptacle closed and covered with a lid or other material approved by an Authorized Official.
- 3) A person may not keep any dead body or corpse in any room, building or other structure or in any premises other than a mortuary or other similar place designated for that purpose.

- 4) A person may not permit the carcass of any animal to remain on his premises for a longer period than is necessary to arrange for the removal of such carcass.
- 5) A person may not place or permit to be placed, any carcass or any decomposable or offensive material or object which is his property or under his control, on his premises or elsewhere and to remain thereon so as to cause any nuisance.
- 6) A person may not cause or permit any stream, drain, gutter, watercourse, sink, bar, tank, water closet, urinal, compost heap or swimming bath on any land or premises owned or occupied by him or of which he is in control to be or become so foul or in such a state or to be so situated or constructed so as to be offensive or to be dangerous or injurious to public health.
- 7) A person may not cause or permit any foul or polluted water or any foul liquid or matter to run or flow from any premises occupied by him, into any street or onto any land so as to be offensive or dangerous or injurious to public health.
- 8) A person may not commit or cause or permit to be committed, any act causing or contributing to the pollution of water.
- 9) A person may not deposit human excrement or urine in any place not designated for such purpose.
- 10) A person may not foul or misuse any public convenience or any convenience provided in any public building or place of public entertainment.
- 11) Every person who is the owner or occupier or in charge of any premises or vacant land shall take all possible precautions to prevent conditions favouring the multiplication and prevalence of, and shall take steps for the eradication of rodents, mosquitoes, flies, fleas, bugs, cockroaches or other vermin or pests on such premises or vacant land and shall, when so required by an Authorized Official, comply with any requirements relating to the prevention or eradication of any such vermin or pest within a time specified in such notice.
- 12) A person may not burn any rubbish or refuse on any premises or do anything to cause any offensive smells or excessive smoke, or by burning or any other action cause ash, excessive smoke or any other dirty or offensive dust or matter.
- 13) A person, being the owner or occupier or in control of any premises or vacant land, whether such premises or land are fenced or not, may not deposit or store thereon and within the public view, any disused vehicle(s), machinery or parts thereof, building material,

effuse or similar objects unless he has obtained written consent of the Council.

- 14) Any consent given in terms of subsection 13 may be amended or cancelled by the Council at any time by giving written notice to that effect.
- 15) Any person, being the occupier or owner of any premises or vacant land upon whom a notice in terms of subsection 14 has been served, shall within the time specified in such notice, remove or cause to be removed, any object contemplated in subsection 13 from the public view.

6. Discharge of fireworks

- 1) A person may not discharge, or cause or permit to be discharged, any fireworks in or from any enclosed place where domesticated animals are present or in or from any public place without prior written permission from the Inspector of Explosives (as defined in the Explosives Act, Act 26 of 1956), and the Chief Fire Officer.
- 2) A person may not discharge, or cause or permit to be discharged, any fireworks in or from any private dwelling, private land or any other private property without prior written permission from the Chief Fire Officer. The application for the said permission must, when submitted to the Chief Fire Officer, include the written consent of adjoining neighbours.

7. Use of premises for entertainment, recreation or social activities and functions

- 1) A person using any premises or permitting any premises to be used for entertainment, recreation or social activities or functions, whether public or private, and any person who participates in or who attends any such activities, may not conduct himself or herself in an unseemly or obnoxious manner or cause a nuisance or annoyance to any person.
- 2) An Authorized Official who is of the opinion that a person is committing a breach of subsection (1) may direct that person to cease any such act or may take such other steps as he or she deems necessary to reduce, remove or minimize the unseemly or obnoxious conduct, nuisance or annoyance.

8. General

- 1) A person may not produce or permit to be produced, any excessively bright or intermittent light, thereby creating a nuisance or annoyance to any person.
- 2) A person may not cause or permit to be caused a nuisance or annoyance to any person by doing repair work or panel beating to

any vehicle or part thereof on a premises designated for residential purposes or a public place, provided that this subsection does not apply to emergency repairs necessary to remove any vehicle after a breakdown.

- 3) A person may not permit any rank weeds or grass or undergrowth or bush to grow upon any premises or vacant land owned or occupied by him. The Council may serve a notice on such a person requiring him or her within the time specified in such notice to destroy, cut down or remove such rank weeds, grass, undergrowth or bush.
- 4) Should any person breach any provision of these bylaws and continue in default after receiving a written notice issued by any Authorized Official requiring him or her to abate such nuisance within a time to be specified in such notice, an Authorized Official may enter upon the premises on which such nuisance exists and take such steps as may be necessary to abate such nuisance at the cost of the person so offending, who shall also be liable to a prosecution for a contravention of these Bylaws.
- 5) An Authorized Official may enter upon any premises at any time to investigate whether any breach of these bylaws has been committed.

9. Offences and penalties

- 1) Any person who:
 - a) Contravenes or fails to comply with a provision of these bylaws or a direction issued by the Council in terms of these bylaws, or a condition imposed under these bylaws;
 - b) Obstructs or hinders any person in the execution of any power or the performance of any duty or function in terms of any provision of these bylaws furnishes false, incorrect or misleading information when applying for permission from Council in terms of a provision of these bylaws.

10. Short title

This By-law shall be called the Nuisance By-law.



PROPERTY RATES BY LAW

BE IT ENACTED by the Sakhisizwe Municipality, as follows:

Whereas Section 6 of the Local Government: Municipal Property Rates Act, 2004 (No.6 of 2004) requires a municipality to adopt by-laws to give effect to the implementation of its rates policy.

Now therefore the Municipal council of Sakhisizwe Municipality approves and adopts the following Property Rates By-Law.

1. Definitions

For the purpose of these by-laws any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004) shall bear the same meaning in these by-laws and unless the context indicates otherwise:-

"Act" means the Local Government: Municipal Property Rates Act, 2004 (No.6 of 2004).

"Municipality" means the municipal council for the municipal area of Sakhisizwe Municipality.

2. Rating of property

In terms of section 2(3) of the Act, the power of the municipality to levy rates on property is subject to:-

- a) Section 229 and other applicable provisions of the Constitution;
- b) The provisions of the Act;
- c) The Municipality's Rates Policy; and
- d) This by-law

3. General principles

- 1) Rates are levied as an amount in the rand based on the market value of all rateable property contained in the municipality's valuation roll;
- 2) Criteria are provided for the determination of categories of property and owners and for the purpose of levying different rates on categories of property and owners;

- 3) Different rates will be levied for different categories of rateable property;
- 4) Relief measures in respect of payment for rates will not be granted to any category of property or owners on an individual basis, other than by way of an exemption, rebate or reduction;
- 5) All ratepayers with similar properties will be treated the same;
- 6) The ability of a person to pay rates will be taken into account;
- 7) Provision will be made for the promotion of local social development and sustainable local government;
- 8) Rates will be based on the value of all rateable property and the amount required by the municipality to balance the operating budget.

4. Classification of service and expenditure

- 1) The municipal manager or his/her nominee subject to the guidelines provided by the National Treasury and Mayor or Executive Committee and principles contained in the rates policy will classify services, categorize expenditure and create cost centres that would enable the municipality to cross subsidize its functions.

5. Categories of properties and owners

- 1) In terms of Section 3(3) of the Act the municipality must determine the criteria for the determination of categories of property and owners for granting exemptions, reductions and rebates and criteria if it levies different rates for different categories of property.
- 2) In terms of section 8(1) and 15(1) read in conjunction with section 19 of the Act the municipality may exempt a category of owner of property from rates or grant a rebate or reduction in the rates.
- 3) The criteria for categories of property and owners and the different categories of property and owners are reflected in the municipality's rates policy and adjusted annually, if required, during the budget process.

6. Properties used for multiple purposes

- 1) Rates on properties used for multiple purposes will be levied on properties used for:-
 - a) A purpose corresponding with the permitted use of the property, if the permitted use of the property is regulated;
 - b) A purpose corresponding with the dominant use of the property.

7. Differential rating:

- 1) Criteria for differential rating on different categories of properties in terms of section 8(1) of the Act;

- 2) Differential rating among the various property categories will be done by way of setting different cent amount in the rand for each property category as informed by the ratios stipulated in the Sakhisizwe Municipality rates policy.

8. Criteria for exemptions, reductions and rebates

- 1) Criteria for determining categories of owners of property for the purpose of granting exemptions, rebates and reductions in terms of section 15(2) of the Act will be according to:-
 - a) Indigent status of the owner of a property;
 - b) Sources of income of the owner of a property;
 - c) Owners of property situated within an area affected by:-
 - i) A disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
 - ii) Any other serious adverse social or economic conditions;
 - d) Owners of residential properties with a market value below a determined threshold; or
 - e) Owners of agricultural properties who are bona fide farmers.

9. Exemptions

- 1) Over and above the exemptions provided for in sections 16 and 17 of the Act, specific categories of properties as indicated in the table below are exempted from the payment of rates within the meaning of sections 15(1)(a) of the Act and 9 (1) of this by-law.
- 2) Municipal properties are exempted from paying rates as it will increase the rates burden or service charges to property owners or consumers.
- 3) Cemeteries and crematoriums registered in the name of private persons and operated not for gain.
- 4) Properties owned by community benefit organizations located in the municipality for the benefit of people in the municipality.
- 5) Exemptions will be subject to the following conditions:
 - a) All applications must be addressed in writing to the municipality;
 - b) A SARS tax exemptions certificate must be attached to all applications;
 - c) The municipal manager or his/her nominee must approve all applications;
 - d) Applications must reach the municipality before the end of October preceding the start of the new municipal financial year for which relief is sought; and

- e) The municipality retains the right to refuse exemptions if the details supplied in the application form were incomplete, incorrect or
- f) Property owners must apply on a prescribed application form for a rebate as determined by the municipality.
- g) Applications must be accompanied by:-
 - i) A certified copy of the identity document or any other proof of the owners age which is acceptable to the municipality;
 - ii) Sufficient proof of income of the owner and his/her spouse;
 - iii) An affidavit from the owner;
 - iv) If the owner is a disabled person proof of a disability pension payable by the state must be supplied; and
 - v) If the owner has retired at an earlier stage for medical reasons proof thereof must be submitted.
 - vi) These applications must reach the municipality before the end of October preceding the start of the new municipal financial year for which relief is sought.
 - vii) The municipality retains the right to refuse rebates if the details supplied in the application forms are incomplete, incorrect or false.

10. Rebates

A. CATEGORIES OF PROPERTIES

The municipality may grant rebates within the meaning of section 15(1) (b) of the Act on the rates to the owners of the following categories of properties and subject to the criteria and conditions contained in 10(1)(b) to 10(1)(f) of this by law:-

Description of category of property

- a. Special Residential
- b. General Residential
- c. Industrial
- d. Business/Commercial
- e. Agricultural Land for Farming
- f. Agricultural Land for Eco tourism
- g. Agricultural Land for Trading
- h. Government Property used by local people only
- i. Government Property serving communities in Sakhisizwe and neighbouring municipalities
- j. Government Properties that serves National interests

k. Public service Infrastructure

The following rebates will apply:-

- i) 7.5% rebate, if there are no municipal roads next to the property.
- ii) 7.5% rebate, if there is no municipal sewerage to the property.
- iii) 7.5% rebate, if there is no municipal electricity to the property.
- iv) 7.5% rebate, if there is no municipal refuse removal services.
- v) 20% rebate, if there is no municipal provision of water to the property.

B. CATEGORIES OF OWNERS

The following categories of owners of rateable properties may be granted a rebate on rates within the municipality within the meaning of section 15(I) (b) of the Act:-

a. INDIGENT AND UNEMPLOYED PERSONS RATE REBATE

To qualify for the rebate a property owner must:

- i) Occupy the property as his/her normal residence;
- ii) Be at least 60 years of age or in receipt of a disability pension from the Department of Welfare and Social Development;
- iii) Be in receipt of a total monthly income from all sources (including income of spouses of owner: not exceeding R2 700; **N.B. Link to Indigent Policy.**
- iv) Not be the owner of more than one property; and
- v) Provided that where the owner is unable to occupy the property due to no fault of his/her own, the spouse or minor children may satisfy the occupancy requirement.
- vi) Property owners must apply on a prescribed application form for a rebate as determined by the municipality.

