



PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

**Provincial Gazette
Igazethi Yephondo
Provinsiale Koerant
(Extraordinary)**

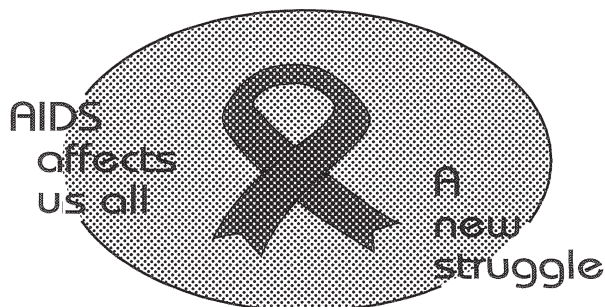
Vol. 23

BISHO/KING WILLIAM'S TOWN
10 MAY 2016
10 MEI 2016

No. 3666

PART 1 OF 2

We all have the power to prevent AIDS



Prevention is the cure

**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

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Government Printing Works

Notice submission deadlines

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

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

CANCELLATIONS

Don't forget!

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

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

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

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

AMENDMENTS TO NOTICES

take note!

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

CUSTOMER INQUIRIES



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

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

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

PROOF OF PAYMENTS



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

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

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

REMINDER OF THE GPW BUSINESS RULES

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

IMPORTANT NOTICE:

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

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

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PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 81 OF 2016



MATATIELE

LOCAL MUNICIPALITY

MATATIELE LOCAL MUNICIPALITY

CREDIT CONTROL AND DEBT COLLECTION BYLAWS

PREAMBLE

Whereas one of the constitutional objectives of local government is to provide democratic and accountable government for local communities;

AND Whereas section 96(a) of the Local Government: Municipal Systems Act, 2000 requires that a Municipality must collect all money that is due and payable to it, subject to this Act and any other applicable legislation and for *this* purpose, must adopt, maintain and implement a credit control and debt collection policy which is consistent with its rates and tariffs policies and complies with the provisions of this Act.

AND Whereas there is a need to have Financial Bylaws to guide the actions of political structures, political office bearers and municipal officials and service providers at local government level to secure transparency, accountability and sound management of the revenue, expenditure, assets and liabilities of the Municipality.

Be it therefore enacted_ by the municipal council of the Municipality of Matatiele acting under the authority of section 11, read in conjunction with section 98 of the Local Government : Municipal Systems Act, 2000 (Act No. 32 of 2600), hereby publishes the following Bylaws:

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CHAPTER 1**DEFINITIONS****Definitions**

- (1) For the purpose of these Bylaws, any word or expression to which a meaning has been assigned in the Act shall bear the same meaning in these Bylaws and unless the context indicates otherwise—

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

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

"actual consumption" means the measured consumption of any customer,

"applicable charges" means the rate, charge, tariff, flat rate, or subsidy determined by the municipal council;

"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 month's by three;

"agreement" means the contractual relationship between the Municipality or its authorised agent and customer, whether written or deemed;

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

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

"authorised agent" means —

- (a) any person authorised by the municipal council to perform any act, function or duty in terms of, or exercise any power under these Bylaws; and/or.
- (b) any person to whom the municipal council has delegated the performance of certain rights, duties and obligations in respect of providing revenue services; and/or
- (c) any person appointed by the municipal council in terms of a written contract as a service provider to provide revenue services to customers on its behalf, to the extent authorised in such contract;

"commercial customer" means a 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 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 sustain ability 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 Maximum of eight persons (being a combination of four persons over the age of eighteen and four persons eighteen years and younger);

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

"indigent customer" means a household customer qualifying and registered with the Municipality as an indigent in accordance with these Bylaws;

"Municipality" means —

- (a) the Matatiele Local Municipality or its successors-in-title; or
- (b) the Municipal Manager of the Matatiele Local Council in respect of the performance of any, or exercise of any right, duty, obligation or function in terms of these Bylaws;

"Municipal Council" means the municipal council as referred to in section 157(1) of the Constitution, 1996 (Act No. 108 of 1996);

"Municipal Manager" means the person appointed by the municipal council as the Municipal Manager of the Municipality in terms of Section 82 of the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998) and includes any person —

- (a) acting in such position; and
- (b) to whom the Municipal Manager has delegated a power, function or duty in respect of such a delegated power, function or duty;

"municipal services" means for purposes of these Bylaws, services provided by the Municipality or its authorised agent, including refuse removal, Sanitation, electricity services and rates or any one 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 the lodgers or tenants whether for his own account or as an agent for any person entitled thereto or interested therein;

"owner" means —

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

- (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property; or
 - (ii) a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person; or
- (f) a person occupying land under a register held by a tribal authority;
- "person"** means any natural person, local government body or like authority, a company or close corporation incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;
- "public notice"** means publication in an appropriate medium that may include one or more of the following:
- (a) publication of a notice, in the official languages determined by the municipal council,-
 - (i) in the local newspaper or newspapers in the area of the Municipality; or
 - (ii) in the newspaper or newspapers circulating in the area of the Municipality determined by the municipal council as a newspaper of record; or
 - (iii) by means of radio broadcasts covering the area of the Municipality; or 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 the same period by the number of customers within that supply zone, during the same period;

"subsidised service" means a municipal service which is provided to a customer as 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, determined by the Municipality or its authorised agent, within which all customers are provided with services with services from the same bulk supply connection; and

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

- (2) Words applying to any individual shall include persons, companies and corporations, and the masculine gender shall include females as well as males, and the singular number shall include the plural and vice versa,

CHAPTER 2

DUTIES AND FUNCTIONS OF COUNCIL, MUNICIPAL MANAGER, COMMUNITIES, RATEPAYERS AND RESIDENTS AND WARD COUNCILLORS AND POLITICAL PARTIES

3. Duties and functions of the Municipal Council

The duties and functions of the Municipal Council are to —

- 1) approve a budget consistent with the needs of communities, ratepayers and residents;
- 2) impose rates and taxes and to determine service charges, *fees* and penalties to finance the budget;
- 3) provide sufficient funds to give access to basic services for the poor;
- 4) provide for bad debt, in line with the payment record of the community ratepayers and residents, as reflected in the financial Statements of the Municipality;
- 5) set an improvement target for debt collection, in line with acceptable accounting ratios and the abilities of the Municipal Manager,
- 6) approve a reporting framework for credit control and debt collection;
- 7) consider and approve Bylaws to give effect to the Council's policy;
- 8) monitor the performance of the Municipal Manager regarding credit control and debt collection;
- 9) revise the budget should Council's targets for credit control and debt collection not be met-;
- 10) take disciplinary action. against officials who do not execute Council policies and Bylaws;
- 11) approve a list of attorneys that will act for Council in all legal matters relating to debt collection;
- 12) delegate the