Applications must be accompanied by:-

- i) A certified copy of the identity document or any other proof of the owners age which is acceptable to the municipality;
- ii) Sufficient proof of income of the owner and his/her spouse;
- iii) An affidavit from the owner;
- iv) If the owner is a disabled person proof of a disability pension payable by the state must be supplied; and
- v) If the owner has retired at an earlier stage for medical reasons proof thereof must be submitted.
- vi) These applications must reach the municipality before the end of October preceding the start of the new municipal financial year for which relief is sought.

- vii) The municipality retains the right to refuse rebates if the details supplied in the application forms are incomplete, incorrect or false.

11. Reductions

Categories of property and owners

- a) A reduction in the municipal valuation as contemplated in section 15 (1) (b) of the Act will be granted where the value of a property is affected by:
- i) A disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
 - ii) Any other serious adverse social or economic conditions.
- b) The reduction will be in relation to the certificate issued for this purpose by the Municipal Valuer.
- c) All categories of owners can apply for a reduction in the rates payable as described above.
- d) Owners of the following categories of rateable property situated within the municipality may be granted a reduction within the meaning of section 15(1) (b) of the Act on the rates payable in respect of their properties and subject to the conditions contained in 11(1)(e) of this by-law:-

Description of category of property

- i) Special Residential;
 - ii) General Residential;
 - iii) Industrial;
 - iv) Business/Commercial;
 - v) Agricultural Land for Farming;
 - vi) Agricultural Land for Eco Tourism;
 - vii) Agricultural Land for Trading;
 - viii) Government Property used by local people only;
 - ix) Government Property serving communities in Sakhisizwe & neighbouring municipalities;
 - x) Government Properties that serves National interests;
 - xi) Public Services Infrastructure.
- e) Criteria for granting reductions
- i) A reductions in the municipal valuation as contemplated in section 15(I)(b) of the Act will be granted where the value of a property is affected by fire damage, demolishment of floods.

- f) The reduction will be in relation to the certificate issued for this purpose by the Municipal Valuer.

12. Rates increases

- 1) The municipality will consider increasing rates annually during the budget process in terms of the guidelines issued by National Treasury from time to time;
- 2) Rates increase will be used to finance the increase in operating costs in municipal functions;
- 3) Affordability of rates to ratepayers;
- 4) All increases in property rates will be communicated to the local community through the community participation process.

13. Notification of rates

- 1) The municipality will give notice of all rates approved at the annual budget meeting at least 30 days prior to the date that the rates become effective. Accounts delivered after the 30 days notice will be based on the new rates.
- 2) A notice stating the purport of the municipality's resolution and the date on which the new rates become operational will be displayed by the municipality at places installed for that purpose.

14. Payment of rates

- 1) Ratepayers may choose between paying rates annually in one instalment on or before 30 September or in twelve equal instalments on or before the seventh day of the month following on the month in which it becomes payable.
- 2) If the owner of property that is subject to rates, notify the municipal manager of his/her nominee not later than 31 May in any financial year, or such later date in such financial year as may be determined by the municipal manager or his/her nominee that he/she wishes to pay all rates in respect of such property in instalments, such owner shall be entitled to pay all rates in the subsequent financial year and each subsequent financial year in twelve instalments until such notice is withdrawn by him/her in a similar manner.
- 3) Interest on arrears rates, whether payable on or before 30 September or in equal monthly instalments, shall be calculated in accordance with the provisions of the credit control, debt collection and indigent policy of the municipality.
- 4) If a property owner, who is responsible for the payment of property rates in terms of this policy, fails to pay such rate in the prescribed manner, it will be recovered from him/her in accordance with the provisions of the Credit Control, Debt Collection and Indigent Policy of the Municipality.

- 5) Arrears rates shall be recovered from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the Act.
- 6) Where the rates levied on a particular property have been incorrectly determined, whether because of an error or omission on the part of the municipality or false information provided by the property owner concerned or a contravention of the permitted use to which the property concerned may be put, the rates payable shall be appropriately adjusted for the period extending from the date on which the error or omission is detected back to the date on which rates were first levied in terms of the current valuation roll.
- 7) In addition, where the error occurred because of false information provided by the property owner or as a result of a contravention of the permitted use of the property concerned, interest on the unpaid portion of the adjusted rates payable shall be levied at the maximum rate permitted by prevailing legislation.

15. Short title

This by-law is the Rates By-Law of the Sakhisizwe Municipality.



PUBLIC CEMETERIES BY-LAW

BE IT ENACTED by the SAKHISIZWE MUNICIPALITY, as follows:

1. Definitions

In this By-law, unless the context otherwise indicates:

"Adult" (where the word is used to describe a corpse) means a corpse buried in a coffin that will fit into a grave for adults as contemplated in section 15;

"Ashes" means the remains of a corpse after it has been cremated;

"Burial" means burial in earth or any other method of disposal of a corpse, ashes or a cadaver in the manner provided for in this By-law;

"Burial order" means an order issued in terms of the provisions of the Births and Deaths Registration Act, 1992 (Act No. 81 of 1992) authorising a burial;

"Caretaker" means the *officer* appointed by the Municipality to supervise and control a cemetery or cemeteries, and his or her delegates;

"Cemetery" means land or part thereof, including the buildings and works thereon, that is owned and controlled by the Municipality, duly set aside and reserved for the purpose of burials and made available for public use from time to time for burials;

"Child" (where the word is used to describe a corpse) means a corpse that is being buried in a coffin that fits into a grave for a child as contemplated in section 14;

"Columbarium" means a memorial wall or a wall of remembrance provided by the Municipality for the burial of ashes;

"Corpse" means any dead human body, including the body of a stillborn child;

"Grave" means a piece of land in a cemetery laid out, prepared and used for a burial;

"Holder" means a person to whom a reservation certificate for a specific grave has been issued in terms of a law repealed by section 24;

"Medical Officer of Health" means the officer appointed by the Municipality from time to time in such position and his or her delegates;

"Memorial work" means any headstone, monument, inscription or other similar work or portion thereof erected or intended to be erected upon a grave or a columbarium;

"Municipality" means the SAKHISIZWE MUNICIPALITY;

"Niche" means the cavity in a columbarium provided for the burial of ashes;

"Plaque" means a tablet erected on the columbarium for identification purposes;

"Prescribed fees" means the fees as determined from time to time by the Municipality by means of resolution;

"Resident" means a person who at the time of his or her death, was ordinarily resident within the Municipality or under law liable for the payment of assessment rates, rent, service charges or levies to the Municipality;

"Responsible person" means the nearest surviving relative of the deceased person or a person authorised by such relative, or if the caretaker is satisfied that such person does not exist or that the signature of such relative or authorised person cannot be obtained timeously for the purpose of completing the necessary application forms, another person who satisfies the caretaker as to his or her identity, interest in the burial, capacity to pay the prescribed fees and to comply with the applicable provisions of this By-law; and

"Stillborn" in relation to a child, means that it had at least 26 weeks of intra-uterine existence, but showed no sign of life after complete birth.

2. Purpose of this By-law

To provide for the establishment and management of cemeteries in the SAKHISIZWE MUNICIPALITY; and for matters connected therewith.

3. Establishment of cemeteries

- 1) The Municipality may from time to time set aside and reserve suitable municipal land within the Municipality for the establishment and management of a cemetery.
- 2) The Municipality may consider and approve an application for the establishment and maintaining of a private cemetery or a private columbarium on private land on the conditions that the Municipality may deem necessary.

- 3) A cemetery established under a law repealed by this By-law, shall be deemed to be established under this section.
- 4) The Municipality may set aside, reserve and demarcate within a cemetery, in accordance with an approved layout plan, such areas as the Municipality may deem expedient for exclusive use by the members of a particular religion or denomination, or for the burial of adults, children, members of security forces or war heroes, or for the creation and management of:
 - a) a berm section where memorial work of a restricted size may be erected only on a concrete base provided by the Municipality at the top or bottom end of a grave, while the top surface of the grave is levelled;
 - b) a monumental section where memorial work erected shall cover the entire grave area;
 - c) a semi-monumental section where memorial work, without a restriction on the size, may be erected only on a concrete base at the top end of a grave, which base will not be provided by the Municipality;
 - d) a natural-grass section where the surface of graves are levelled and identified by numbers affixed on top of the graves in such a way that a lawnmower can be used to cut the natural grass without damaging the numbers;
 - e) a traditional section where the surface of graves are levelled and memorial work does not have to cover the entire grave area, and may be erected on graves that are not supplied with a concrete base as required in the berm section;
 - f) a columbarium section where ashes may be buried in a niche in a memorial wall or wall of remembrance provided by the Municipality.

4. Official hours

- 1) The cemetery and the office of the caretaker shall be open during the hours as determined by the Municipality and the cemetery office of the caretaker shall be open from Monday to Friday.
- 2) Burials shall take place on the days and during the hours determined by the Municipality.
- 3) The Municipality has the right to close a cemetery or any portion thereof to the public for such periods and for such reasons as the Municipality may deem fit.
- 4) No person shall be or remain in a cemetery or part thereof before or after the official hours as determined by the Municipality or during

any period when it is closed for the public, without the permission of the caretaker.

5. Register

A register of graves and burials shall be kept by the caretaker and such register shall be completed as far as possible immediately after a burial has taken place, with reference to the prescribed particulars contained in the burial order concerned.

6. Numbering of graves

- 1) All graves in a cemetery that are occupied or for which a burial has been authorised in terms of the provisions of section 9, shall be numbered by the Municipality.
- 2) The number shall be affixed to the grave and indicated on a plan to be kept available in the caretaker's office.

7. Reservation of graves

No reservation of a grave in a cemetery shall be allowed: Provided that reservation of graves made and recorded in the official records of the Municipality in terms of a law repealed by section 24, shall still be valid and the Municipality shall honour such reserved rights.

8. Transfer of reserved rights

- 1) A reserved right as contemplated in section 7 may not be transferred without the prior written approval of the Municipality.
- 2) Application to transfer such right shall be made to the caretaker in writing by completing and submitting a prescribed application form.
- 3) If the application is granted, a certificate will be issued in favour of the transferee who will "become the holder.
- 4) The reserved right may be cancelled on request of the holder and if the request is approved by the Municipality, the amount paid by the holder (if any), minus 10 % administration fees, will be refunded to the holder.

9. Number of corpses in a grave

- 1) Only one corpse may be buried in a grave with measurements as contemplated in section 15(1) or (2).
- 2) Only two corpses may be buried in a grave with measurements as set out in section 15(4): Provided that application for the burial of two corpses has been made to the caretaker in writing by submitting an application mentioned in section 10(1) before the first corpse is buried.
- 3) After the reopening of a grave for the purpose of the burial of a second corpse as mentioned in subsection (2) in that grave, a

concrete layer of not less than 25 mm thick shall be cast above the coffin previously buried.

- 4) If on reopening any grave, the soil is found by the Medical Officer of Health to be offensive or dangerous to the general health of people, the situation shall be handled in consultation with the Medical Officer of Health.

10. Application for a burial

- 1) Application for permission for a burial in a cemetery shall be made to the caretaker on the prescribed application form and such application shall be accompanied by:
 - a) the prescribe burial order;
 - b) the prescribed fees; and
 - c) a reservation certificate, where applicable.
- 2) No person shall, without the prior written approval of the Municipality, execute, cause or allow a burial, including the burial of ashes or a cadaver, in any other place in the Municipality than in a cemetery established and managed by the Municipality.
- 3) An application for permission for a burial must be submitted to the caretaker at least 24 working hours prior to the planned burial, failing which the caretaker may refuse the application.
- 4) No person shall execute a burial or cause or allow a burial to be executed in a cemetery, unless written approval for the burial has been obtained, a specific grave has been allocated for the purpose of the burial and a date and time for the burial has been arranged with the caretaker.
- 5) In allocating a date and time for a burial, the caretaker shall have regard to the customs of the deceased's relatives and their religion or church affiliation.
- 6) The allocation of a specific grave is the responsibility and in the sole discretion of the caretaker and a burial shall be executed only in a grave allocated by him or her: Provided that in allocating a grave the caretaker shall as far as practicable allow the responsible person access to a plan of the cemetery showing the various sections, and allow him or her to select the section of his or her choice, but not the individual grave of his or her choice.
- 7) The Municipality may allow in its discretion a burial without payment of the prescribed fees in a part of a cemetery set aside for such purposes and in such manner as it may deem fit.

- 8) Notice of cancellation or postponement of a burial must be submitted to the caretaker at least 4 working hours before the time set for the burial.
- 9) The granting of approval for a burial and the allocation of a specific grave in a cemetery, does not give the applicant, the responsible person or any other person any right in respect of such grave other than to bury a corpse in the grave.

11. Burial of a corpse

- 1) All graves shall be provided by the caretaker, with the exception of brick-lined or concrete-lined graves, in which cases the brickwork or concrete work shall be carried out by the undertaker under the supervision of the caretaker and in conformity with the specifications applicable to ordinary graves.
- 2) There shall be at least 1200 mm of soil between the top of an adult coffin and the ground surface, and at least 900 mm of soil between the top of a child coffin and the ground surface.
- 3) All corpses shall be placed in a coffin for the burial thereof, except as provided for in the respective cultures.
- 4) No person shall, without the prior permission of the caretaker, conduct any religious ceremony or service according to the rites of one denomination in any portion of a cemetery reserved by the Municipality in terms of the provisions of section 3(4) for the use of some other denomination.
- 5) No person shall permit any hearse in a cemetery to leave the roads provided, and every hearse shall leave the cemetery as soon as possible after the funeral for which it was engaged.
- 6) Every person taking part in any funeral procession or ceremony shall comply with the directions of the caretaker as to the route to be taken within the cemetery.
- 7) No person shall convey, or expose a corpse or any part thereof, in an unseemly manner in any street, cemetery or public space.
- 8) Every application and every document relating to a burial shall be marked with a number corresponding to the number in the register referred to in section 4 and shall be filed and preserved by the Municipality for a period of not less than ten years.

12. Burial of ashes

- 1) Ashes may be buried in a coffin and only two such coffins containing ashes may be buried in an extra deep grave as contemplated in section 15(4): Provided that a coffin does not exceed the average body weight of 70 kg, and furthermore, that the grave is readjusted to the prescribed depth and measurements.

- 2) No person shall execute a burial or cause a burial of ashes to be executed in a cemetery, unless written approval for the burial has been obtained, a specific grave or niche has been allocated for the purposes of the burial and a date and time for the burial has been arranged with the caretaker.
- 3) Application for the burial of ashes for definite periods or in perpetuity, or for the provision of memorial tablets of approved material to be fixed on the building, columbarium or other facility, shall be made to the caretaker on the prescribed application form.
- 4) Niches shall be allocated by the caretaker strictly in the order in which the applications therefore are received and no reservations for future use shall be made.
- 5) An application for permission for a burial must be submitted at least 24 working hours prior to the planned burial, failing which the caretaker may refuse the application.
- 6) An urn or casket containing ashes that has been deposited in a building, columbarium or other facility shall not be removed without the caretaker's prior written consent.
- 7) Every niche containing ashes shall be sealed by a tablet approved by the Municipality and shall only be opened for the purpose of withdrawing an urn or casket contained therein for disposal elsewhere, or for the purpose of depositing an additional urn or casket therein where after it shall once again be sealed.
- 8) Application for the opening of a niche shall be made to the caretaker on the prescribed application form.
- 9) No person shall introduce any material into the columbarium for the purpose of constructing or erecting any memorial work therein, unless and until:
 - a) approval for the burial has been obtained in terms of the provisions of section 10;
 - b) approval for the erection of the memorial work has been obtained in terms of the provisions of section 18(1); and
 - c) The prescribed fees have been paid.
- 10) Any person engaged upon any work on the columbarium, shall execute such work to the satisfaction of the caretaker, and such work shall be undertaken during the official hours of the caretaker as set out in this by-law.
- 11) No permanent wreaths, sprays, flowers or floral tributes may be placed in or on a columbarium.

12) The columbarium may be visited daily during the official hours set out in section 4.

13) Plaques shall be made of material approved by the Municipality and shall be affixed simultaneously with the placing of the ashes and within 30 days of the obtaining of the consent.

13. Burial of a cadaver

The remains of a corpse used at an educational institution for the education of students, generally known as a cadaver, may be buried in one coffin and two such coffins containing cadavers may be buried in an extra deep grave as contemplated in section 15(4): Provided that a coffin does not exceed the average body weight of 70 kg, and furthermore, that the grave is readjusted to the prescribed depth and measurements.

14. Persons dying outside the area of the Municipality

The provisions of this By-law shall apply mutatis mutandis to any burial in a cemetery of a person who has died outside the Municipality.

15. Measurements of graves

- 1) The excavation of a grave for an adult shall be at least 1820 mm deep, 2300 mm long and 760 mm wide.
- 2) The excavation of a grave for a child shall be at least 1370 mm deep, 1520 mm long and 610 mm wide.
- 3) In the event that a grave of a greater depth, length and width than those specified above is required, an application in respect thereof, together with extra prescribed fees that are due, shall be made to the caretaker, together with the application to obtain permission for a burial.
- 4) The excavation of an extra deep grave for the burial of two corpses shall be at least 2400 mm deep, 2300 mm long and 760 mm wide.
- 5) Permitted deviation from measurements of graves shall be as follows:

Extra wide	2300 mm long
	840 mm wide
Extra long	2530 mm long
	760 mm wide
Rectangular small	2300 mm long
	810 mm wide
Rectangular big	2400 mm long
	900 mm wide

Brick-noggin 2600 mm long

1050 mm wide

- 6) The area of a rectangular grave for an adult shall be 1500 mm wide and 2600 mm long.
- 7) The area of a grave for an adult shall be 1210 mm wide and 2430 mm long.
- 8) The area of a grave for a child shall be 1210 mm wide and 1520 mm long, and if a coffin is too large, an adult grave shall be used.

16. Cremation

Cremation within the Municipality shall only take place in an approved crematorium established for that purpose, and in accordance with the provisions of the Cremation Ordinance, 1926 (Ordinance No.6 of 1926).

17. Exhumation

- 1) No person shall, without the written approval contemplated in section 3 of the Exhumation Ordinance, 1980 (Ordinance No. 12 of 1980), and then only after notifying the Municipality, exhume or cause or allow any corpse or the mortal remains of a corpse to be exhumed.
- 2) Any person duly authorised to exhume a corpse as set out above, shall furnish such authority to the caretaker at least 8 working hours before the time proposed for the exhumation of such corpse, and shall at the same time pay the prescribed fees.
- 3) An exhumation and removal of any corpse shall be made only in the presence of the caretaker or any authorised member of the cemetery personnel, accompanied by the funeral undertaker and in accordance with the stipulated legislation applicable to exhumations and reburials.
- 4) A grave from which any corpse is to be removed shall, if required by the caretaker, be effectively screened from public view during the exhumation.
- 5) The person who applied for the exhumation of a corpse shall provide an acceptable receptacle for the remains and shall remove the remains after the exhumation.
- 6) No person shall be permitted to reopen a grave, unless he or she has satisfied the caretaker that he or she is authorised thereto.
- 7) After the exhumation of a corpse and the removal of the remains, all rights in the grave shall revert to the Municipality, and the reuse of the grave shall be done in consultation with the Medical Officer of Health.

- 8) If at any time and for whatever reason the exhumation and transfer of a corpse to another grave shall become necessary, the Municipality may, after the relatives of the deceased person have been notified accordingly, exhume such body and transfer it to another grave.

18. Memorial work

- 1) Application for the erection of memorial works shall be made to the caretaker on the prescribed application form.
- 2) The erection of a trellis around a grave is prohibited.
- 3) No person shall bring or cause any material to be brought into any cemetery for the purpose of the erection or construction of any memorial work, unless and until:
 - a) Approval for the burial has been obtained in terms of the provisions of section 9;
 - b) Approval for the erection of the memorial work has been obtained in terms of the provisions of subsection (1); and
 - c) The prescribed fees have been paid.
- 4) Graves of war heroes which are in the care of or maintained by the South African War Graves Board or by any other recognised body or by the government of any foreign country, shall upon application to the Municipality, be exempted from the requirement of payment of the prescribed fees.
- 5) The Municipality may refuse its consent for the erection of any proposed memorial work if the plan and specification thereof reveals that it will be of inferior quality or in any manner likely to disfigure a cemetery or which bears any inscription likely to cause offence to users of the cemetery or to visitors thereto.
- 6) No person engaged upon any memorial work in a cemetery shall at any time disturb any adjacent graves and on completion of such work he or she shall leave the grave and the cemetery in a clean and tidy condition and remove any building material or surplus ground there from.
- 7) A person engaged in the erection of a memorial work in a cemetery, shall:
 - a) make arrangements beforehand with the caretaker with regard to the date and time of the intended erection;
 - b) ensure that all separate parts of any memorial work other than masonry construction are affixed by copper or galvanised iron dowel-pins of a length and thickness sufficient to ensure the permanent stability of the work;

- c) ensure that any part of such work which rests upon any stone or other foundation is fairly squared and pointed;
 - d) ensure that the underside of every flat stone memorial and the base or landing of every headstone is set at least 50 mm below the natural level of the ground;
 - e) ensure that all headstones are securely attached to their bases;
 - f) ensure that flat stones consist of one solid piece in the case of all graves;
 - g) ensure that all headstones consist of granite, marble, bronze or any other durable metal or stone approved by the Municipality;
 - h) ensure that all curbing or memorial work on graves are erected on concrete foundations at least 1210 mm wide and 200 mm deep over the full width in the case of adults' graves and 910 mm wide and 200 mm deep in the case of children's graves;
 - i) ensure that the sizes of monumental tombstones (all inclusive) are:

Single grave	2440 mm long
	1070 mm wide
Child grave	1370 mm long
	760 mm wide
Double grave	2440 mm long
	2290 mm wide;
 - j) ensure that all curbs on larger graves than single graves shall be fixed on substantial concrete mats at the four corners and where joints occur;
 - k) ensure that any concrete foundation on any grave, upon instruction of the Municipality, is reinforced where it is considered necessary owing to the weight of the memorial work.
- 8) No person shall erect any memorial work within a cemetery, unless the number and section-letter of the grave upon which such work is to be erected, are engraved thereon in such a position that it will be legible at all times from a pathway, and, only with the consent of the family of the deceased, the name of the maker of such memorial work may be placed upon any footstone.
- 9) Memorial work shall be constructed and erected in a cemetery only during the official office hours as contemplated in section 3.

- 10) No person shall fix or place any memorial work in a cemetery during inclement weather or where the soil is in an unsuitable condition.
- 11) Every person carrying out work within a cemetery shall under all circumstances comply with the directions of the caretaker.
- 12) The Municipality may, after due notice, at any time change or alter the position of any memorial work in any cemetery: Provided that in any case where any memorial work has originally been placed in a certain position with the express consent of the caretaker, any alterations of such position in terms of the provisions of this By-law, shall be executed at the expense of the Municipality.

19. Graves supplied with a berm

- 1) Notwithstanding anything to the contrary contained in this By-law, a grave which is supplied with a berm shall be subject to the conditions set out in subsection (2).
- 2) No kerbing shall be erected at such grave.
 - a) The berm provided by the Municipality shall be 1200 mm long, 500 mm wide and 300 mm deep.
 - b) The base of the memorial work to be erected on the berm of a single grave shall not be larger than 1000 mm long and 230 mm wide, and the memorial work, together with the base, may not be higher than 1200 mm from the ground surface.
 - c) A memorial work shall not protrude beyond the base.
 - d) No object shall be placed and kept on any grave: Provided that a memorial work or a vase for flowers or foliage placed in the office provided in the berm, may be placed and kept on a grave until such time as the ground surface over the grave is levelled.

20. Maintenance of graves

- 1) A memorial work erected upon a grave shall at all times be maintained in good order and condition by the responsible person.
- b) Should any such work fall into a state of disrepair or constitute a danger or be a disfigurement of the cemetery, the Municipality may by written notice addressed to the responsible person by registered post at his or her last known postal address, require of him or her to effect such repairs as may be considered necessary.
- c) On failure to effect the required repairs within 1 month of the date of such notice, the Municipality may have the repairs effected or may have the memorial work removed as it deem fit

and may recover the costs for such repairs or removal from the responsible person.

- 2) Unless otherwise provided for in this By-law, the Municipality shall be responsible for keeping cemeteries in a neat and tidy condition.
- 3) Grass may be planted on a grave by family members of the deceased, subject to the directions of the caretaker: Provided that the Municipality shall maintain the grave, as part of the cemetery, at its own cost and in accordance with its own standards and programs.
- 4) All memorial work which has been dismantled for purposes of a further burial, shall be re-erected or removed from the cemetery within 2 months of the date of such dismantling.
 - b) On failure to do so, the Municipality shall be entitled to remove any such dismantled memorial work from the cemetery without further notice, and to recover the costs of such removal from the responsible person.
- 5) No person shall plant any tree, shrub, bush or any other plant on or in the vicinity of a grave.
- 6) The Municipality shall have the right to remove, trim or prune any plants which extend beyond the limits of any grave or which are untidy.
- 7) No person shall deposit any flowers, grass, weeds or other materials removed from a grave, on any other grave, roadway or any other place in the cemetery, except in the refuse bins intended for that purpose.

21. General conduct in cemeteries

- 1) No person under the age of 12 years shall enter a cemetery unless he or she is in the care of an adult or with the approval of the caretaker.
- 2) No person shall enter or leave any cemetery, except through the gates provided for that purpose, nor shall any person enter any office or enclosed place in any cemetery, except on business or with the consent of the caretaker.
- 3) No person shall make a false statement or provide false information in an application or other form or document to be completed and submitted in terms of this By-law.
- 4) No person shall carry on any trade or hawking activity, or solicit any business, or exhibit, distribute or leave any business card or advertisement within any cemetery or on any public place within 30 m of the boundary of any cemetery, except with the written

approval of the Municipality and on such conditions as the Municipality may determine.

- 5) No person shall sit, stand or climb upon or over any tombstone, memorial work, gate, wall, fence or building in any cemetery.
- 6) No person shall hold a demonstration of any kind in any cemetery or allow or participate in such demonstration.
- 7) No person shall bring into or allow any animal to enter any cemetery, and any animal found in a cemetery may be impounded.
- 8) Directives from the caretaker to ensure the orderly procession of the ceremony concerning the placement of structures, chairs, voice amplification equipment, volume and the type of music to be played, shall be adhered to.
- 9) No person shall within any cemetery obstruct, resist or oppose the caretaker or any official of the Municipality, whilst acting in the course of his or her official duty, nor refuse to comply with any reasonable order or request of the caretaker or any official of the Municipality.
- 10) No person shall remove from the cemetery any soil, sand or other substance or thing of a similar nature without the express permission of the caretaker.
- 11) No person shall wantonly or wilfully damage or cause to be damaged, nor shall any person mark, draw or erect any advertisement, bill or placard upon or in any manner deface any grave, tombstone, monument, wall, building, fence, path or other construction within any cemetery.
- 12) No person shall bribe or try to bribe any employee in the service of the Municipality in regard to any matter in connection with a cemetery or burial, neither with money, gifts or any other benefit.
- 13) No person shall, except where expressly permitted by this By-law, or with the consent of the caretaker, disturb the soil, or plant or uproot any plant, shrub or flower, or in any way interfere with any grave or construction in any cemetery.
- 14) No person shall play any game or take part in any sport, or discharge any firearm, except as a salute at a military funeral, or discharge any airgun or catapult within any cemetery, or disturb or annoy any person present therein.
- 15) No musical instrument shall be played in a cemetery without the consent of the caretaker.

22. Injuries and damages

A person using a cemetery shall do so on his or her own risk, and the Municipality accepts no liability whatsoever for any personal injuries sustained by such person or for any loss of or damage to such person's property relating to or resulting from the afore-mentioned usage of the cemetery.

23. Firearms and traditional weapons

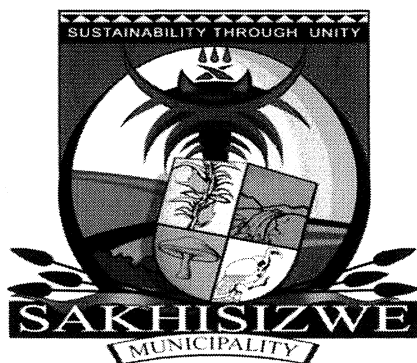
No firearm or traditional weapon shall be allowed in a cemetery.

24. Penalty clause and expenses

- 1) Any person contravening or failing to comply with any of the provisions of this By-law, shall be guilty of an offence and upon conviction by a court be liable to a fine or imprisonment for a period not exceeding 3 years or to both a fine and such imprisonment.
- 2) Any expense incurred by the Municipality as a result of a contravention of this By-law, or in the doing of anything which a person was directed to do under this By-law, and which he or she failed to do, may be recovered by the Municipality from the person who committed the contravention or who failed to do such thing.

25. Short title

This By-law shall be called the Cemeteries By-law.



REFUSE REMOVAL BY-LAW

BE IT ENACTED by the SAKHISIZWE MUNICIPALITY, as follows:

1. Definitions

In this By-Law, any word or expression that has been defined has that meaning and, unless the context otherwise indicates:

"Charges" means the tariff for the removal of refuse;

"Dumping site" means an area where dumping is allowed as determine and designated by the Municipality;

"Municipality" means the SAKHISIZWE MUNICIPALITY established in terms of section 12 of the Municipal Structures Act, 1998 (Act No.117 of 1998), Provincial Notice 484 dated 22 September 2000 and includes any political structure ,political office bearer councillor, duly authorized agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the Municipality and delegated or sub delegated to such political structure ,political office bearer, councillor ,agent or employee;

"Owner" also means lessee, occupier, resident or any person who obtains a benefit from the premises or is entitled thereto and includes any insolvent estate, executor, administrator, trustee, liquidator judicial manager;

"Permit" also means to allow intentionally, negligently or any other manner whatsoever;

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

"Refuse" includes:

"Business refuse" which means any matter or substance arising out of the use of business premises but does not include waste, hazardous waste, material, domestic refuse or garden refuse;

"Domestic refuse" which means any fruit or vegetable peels ,fruit or vegetable waste ,general domestic waste as well as garden refuse which

is of such size that it may be deposited in a refuse bin or any other matter which in the opinion of the municipality constitutes refuse;

"Garden refuse" which means refuse originating from a garden activity such as grass cutting, leaves, plants, flowers or similar refuse of such size that it can be placed in a refuse bin;

"Hazardous waste" which means any waste, matter or substance which may be hazardous or harmful to the environment and residents or which pollute the environment including medical waste, asbestos, motor oils or lubricants, or any other waste, matter or substance which in the opinion of the municipality constitutes hazardous waste;

"Materials" which means any stone, rock, sand, building material or building rubble or any other type of composite or artificial materials such as plastic pipes and similar materials as well as materials which are utilized in the erection of buildings or structures or any other materials which in the opinion of the Municipality constitute materials;

"Waste" which means any matter or substance which cannot be classified as hazardous waste, refuse or materials such as parts of cars, spare parts, motor oils or lubricants or oils and similar substances, material, liquids, etc;

"Refuse bin" means a mobile container with a capacity of 240 litres, or alternatively plastic bags which the municipality makes available to each premises or as required by the municipality;

"Removal day" the day fixed by the Municipality for the removal of refuse

"Residential premises" means premises which are zoned for residential purposes in terms of the zoning scheme:

"Services account" means the official account rendered by the Municipality to the owner of premises;

2. Purpose of the By-law

- 1) To promote the achievement of a safe and healthy environment for the benefit of the residents in the area of jurisdiction of the municipality;
- 2) To provide for procedures, methods and practices to regulate the dumping of refuse and removal thereof.

3. Compulsory use of service

- 1) No one except the Municipality or a person authorized by the Municipality may remove any refuse from any premises or dispose thereof
- 2) Each owner, excluding the owners of farms and smallholdings must make use of the service provided by the Municipality for the

removal or disposal of refuse, in respect of refuse originating from such premises.

- 3) The tariff as fixed by the municipality is payable to the municipality by the owner, irrespective whether the service is being used, or not

4. Refuse bins

- 1) The municipality provides one refuse bin, supplied with a serial number, or plastic bags per residential premises after the owner of the premises has concluded a written agreement with the municipality, but may in cases:
 - a) Where the municipality is of the opinion that more than one refuse bin is needed, or
 - b) Where the owner applies in writing for more than one refuse bin, supply more than one refuse bin per residential premises provided that the costs of such additional refuse removal service be paid by the owner and any additional removal costs in respect of the additional container(s) is for the account of the owner.

5. Removal

- 1) The municipality provides the number of refuse bins which are supplied with a serial number, at request of the owner of the premises other than a residential premises, provided that:
 - a) If required by the municipality, owner shall be responsible for making alternative arrangements to the satisfaction of the municipality, for the removal of refuse from the premises;
 - b) The municipality may prescribe special refuse bins in which specific refuse must be dumped or stored;
 - c) The municipality removes refuse on the day of removal, directly from the premises of the owner,
 - d) And further provided that in case the owner of such premises concludes a written agreement with the municipality for the removal of refuse and/or the provision of refuse bins to the premises, the services be delivered on the conditions, and at the cost and times which have been agreed upon in writing.
- 2) The municipality shall only remove refuse that has been deposited in refuse bins, as approved by municipality and on the removal days as may be amended by municipality from time to time.
- 3) Only domestic refuse may be deposited in refuse bins.
- 4) No person shall:
 - a) Deposit or permit to be deposited any waste, hazardous waste and/or material in a refuse bin;

- b) Deposit or permit to be deposited any refuse in a refuse bin such a manner as to cause the lid of the refuse bin not to close properly;
 - c) Put out, accumulate ,dump, store or deposit in any manner whatsoever waste, hazardous waste, materials or refuse next to or on a refuse bin in a road or on a sidewalk or in any other place.
- 5) The municipality may ,if hazard or health hazard exists or may possibly arise, impose any reasonable condition, regarding the handling, storage or removal of refuse bins, or anything in connection therewith.
 - 6) If the owner requires morn refuse removals he may apply to enter into a written agreement with the municipality for additional refuse removals subject to the conditions and at the times and tariffs determined by the municipality, from time to time.
 - 7) The municipality may provide an additional garden refuse removal service for garden refuse which cannot be deposited in a refuse bin and special arrangements must be made with the municipality subject to the payment of the tariff and compliance with the conditions determined by the municipality from time to time.

6. Utilisation of refuse bin(s)

- 1) Any refuse bin provided by the municipality shall remain the property of the municipality, except where, as provided in section 4(b), a bin is purchased.
- 2) The owner shall keep the refuse bins on his premises in a clean and neat condition and shall not use any refuse bin for any purpose other than for the depositing of refuse.
- 3) The municipality shall not remove refuse unless the refuse bin has on the removal been placed on the sidewalk in front of the premises to which it has been allocated.
- 4) The owner shall return refuse bins to his premises not later than the night fall on the day of the refuse removal
- 5) The owner shall not deposit or permit to be deposited any refuse in a refuse bin which may cause such bin to be damaged or destroyed in any manner whatsoever.
- 6) A refuse bin shall be replaced as and when it is necessary, provided that where such refuse bin has to be replaced as a result of theft or damage caused through the negligence of the owner, such owner shall be held liable for the cost of replacing such refuse bin.

- 7) No person shall remove a refuse bin from any premises to which it has been allocated or destroyed or damage it, or permit it to be removed, destroyed or damaged.

7. Prohibition of accumulation and dumping

- 1) No person shall accumulate ,dump, store or deposit or permit the accumulation, dumping, storage or depositing of any refuse ,hazardous waste, materials and or waste on any land or premises, including the owner's residential site ,or in any public or street, provided that a person who has obtained the prior written approval of the municipality to do so at a specific place shall comply with the conditions of such approval, This prohibition shall also apply in respect of an owner's residential premises where it may in the opinion of the municipality create a nuisance ,hazard or health hazard.
- 2) Only refuse and materials generated on residential premise may be dumped at the dumping site:
 - a) On production by the owner of his services account to the official of the municipality or the person acting on behalf of the municipality of the municipality in charge of access control at the dumping site; and
 - b) Upon payment of the tariff and at such times as the municipality may fix from time to time.
- 3) No person shall burn refuse, hazardous waste, materials and/or waste or cause refuse, hazardous waste, materials and/or waste to be burnt without the prior written approval of the municipality and then only in accordance with the conditions and requirements specified in such approval.
- 4) No person shall deposit or permit to be deposited any hazardous waste in any refuse bin, permit such hazardous waste to be removed, or such hazardous waste to be dumped or cause to be dumped at a dumping site Without the prior written approval of the municipality and then only in accordance with the conditions and requirements specified in such approval

8. Pavements

- 1) It shall be the duty of every licensee or occupier of a shop or trade premises to ensure that the pavement in front of or abutting the premises is kept clean and free of refuse and material originating from such premises or resulting from the delivery of goods to such premises.

9. Dumping Sites

- 1) The Municipality may set aside any dumping site or any part of the dumping site where only a particular kind of refuse may be deposited or dumped.
- 2) The Municipality may limit the type or size of vehicle from which waste may be dumped or deposited at any dumping site.
- 3) The Municipality may limit the quantity of waste in general or the quantity of a particular type of waste which may be dumped or deposited at any dumping site.
- 4) The Municipality may require that any waste to be dumped or deposited at any dumping site shall be dumped at a particular place or in a specific manner only or that it be treated, wrapped or packaged in a specific manner before being dumped or deposited.
- 5) The Municipality shall determine the days when and hours during which dumping may take place at any dumping site.
- 6) Any requirement imposed in terms of this by-law shall be indicated to the public by means of an appropriate notice erected at the entrance of the dumping site concerned.
- 7) Any instruction issued by an official of the Municipality or a person acting on behalf of the Municipality or a person acting on behalf of the Municipality in charge of access control at the dumping site, shall be strictly complied with.

10. Ownership of Refuse

- 1) All refuse removed by the Municipality and all refuse on dumping sites controlled by the Municipality shall be the property of the Municipality and no person who is not duly authorised thereto by the Municipality shall remove or interfere with such refuse.

11. Enforcement

- 1) Where, in the opinion of the Municipality any object or thing of whatever description which is not defined in the definitions constitutes refuse, is unsightly or is likely to create an obstruction, a hazard or nuisance is accumulated, dumped, stored or deposited on or in any land, place, premises or refuse bin(s) or in any street or public place, except where allowed in terms of this by-law the Municipality may serve a written notice on:
 - a) He person who is directly or indirectly responsible for such accumulation, dumping, storing or depositing, and/or
 - b) The owner of such waste, hazardous waste, refuse, materials, object or thing, whether or not he is responsible for such accumulation, dumping, storing or depositing, and/or

- c) The owner of such land or premises, whether or not he is responsible for such accumulation, dumping, storing or depositing, in which such a person or owner, as the case may be, shall be required to do away with, destroy or remove such refuse, hazardous waste, materials, waste, object or thing to the satisfaction of the Municipality on or before a date determined in such notice and failing to comply with such a notice, such owner shall be guilty of an offence and the Municipality may dispose, destroy or remove such waste at the expense of anyone or more persons or owners referred to in (a), (b) and (c) of this section.

12. Substances in refuse bill

- 1) No one shall deposit any article or substance, except waste, in a refuse bin for removal.

13. Charges

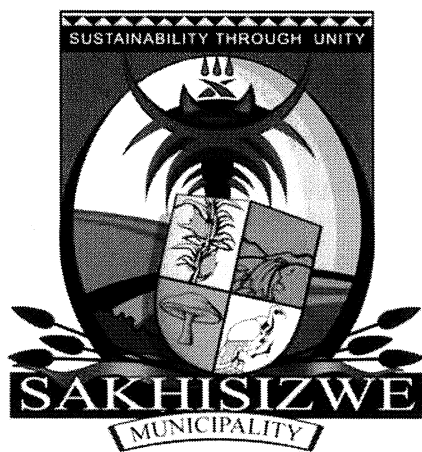
- 1) The Municipality shall fix the charges payable to it for the removal or disposal of the waste and dumping or depositing of waste at the dumping site.
- 2) The charges as fixed by the Municipality shall be due and payable by the occupier who is supplied with the refuse removal service or failing which by the owner of the premises.
- 3) The charges due shall be payable and recoverable in terms of the credit control and debt collection policy and' by-law adopted by the Municipality from time to time.

14. Offences and penalties

- 1) Any person who contravenes any provisions of this by-law or fails or refuses to comply with any order or notice issued by the Municipality in accordance with this by-law shall be guilty of an offence and on conviction be liable to:
 - a) A fine or imprisonment, or either such fine or such imprisonment or both such fine and such imprisonment;
 - b) In the case of a continuing offence, an additional fine or an additional period of imprisonment or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued; and
 - c) A further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as result of such contravention.

15. Short title

This By-law shall be known as the Refuse Removal By-law.



STANDING ORDERS BY LAW

BE IT ENACTED by the SAKHISIZWE MUNICIPALITY, as follows:

1. Definitions

In this By-law, unless the context otherwise indicates:

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

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

"Chairperson of the Executive Committee" means the Mayor;

"Council" means the Elundini Local Municipal Council;

"Executive Committee" means the committee as contemplated in section 42 of the Act;

"Mayor" means the person presiding at Executive Committee meetings as contemplated in section 49 of the Act;

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

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

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

"Municipality" means the SAKHISIZWE MUNICIPALITY;

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

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

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

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

2. Purpose of this By-law

- 1) To provide for standing orders for the dispatch of business by the Council of the Sakhisizwe Municipality; and for matters connected therewith.

3. Removal of persons from Council chamber

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

4. Signing of attendance register and wearing of robe during meetings

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

5. Adjournment in event of no quorum

- 1) If at the expiration of fifteen minutes after the hour at which a meeting is appointed to be held a quorum has not assembled, no meeting shall take place unless the members present agree to allow further time not exceeding an additional ten minutes in order to enable a quorum to assemble. The members present may at any time after the expiry of the ten minutes aforesaid, by a majority of votes, request the Municipal Manager to convene a meeting at a convenient date and time, notice of which shall be given as provided for in section 115 of the Systems Act, and the provisions of section 7 shall apply *mutatis mutandis* to such meeting.
- 2) A quorum will constitute the majority of the entire membership of the Council/Committee that is 51% of seats, even if some seats are vacant.

6. Count out of members

- 1) If during any meeting, the attention of the Speaker is directed to the number of members present, such members shall be counted and, if it is found that there is no quorum, the Speaker shall cause this fact to be recorded in the minutes and the call bell to be rung for at least one minute and, if after an interval of five minutes a quorum has not yet assembled, the members present may by a

majority of votes resolve to adjourn the meeting. If no such resolution be taken and after an interval of ten minutes there is no quorum, the meeting shall be considered adjourned until a time to be determined by the Municipal Manager.

7. Notice of adjourned meeting

When a meeting is adjourned, notice of the adjourned meeting shall be served as provided for in section 115 of the Systems Act unless a proposal fixing the date and hour of such an adjourned meeting is adopted by at least three quarters of the members present (fractions to be reduced to the nearest number).

8. Adjourned meeting

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

9. Business limited by notice

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

10. Order of business of meeting

- 1) The order of business of an ordinary meeting shall be as follows:
 - a) Opening;
 - b) Acceptance of notice of the meeting as read;
 - c) Applications for leave of absence;
 - d) Official notices:
 - I. By the Speaker;
 - II. By members;
 - III. By the Municipal Manager;
 - e) Speaker's unopposed proposals;
 - f) Confirmation of minutes of previous meeting;
 - g) Questions of which notice has been given;
 - h) Motions or proposals referred from previous meetings;
 - i) Report of the Executive Committee;
 - j) New motions;
 - k) Petitions;
 - l) Closure,

- 2) After the matters referred to in paragraphs (a) to (f) of subsection (1) have been considered, the Council may at its discretion change the order of the other business appearing on the agenda.

11. Minutes of meeting

- 1) Unless the minutes of a meeting are confirmed at the same meeting, the minutes shall be taken as read with a view to confirmation: Provided a copy thereof has been served on each member in the manner as provided for in section 115 of the Systems Act.
- 2) No motion, proposal or discussion shall be allowed on the minutes, except as to their accuracy.

12. Questions by members

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

13. Reporting to the Executive Committee

- 1) A report of a head of department shall be directed to the Municipal Manager who must submit it to the Executive Committee.

- 2) The Municipal Manager may refer a report back to a head of department for factual amendment or amplification and he or she may, if he or she deems it necessary, comment on and make a recommendation in respect of any report contemplated in subsection (1).

14. Composition of a report of the Executive Committee

- 1) A report submitted by the Executive Committee in terms of the Act, read with section 160(6)(a) to (c) of the Constitution, shall first contain the matters in respect of which recommendations are made (hereinafter referred to as the "first part") and thereafter those matters which have been delegated to:
 - a) The Executive Committee; and
 - b) Committees contemplated in section 79 of the Act.

Unless any item is submitted to the Council for information only, every item of the first part shall contain a recommendation which may be adopted by the Council.

15. Report shall be delivered

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

16. Submission on report

- 1) The chairperson of the Executive Committee or member called upon by him or her to do so shall submit a report of the Executive Committee, and in doing so, shall move: **"that the report be considered"**.
- 2) A proposal referred to in subsection (1) shall not be discussed, and if the Council accepts such proposal, the Speaker shall put the recommendations contained in the first part of the report seriatim, unless for a good cause he or she sees fit to vary the order.
- 3) When a recommendation referred to in subsection (2) is accepted, it shall become a resolution of the Council.
- 4) At the conclusion of the first part of the report referred to in subsection (2), the Speaker shall permit discussion of the ensuing parts of the report: Provided that:
 - a) Such discussion shall be limited to:
 - I. One (1) hour in respect of the matters contemplated in section 13(l)(a); and
 - II. Thirty (30) minutes per part in respect of the matters contemplated in section 13(l)(b);

- b) A member, excluding the chairperson of the Executive Committee, shall not unless permitted by the Council, speak for more than ten minutes, and when a member is permitted to speak for more than ten minutes, the Council shall decide on the period of time;
- c) During such discussion, no other proposal shall be submitted, except a proposal that the Executive Committee or a committee contemplated in subsection 13(l)(b), as the case may be, be requested to reconsider its decision;
- d) A member may during such discussion request that his or her opposition to any resolution in such ensuing part, and the reason therefore, be recorded, whereupon the Municipal Manager shall record or have such opposition recorded.

17. Recommendations of Executive Committee shall be regarded as proposals

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

18. Withdrawal or amendment of recommendation

- 1) The member, who has made a proposal in terms of this by-law, may withdraw or amend any recommendation contained in a report with the consent of the Council.

19. Reply to debate

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

20. Deputation

- 1) A deputation desiring an interview with the Council shall submit a memorandum setting out the representations it wishes to make.
- 2) The Municipal Manager shall place the memorandum before the Executive Committee which may receive the deputation and deal with the matter raised in the memorandum in terms of the power

delegated to it: Provided that the Executive Committee may dispense with the necessity of submitting a memorandum.

- 3) If the Executive Committee is of the opinion that the matter is one which should be placed before the Council, it shall so report to the Council and, if the Council so orders, an interview shall be granted to the deputation.
- 4) A deputation shall not exceed three in number and only one member thereof shall be at liberty to speak, except in reply to a question of a member. The matter shall not be further considered until the deputation has withdrawn.

21. Petition

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

22. Form of giving notice of motion

- 1) Every notice of motion shall be in writing and such motion shall be signed by the member submitting it.
- 2) A motion shall be given to the Municipal Manager, who shall enter it in a book to be kept for this purpose, which book shall be open to the inspection of members. The Municipal Manager shall without delay furnish each member with a copy of the motion.
- 3) At the request of the member who gave notice of the motion, the Municipal Manager shall acknowledge receipt thereof in writing.
- 4) Unless a notice of motion is received at least ten days before a meeting, it shall not be specified in the notice of such meeting.
- 5) Every motion shall be relevant to some question relating to the administration or conditions in the Municipality.
- 6) The member who introduces a motion may reply: Provided that when a proposal in terms of section 43(1)(b), (c), (d), (e), (f) or (g) is carried in respect of such motion, such member may reply for not more than ten minutes.

23. Order of \motions

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

24. Limitation of notices

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

25. Motion to rescind any resolution passed within the preceding three months

- 1) When a member proposes a motion in terms of the provisions of section 21 which:
 - a) Is aimed at the revocation or amendment of a resolution of the Council taken within the preceding three months; or
 - a) has the same purport as a motion which has been negative within the preceding three months, such motion shall be placed on the agenda only if the notice of such a motion is signed by three members in addition to the member who proposes such motion.
- 2) A motion similar to the one which was disposed of in terms of subsection (1), shall not again be proposed by a member before the expiry of six months after such disposal.
- 3) Notwithstanding the provisions of subsections (1) and (2), the Council may at any time rescind or amend a resolution in pursuance of a recommendation of the Executive Committee contained in a report in accordance with section 15.

26. Procedure in respect of putting of motions

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

26. Irregular motions or proposals

- 1) The Speaker shall disallow a motion or proposal:

a) Which in his or her opinion:

- I. Might lead to the discussion of a matter already contained in the agenda or which is not relevant to some question relating to the administration or conditions in the Municipality; or
- II. Advances argument, expresses an opinion or contains unnecessary factual, incriminating, derogatory or improper allegations;

b) In respect of which:

- I. The Council has no jurisdiction; or
- II. A decision by a judicial or *quasi-judicial* body is pending; or
- III. Which, if carried, will be in conflict with the provisions contained in these Standing Orders or of any other law, or will be unenforceable.

27. Matter serves before Council by way of proposal

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

28. Provisions relating to the consideration of the budget

- 1) Notwithstanding anything to the contrary contained herein, the following provisions shall apply when the Council considers the budget:
 - a) A proposal, which will have the effect that estimated revenue or expenditure of the Council is increased or decreased, shall not be put before the debate on the budget has been closed.
 - b) After the debate on the budget has been closed the Speaker shall put every proposal contemplated in paragraph (a) *seriatim*.
 - c) If any such proposal is accepted, the budget shall not be deemed to be amended in accordance with that resolution and the meeting shall be postponed to a date and time determined by the Speaker, unless the chairperson of the Executive Committee or a member of that committee designated by him or her, decides that such postponement is not necessary.
 - d) If, in terms of paragraph (c), it is decided that a postponement of the meeting is not necessary, the budget shall be deemed to have been amended in accordance with a resolution contemplated in that paragraph.

- e) After a postponement contemplated in paragraph (c), the Executive Committee shall investigate the implication of every such resolution and shall report to the Council thereon at the resumption of the meeting.
- f) After the Executive Committee has reported in terms of paragraph e, the Speaker shall:
 - I. Allow a debate thereon;
 - II. Thereafter again put every proposal contemplated in paragraph (c) and if any such proposal is accepted, the budget shall be amended in accordance with that resolution.

29. Referral to Executive Committee of proposal affecting budget

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

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

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

31. Withdrawal or amendment of motion or proposal

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

32. Addressing the meeting

- 1) A member may sit when speaking and shall address the Speaker.

33. Precedence of Speaker

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

34. Length of speeches

- 1) Subject to the provisions of sections 15 and 43, a member may not speak for longer than ten minutes: Provided that:
 - a) A member who submits a motion may speak for a period not exceeding fifteen minutes when elucidating his or her motion; and
 - b) The Council may permit a speech to be continued for a further period or periods of 5 minutes.
- 2) The Council may waive the provisions of subsection (1) in regard to a statement made with the consent of the Council by the chairperson or any other member of the Executive Committee in relation to any matter arising from a report.
- 3) A member participating in any debate may, during the course of his or her speech, refer to notes, but he or she shall not be permitted to read his or her speech. The Speaker may require a member reading his or her speech to discontinue his or her speech.
- 4) The provisions of this section shall not apply to:
 - a) The chairperson of the Executive Committee, when he or she presents the budget and opens the debate thereon;
 - b) The chairperson of the Executive Committee, when he or she or a member of that committee designated by him or her, delivers the budget speech, or replies to the debate in connection with the consideration of the budget;
 - c) The chairperson of the Executive Committee, when he or she closes the debate in connection with the consideration of the budget; and
 - d) The person, who in terms of section 18(1), replies to and closes the debate contemplated in that section.

35. Relevance

- 1) A member who speaks shall direct his or her speech strictly to the matter under discussion or to an explanation or to a point of order.
- 2) The Speaker shall not allow a discussion:
 - a) Which will anticipate any matter on the agenda; or
 - b) In any matter in respect of which a decision by a judicial or *quasi judicial* body is pending.

36. Irrelevance, repetition and breach of order

- 1) If, in the opinion of the Speaker, a member:
 - a) Does not abide by the provisions of section 35(1) or is guilty of irrelevance or tedious repetition while he or she addresses the

Council, the Speaker may direct him or her to abide by the said provisions or to discontinue such irrelevancies or tedious repetition;

- b) Endeavours a discussion in breach of section 35(2), the Speaker shall direct him or her to cease that discussion;
- c) While he or she is in the Council chamber and irrespective of whether he or she addresses the Council:
 - I. Uses offensive or unbecoming language;
 - II. Makes an incriminating, libellous or derogatory remark, allegation or insinuation in respect of another member or person;
 - III. Breaches the order or disregards the authority of the Speaker; or
 - IV. Is improperly dressed, the Speaker shall direct such member to cease or remedy such conduct immediately.
- 2) If a member fails to comply with a direction contemplated in subsection (1), the Speaker may:
 - a) In a case contemplated in subsection (1)(a) or (b), direct the member concerned to discontinue his or her speech; or
 - b) In a case contemplated in subsection (1)(c), direct the member concerned to withdraw from the meeting for the further duration thereof.

37. Chairperson may have member removed

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

38. Exclusion of members

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

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

39. Member to speak only once

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

40. A point of order and personal explanation

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

41. Speaker's ruling on a question of order

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

42. Mode of voting

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

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

43. Proposals which may be made

- 1) When a motion or proposal is under debate at a meeting, no further proposal shall be received, except a proposal:
 - a) That the motion or proposal be amended;
 - b) That consideration of the question be postponed;
 - c) That the meeting be adjourned;
 - d) That the debate be adjourned;
 - e) That the question be put;
 - f) That the Council proceeds to the next matter;
 - g) That the question be referred back for further consideration;
 - h) That, for the purpose of dealing with the matter, the Council resolves itself in committee in terms of section 54; or
 - i) That the consideration of the matter be held over until the Council has dispatched all the other matters on the agenda: Provided that the proposals referred to in paragraphs (b) to (g), may not be made to the Council until the mover of the motion or proposal under debate has spoken thereon: Provided further that a second proposal in terms of paragraphs (b) to (f) shall not be

made within half-an-hour of a similar proposal under the same item, unless, in the opinion of the Speaker, the circumstances are materially altered.

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

44. Consideration of a matter to be held over

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

45. Amendment of a motion or proposal

- 1) An amendment which is moved shall be relevant to the motion or proposal on which it is moved.
- 2) Such amendment shall be reduced to Writing, signed by the mover and handed to the Speaker.
- 3) An amendment shall be clearly stated to the meeting by the Speaker before it is put.
- 4) Whenever an amendment upon a motion or proposal has been moved and seconded, no further amendment shall be moved until a resolution has been adopted upon which a further amendment may be moved.
- 5) If the amendment is carried, the amended motion or proposal shall take the place of the original motion or proposal and shall become the substantive motion or proposal upon which an amendment may be moved.

- 6) A member shall not move more than one amendment of a proposal or motion.
- 7) The mover of an amendment of a proposal or motion shall have no right to reply.

46. Postponement of consideration of question

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

47. Adjournment of meeting

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

48. Adjournment of the debate

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

49. Putting of the question

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

50. The Council shall proceed to next business

- 1) Subject to the provisions of subsection 43(1), a member who has not participated in the debate on a motion or proposal may, at the conclusion of a speech, move that the Council do now proceed to the next matter.

- 2) Subject to the provisions of subsection (3), a proposal made in terms of subsection (1) shall not be open to discussion.
- 3) The mover of a question under discussion may, when a proposal has been made in terms of subsection (1), speak on such proposal for not more than 5 minutes, and subsequently the proposal shall be put without any further debate.
- 4) If a proposal made in terms of subsection (1) is carried, the question under discussion shall be dropped.

51. Question to be referred back for further consideration

When a recommendation of the Executive Committee is before the Council, a member may move that the question be referred back to the Executive Committee for further consideration.

The mover of such a proposal shall have no right of reply.

Such a proposal shall not be put until the provisions of section 18 have been complied with.

If such a proposal is carried, the debate on the recommendation shall end and the Council shall proceed to the next matter.

52. Suspension of section 8

- 1) Notwithstanding anything to the contrary contained in these Standing Orders, but subject to the provisions for this section, a member may move at an ordinary meeting or an adjournment thereof, that the provisions of section 8 be suspended to enable him or her to propose a motion whereof notice could not be given in terms of section 21 owing to the urgency thereof.
- 2) The proposal and motion referred to in subsection (1) shall be reduced to writing, shall be signed by the proposer and at least one seconder and shall be handed to the Speaker at least 10 minutes before the commencement of the meeting whereat it is proposed to move the proposal and motion, unless the Speaker allows a shorter period of time.
- 3) The Speaker shall disallow both if he or she could have disallowed such motion in terms of section 26.
- 4) Immediately before the report of the Executive Committee is submitted in terms of section 15, the Speaker shall make known that a proposal and motion in terms of subsection (1), if any, have been handed to him or her and whether he or she is disallowing or allowing them, and in the event of them being allowed, whether they shall be proposed before or after the dispatch of the report of the Executive Committee.

- 5) If the Speaker allows the proposal and motion in terms of subsection (4), the member concerned shall, when called upon to do so by the Speaker, read out the motion and after he or she has spoken on only the reason for the urgency of the consideration of that motion for not more than 5 minutes, which includes the reading of the motion, he or she shall propose that the provisions of section 8 be suspended.
- 6) The seconder of the proposal and motion contemplated in subsection (1) shall not speak on them, except to formally second them.
- 7) The proposal to suspend shall be deemed to be carried if the members voting in favour thereof constitute a majority of all the members of the Council.
- 8) If the proposal to suspend is carried, the motion shall be deemed to be duly put and thereafter the debate thereon shall proceed in accordance with the provisions of these Standing Orders.

53. Interpretation of Standing Orders

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

54. Discussion of matter in committee

- 1) When a member moves that the Council resolve itself in committee to consider a matter on the agenda, including a proposal in terms of subsection 52(1), he or she may speak on such proposal for not more than 3 minutes, but the seconder shall not speak thereon.
- 2) After a proposal contemplated in subsection (1) has been carried, the Speaker shall, after consideration if it is reasonable and necessary to protect the rights of the person or subject under discussion, order the press, the public and every other person whose presence will in his or her opinion not be required during the discussion, to leave the Council chamber, and upon satisfying himself or herself that his or her order has been complied with, he or she shall put the matter concerned again.

- 3) A discussion of a matter in committee shall not suspend any other provisions of these Standing Orders.
- 4) If, after the Council has dispatched the matters dealt with in committee, there still remain other matters on the agenda, the Speaker shall allow the press, the public and others to re-enter the Council chamber.
- 5) Any decision by the Council to resolve itself in committee must be taken with due consideration of section 160(7) of the Constitution.

55. Quorum of the Council or the Council as committee

- 1) The quorum of the Council or the Council as committee shall be a majority of all the members of the Council.

56. Resignation of seat on committee

- 1) Any member of a committee, who wishes to resign his or her seat on the committee, shall submit his or her resignation to the Municipal Manager in writing and thereafter such resignation may not be withdrawn.

57. Filling of a vacancy on a committee

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

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

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

59. Dates and times of Executive Committee meetings

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

60. Notice of Executive Committee meetings

- 1) The Municipal Manager shall issue a notice calling a meeting of the Executive Committee and specify the business to be entertained by that committee.

- 2) The notice shall be delivered to each member of that committee or left at his or her business or residential address at least 24 hours before the commencement of any ordinary meeting and should the notice accidentally not be so delivered or left, the validity of the meeting shall not be affected thereby.
- 3) Notice of any special meeting of the Executive Committee convened by the Speaker in terms of the Act, shall be given in writing under the hand of the Municipal Manager.
- 4) When the Executive Committee has failed to meet twice in any month in which an ordinary meeting of the Council is held, the Municipal Manager shall report the circumstances to the Council at its next meeting.

61. Attendance register for Executive Committee meetings

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

62. Participation in discussions at Executive Committee meeting

- 1) Any person requested or allowed by the Executive Committee to attend a meeting of such committee may, with the permission of the chairperson of the Executive Committee, speak thereat.

63. No quorum at Executive Committee meeting

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

64. Manner of voting at meetings of Executive Committee

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

65. Approval of minutes of Executive Committee meeting

- 1) At any ordinary meeting of the Executive Committee, after considering applications for leave of absence, the minutes of any

previous meeting of the committee not yet confirmed shall be read, approved with or without amendments and signed by the chairperson of the Executive Committee.

- 2) The minutes mentioned in subsection (1) may be taken as read if they have been open to inspection of the members of the committee not less than an hour prior to the commencement of the meeting: Provided that the minutes shall be read if a member so required, unless the committee decides to defer consideration thereof until its next meeting: Provided further that if the minutes have been circulated in a manner as provided for in section 115 of the Systems Act, it shall not be competent for any member to require them to be read, unless a majority of the members present so resolves.

66. Minutes may be held over owing to pressure of work

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

67. Discussion of minutes of Executive Committee meeting

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

68. Reports may be supplied to press

- 1) The Municipal Manager may, on application being made to him or her by any registered newspaper, supply the agenda of the Council to a representative of such newspaper at the commencement of a meeting: Provided that the executive Committee or the Mayor may instruct him or her not to supply any particular agenda or item in an agenda or to withhold it until the conclusion of the relevant meeting.

69. Exclusion of members disclosing documents

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

- 3) If a member attends any meeting despite a decision in terms of subsection (2) to exclude such member, the Speaker may call upon an officer to remove such member and to take steps to ensure that such member does not return to the meeting.

70. Return of attendance of meetings

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

71. Secretariat

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

72. Agenda

- 1) Agenda and meeting documentation shall be distributed to members 7 days prior to a meeting.

73. Short title

This By-law shall be called the Standing Orders By-law/2012

ANNEXURE "A"**CODE OF CONDUCT FOR COUNCILLORS: SANCTIONS FOR NON-ATTENDANCE OF MEETINGS****STANDING PROCEDURES FOR THE IMPOSITION OF FINES AND REMOVAL FROM OFFICE**

(Formulated in terms of item 4 of Schedule 1 of the Local Government: Municipal Systems Act 32/2000)

1. INTRODUCTION

- 1) The Code of Conduct for Councillors contained *in* Schedule 1 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) stipulates the following:

"Attendance at meetings"

- 1) A Councillor must attend each meeting of the municipal Council and of a committee of which that Councillor is a member, except when:
 - a) Leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the Council; or
 - b) That Councillor is required in terms of this Code to withdraw from the meeting.

"Sanctions for non-attendance at meetings"

- 1) A municipal Council may impose a fine as determined by the standing rules and orders of the municipal Council on a Councillor for:
 - a) Not attending a meeting which that Councillor is required to attend in terms of item 3; or
 - b) Failing to *remain* in attendance at such meeting.
2. A Councillor who is absent from three or more consecutive meetings of a Municipal Council, or from three or more consecutive *meetings* of a committee, which that Councillor is required to attend in terms of item 3, must be removed from office as a Councillor.
3. Proceedings for the imposition of a fine or the removal of a Councillor must be conducted *in* accordance with a uniform standing procedure which each Council must adopt for the purposes of this *item*. The uniform standing procedure must comply with the rules of natural justice."

2. PROCEDURE FOR THE IMPOSITION OF FINES

- (1) If a Councillor fails to attend a meeting of the Council or of a committee of which that Councillor is a member, except when:
 - (a) leave of absence is granted in terms of an applicable law or as determined by the rules and orders of the Council; or

(b) that Councillor *is* required, in terms of the Code of Conduct for Councillors or the Standing Orders for Council and its Committees, to Withdraw from the meeting, the Chairperson of such committee shall report such Councillor's non-attendance to the Speaker who will investigate the Councillor's conduct.

(2) During the investigation referred to in paragraph 1 above, such Councillor will be given reasonable opportunity to respond to the allegation in writing.

(3) If, after the investigation, the Speaker finds that a Councillor has breached item 3 of the Code of Conduct, he will report and recommend to the Executive Committee that the Councillor be fined.

(4) If the Executive Committee accepts the recommendation of the Speaker, it will determine the amount of the fine (not exceeding R300), which amount shall then be deducted from that Councillor's allowance, and the Councillor as well as the MEC for local government will be informed accordingly.

(5) A Councillor who has been fined in terms of paragraph 4, may within 14 days of having been notified of the decision of the Executive Committee, appeal to the MEC for local government in writing, setting out the reasons on which the appeal is based.

(6) A copy of the appeal must be provided to the Council.

(7) The Executive Committee may, within 14 days of receipt of the appeal, make any representation pertaining to the appeal to the MEC for local government in writing.

(8) The MEC for local government may, after having considered the appeal, confirm, set aside or vary the decision of the Executive Committee and inform the Councillor and the Council of the outcome of the appeal.

3. PROCEDURE FOR REMOVAL OF COUNCILLOR FROM OFFICE

- a) Upon becoming aware that a Councillor has been absent from three or more consecutive meetings of the Council or from three or more consecutive meetings or a committee which that Councillor is required to attend, the Chairperson of the meeting shall report the non-attendance to the Speaker who shall commence proceedings for the removal of that Councillor from office as a Councillor.
- b) For the purposes of 1 above, the Councillor concerned shall be required to attend a hearing before a committee established by the Council for that purpose and which shall be chaired by the Speaker.
- c) For the purpose of 2 above, the Speaker shall appoint a person to act as Prosecutor ("the Prosecutor").
- d) The Prosecutor shall give notice of the hearing to the Councillor.

e) The notice shall:

- I. Be in writing;
- II. Inform the Councillor:
- III. Of the date, time and venue of the hearing;
- IV. Of the circumstances upon which the allegations are founded;
- V. That no legal representation shall be permitted, however a councillor may be represented by a fellow councillor;
- VI. That the Councillor has the right to give evidence including the right to call witnesses;
- VII. That the Councillor may put questions to any witnesses called by the committee;
- VIII. That the decision of the committee is final.

In the event that the Councillor fails to attend the hearing after delivery of the notice, the Prosecutor shall attempt to establish the reasons for such failure to attend the hearing, prior to the commencement of the proceedings.

If the Prosecutor is unable to establish the reasons why the Councillor has failed to attend the hearing, the committee shall commence the proceedings in the absence of the Councillor.

At the hearing:

- a) The Prosecutor shall produce the necessary evidence to confirm that the Councillor:
 - I. Has been absent from three or more consecutive meetings of the Council; or
 - II. Has been absent from three or more consecutive meetings of a committee which that Councillor is required to attend.
- b) The Councillor shall have the right to put questions to the witnesses called by the Prosecutor;
- c) The committee shall have the right to put questions to the witnesses called by the Prosecutor for the purposes of clarifying any issues;
- d) The Councillor shall have the right to call other witnesses in support of the Councillor's case; and
- e) The Prosecutor and the Councillor concerned may address the committee after all the evidence has been heard and before the committee takes a decision.

(9) If a majority of the members of the committee find that, on a balance of probabilities:

The Councillor has been absent from three or more consecutive meetings of the Council; or

The Councillor has been absent from three or more consecutive meetings of a committee which that Councillor is required to attend, the committee shall report and recommend to the Executive Committee that the

Councillor concerned be removed from office as a Councillor.

(10) In the event that the Executive Committee confirms the decision of the committee, the

Executive Committee shall:

(i) Inform the Councillor of its decision, in writing; and

(ii) Inform the MEC for local government in the province of its decision in writing, and request him to remove the Councillor from office.

(11) The Councillor may, within 14 days of having been notified of the decision of the Executive Committee, appeal to the MEC for local government in writing, setting out the reasons on which the appeal is based.

(12) A copy of the appeal must be provided to the Council.

(13) The Council may, within 14 days of receipt of the appeal referred to in paragraph 12; make any representation pertaining to the appeal to the MEC for local government in writing.

(14) The MEC for local government may, after having considered the appeal, confirm, set aside or vary the decision of the Council and inform the Councillor and the Council of the outcome of the appeal.

ANNEXURE "B"

DECLARATION OF INTEREST FORM FOR COUNCILLORS



STREET TRADING CONTROL BY LAW

BE IT ENACTED by the SAKHISIZWE MUNICIPALITY, as follows:

1. Definitions

In this By-law, unless the context otherwise indicates:

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

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

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

"Municipality" means the SAKHISIZWE MUNICIPALITY;

"Municipal Manager" means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

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

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

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

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

2. Purpose of the By-law

- 1) To provide for the control of street trading in the SAKHISIZWE MUNICIPALITY; and for matters connected therewith.

3. Street trading restricted

- 1) No person shall do business as a street trader:
 - a) Except with the prior written permission of the Municipality and in accordance with the conditions set out in the permission;
- 2) Unless he or she:
 - a) is a South African citizen or has been granted the right of permanent residency or a work permit by the immigration authorities; and
 - b) Owns fixed property in the area of jurisdiction of the Municipality or is for some other reason liable to pay rates and taxes to the Municipality.
- 3) Any person who does business as a street trader must have the written permission referred to in subsection (1)(a) in his or her possession and produce it on request to an authorised officer.
- 4) The Municipality may, in writing, for the duration of a specific event and subject to any conditions determined by the Municipality, exempt any person, or group of persons, from compliance with any or all of the provisions of subsection (1).

4. Application for an issue of written permissions

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

- 5) The provisions of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), shall *mutatis mutandis* apply to an appeal against a decision of the Municipal Manager contemplated in subsection (4).

5. Duration, renewal, lapse and withdrawal of written permissions

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

6. Designated areas and hours of trade

- 1) The areas listed in Part 1 of the Schedule shall, subject to the provisions of this By-law and any other law, be designated as areas in which a street trader may do business.
- 2) No person shall do business as a street trader except during the hours 08:00 to 18:00 on any day other than a Sunday.

7. General conduct of street traders

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

- c) Place or stack his or her property or goods in such a manner that it constitutes a danger to any person or property or is likely to injure any person or damage property;
 - d) Erect any structure for the purpose of providing shelter at the designated area without the prior written approval of the authorised officer;
 - e) Obstruct access to a fire hydrant or area demarcated solely for the use of emergency vehicles or services;
 - f) Leave his or her property or goods at the designated area before or after trading hours, except in a permanent structure provided by the Municipality for that purpose;
 - g) When requested by an employee or agent of the Municipality or any supplier of telecommunication, electricity or other services, omit or neglect to move his or her property or goods so as to permit the carrying out of any work With regard to a public place or any such service;
 - h) Attach any object or goods by any means to any building, structure, *pavement*, tree, parking meter, lamp post, electricity pole, telephone booth, post box, traffic sign, fence, bench or any other street furniture in, on or at a public place;
 - i) Make an open fire at the designated area or in circumstances where it could harm a person or damage a building or vehicle;
 - j) Do anything or keep combustibles in quantities contrary to the provisions of any law regarding the prevention or fighting of fires;
 - k) Disregard a reasonable requirement put by any officer of the Municipality commissioned with the prevention or fighting of fires, regarding his or her trade;
 - l) Store his or her property or goods in a manhole, storm water drain, bus shelter, public toilet or tree;
 - m) Sell his or her goods by using a megaphone, radio, loudspeaker, or by constant shouting or singing, in a manner which may constitute a nuisance or disturbance;
 - n) Sell any property or goods which are dangerous or hazardous to the public health.
- 2) A person doing business as a street trader shall:
- a) Keep his or her property or goods and the designated area in a clean and sanitary condition;
 - b) Dispose of litter generated by his or her business in whatever receptacles provided therefore by the Municipality, including

recycling and dumping sites, and not dispose of litter in any manhole, storm water drain or any other place not intended for the disposal of litter;

- c) Ensure that on completion of business for the day the designated area is free of litter;
- d) Take such precautions as may be necessary or prescribed by the Municipality to prevent the spilling onto a public place of any fat, oil, grease or any hazardous substances which might be generated in the course of conducting his or her business and to prevent that any smoke, fume, odour or noise emanating from his or her activities become a nuisance.

8. Cleanliness

1) The Municipality shall:

- a) Provide receptacles at designated areas in order to facilitate the disposal of litter by street traders;
- b) Ensure that the receptacles at designated areas are emptied, cleaned and sanitised on a regular basis.

9. Obstruction created by street trading prohibited

1) No person shall do business as a street trader at a place where such business:

- a) Obstructs access to or the use of a street facility such as a bus stop, shelter or queuing line, refuse disposal bin or other facility intended for public use;
- b) Obstructs the visibility of a display Window, signboard or premises;
- c) Obstructs access to a building, automatic bank teller machine or queuing line, pedestrian crossing or vehicle;
- d) Leaves less than 2 meter in width of a sidewalk clear for pedestrian use, or in any other manner obstructs pedestrians in their use of a sidewalk;
- e) Obscures or impedes the view of any user of the road;
- f) Causes an obstruction on a roadway;
- g) Limits access to parking or loading bays or other facilities for vehicular traffic;
- h) Obscures any road traffic sign or any marking, notice or sign displayed or made in terms of this By-law or any other law; or
- i) Interferes in any way with any vehicle that may be parked alongside such place.

10. Street trading may not compete with existing businesses

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

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

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

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

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

13. Display of signs by the Municipality

- 1) The Municipality may display any sign or notice to give effect to the provisions of this by-law.

14. Street trading from mobile stands

- 1) Notwithstanding the provisions of this by-law, the Municipality may allot tenders to persons to trade from mobile stands, subject to the conditions determined by the Municipality.

15. Removal and impoundment

- 1) An authorised officer may remove and impound any article, receptacle, vehicle or structure:
 - a) Which he or she reasonably suspects is being used or has been used for or in connection with street trading; and
 - b) Which he or she finds at a place where street trading is restricted or prohibited in terms of this by-law, which, in his or her opinion, constitutes an infringement of this by-law.
- 2) An authorised officer acting in terms of this by-law shall:
 - a) Keep proper record of any property so removed and must inform the person apparently in control of such property (if there is such a person), of the procedure to be followed for reclaiming such property and the venue where such property will be impounded; and
 - b) Forthwith deliver any such property to the pound referred to in paragraph (a).
- 3) Any property removed and impounded as contemplated in subsection (1):
 - a) May, in the case of perishable property, be sold or destroyed within a reasonable time after the impoundment thereof: Provided that such property shall, subject to the provisions of subsection (4), at any time prior to the disposal or selling thereof, be returned on proof of ownership and: Provided further, that such perishables are still fit for human consumption;
 - b) Shall, subject to the provisions of subsection (4), in the case of property other than perishable property, be returned on proof of ownership within a period of 1 month of the date of impoundment.
- 4) The Municipality shall be entitled to keep the property concerned until all expenses have been paid, failing which the property may be sold by public auction upon 14 day's notice:

- a) Provided that the property attached is perishable, the authorised officer may reduce the period of 14 days to such an extent as he or she may think fit, or destroy the perishable property, whichever is the most cost-effective.
- 5) In the case of a sale of impounded property by the Municipality, the proceeds of such sale, less the reasonable expenses incurred by the Municipality in connection with the removal, impoundment or disposal of such property, shall be paid to the person who was the owner of such property when such property was impounded, but if such former owner fails to claim the said proceeds within 3 months of the date on which such property was sold, such proceeds shall be forfeited to the Municipality and shall be paid into a special fund created by the Municipality dedicated to the development of the informal sector and matters ancillary thereto.
- 6) The owner of property which has been removed, impounded, sold or disposed of as contemplated in this section, shall be liable for all expenses incurred by the Municipality in connection with such removal, impoundment, sale or disposal.

16. Offences

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

17. Penalty clause

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

18. Vicarious responsibility of persons doing business as street traders

- 1) When an employee or assistant of a person doing business as a street trader, does or omits to do any act which would be an offence in terms of this By-law, that person shall be deemed himself or herself to have done or omitted to do the act, unless he or she satisfies the court that:
 - a) He or she neither connived at nor permitted the act or omission by the employee or assistant concerned; and
 - b) He or she took all reasonable steps to prevent the act or omission.
- 2) The fact that the street trader alleges that he or she issued instructions whereby an act or omission is prohibited shall not in itself be sufficient proof that he or she took all reasonable steps to prevent the act or omission.

19 Short Title

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

SCHEDULE A

RESTRICTION IN RESPECT OF TRADING

1. Places

- a) Gardens and parks.
- b) Verges contiguous to the following - places of worship, national monuments and public buildings
- c) Restricted areas, as determined by Council.

2. No trading may take place on any public road.

SCHEDULE B

AREAS OF TRADING WITH A PERMIT

1. An applicant may apply for a trading permit, if available, as determined by Council from time-to-time.
2. No area will be approved by Council as a trading area, unless:
 - a) Notice is placed in the local newspaper of such proposed area to be considered, stating:
 - I. The area to be considered;

- II. That any person who desires to object to such area shall do so in writing within 14 days after the date on which the notice is first displayed.
 - III. Where no objection is lodged Council's resolution will be binding.
 - IV. If an objection is lodged within the period referred in section 2.1 (ii), the Municipal Council shall consider every objection before a resolution is taken on the area to be a trading area or not, where after such resolution will be binding.
3. An applicant applying for a trading permit must apply in writing and will be notified within 30 days by the authorised official of the outcome of such application.



TARIFF BY-LAW

BE IT ENACTED by the Sakhisizwe Municipality, as follows:-

1. PREAMBLE

- 1) Section 229 (1) of the Constitution authorises a municipality to impose:
 - a) Rates on property and surcharges on fees for services provided by or on behalf of the municipality; and
 - b) If authorised by national legislation, other taxes, levies and duties.
- 2) In terms of section 75 A of the Systems Act a municipality may:
 - a) Levy and recover fees, charges or tariffs in respect of any function or service of the municipality; and
 - b) Recover collection charges and interest on any outstanding amount.
- 3) In terms of section 74 (1) of the Systems Act, a municipal council must adopt and implement a tariff policy on the levying of fees for a municipal service provided by the municipality or by way of service delivery agreements and which complies with the provisions of the Systems Act, the Local Government: Municipal Finance Management Act, 56 of 2003 and any other applicable legislation.
- 4) In terms of section 75 (1) of the Systems Act, a municipal council must adopt by-laws to give effect to the implementation and enforcement of its tariff policy.
- 5) In terms of section 75 (2) of the Systems Act, by-laws adopted in terms of sub-section 75 (1) may differentiate between different categories of users, debtors, service providers, services, service standards and geographical areas as long as such differentiation does not amount to unfair discrimination.

2. Definitions

In this By-Law, and, unless the context otherwise indicates -

"Municipality" means the Sakhisizwe Local Municipality and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any official who has delegated powers in terms of Section 59 of the Local Government Municipal Systems Act (Act 32 of 2000);

"Municipality's tariff policy" means a tariff policy adopted by the municipality in terms of this bylaw;

"Constitution" means the Constitution of the Republic of South Africa;

"Credit Control and Debt Collection By-Law and Policy" means the municipality's Credit Control and Debt Collection By-Law and Policy as required by sections 96(b), 97 and 98 of the Systems Act;

"Systems Act" means the Local Government: Municipal Systems Act, 32 of 2000;

"Tariff" means fees, charges, or any other tariffs levied by the municipality in respect of any function or service provided by the municipality, excluding rates levied by the municipality in terms of the Local Government: Municipal Property Rates Act, 6 of 2004.

3. ADOPTION AND IMPLEMENTATION OF TARIFF POLICY

- 1) The Municipality shall adopt and implement a tariff policy on the levying of fees for a municipal service provided by the municipality or by way of service delivery agreements which complies with the provisions of the Systems Act, the Local Government: Municipal Finance Management Act, 56 of 2003 and any other applicable legislation.
- 2) The Municipality shall not be entitled to impose tariffs other than in terms of a valid tariff policy.

4. CONTENTS OF TARIFF POLICY

The Municipality's tariff policy shall, inter alia:

- 1) Apply to all tariffs imposed by the Municipality pursuant to the adoption of the Municipality's annual budget;
- 2) Reflect the principles referred to in section 74 (2) of the Systems Act and specify any further principles for the imposition of tariffs which the Municipality may wish to adopt;
- 3) Specify the manner in which the principles referred to in section 74(2) are to be implemented in terms of the tariff policy;
- 4) Specify the basis of differentiation, if any, for tariff purposes between different categories of users, debtors, service providers, services,

service standards and geographical areas as long as such differentiation does not amount to unfair discrimination;

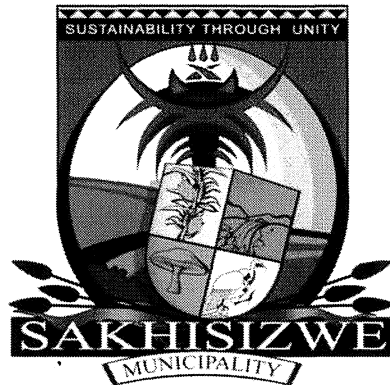
- 5) Include such further enforcement mechanisms, if any, as the Municipality may wish to impose in addition to those contained in the Credit Control and Debt Collection By-Law and Policy.

5. ENFORCEMENT OF TARIFF POLICY

The Municipality's tariff policy shall be enforced through the Credit Control and Debt Collection By-Law and Policy and any further enforcement mechanisms stipulated in the Municipality's tariff policy.

6. SHORT TITLE

This By-law shall be called the Tariff's By-law 2012



UNSIGHTLY AND NEGLECTED BUILDINGS AND PREMISES BY-LAW

BE IT ENACTED by the SAKHISIZWE MUNICIPALITY, as follows:-

1. Definitions

In these bylaws:

"Building" has the meaning assigned thereto in section 1 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) and includes fencing;

"Municipality" means the Sakhisizwe Municipal Council and includes the Mayor, Political Office Bearers, Political Structures, Municipal Manager and any Official who has delegated powers in terms of Section 59 of the Local Government Municipal Systems Act (Act 32 of 2000);

"Municipal area" means the area under the jurisdiction and control of the Municipality;

"Premises" means any land whatsoever, whether vacant, occupied or with buildings thereon, situated within the municipal area.

2. Purpose of this By-law

To promote the achievement of a safe and healthy environment for the benefit of all residents within the area of jurisdiction of the municipality.

3. Buildings within the Municipal area

- 1) Where any premises, *in* the opinion of the Municipality:
 - a) Have a building thereon which is unsightly, neglected or offensive and which causes the value of surrounding properties to be detrimentally affected;
 - b) Are neglected and over-grown;
 - c) Have an unsightly accumulation of papers, cartons, garden refuse, rubble and/or other waste material thereon, and

d) Have an accumulation of motor wrecks or used motor parts thereon which:

- I. Detracts from the amenity or appearance of surrounding properties, or
- II. Is offensive to the owners or occupiers of adjacent premises, then

2) The Municipality may give notice in writing to the owner or occupier of such premises requiring him to improve such building or the condition of such premises within a period prescribed in such notice so that the appearance or condition of such building or premises will comply with the standards required by the Municipality.

4. Offences and Penalties

- 1) If the owner fails to comply with the requirements of the notice served in terms of section 2 within the period specified in such notice, such owner shall be guilty of an offence and, on conviction, be liable to a fine as determined by a competent court.
- 2) The Municipality may, instead of instituting a prosecution and unless written objection from such owner has been received before the expiry date of the period specified on the notice served on him, assume that such owner has no objection and tacitly agrees that the Municipality may, without further notice, enter upon such premises and through its officials or a contractor whose tender the Municipality has accepted, and at the cost of such owner execute the work necessary to comply with the requirements of the said notice.

5. Short title

This By-law shall be known as the Unsightly Neglected Buildings By-law 2012

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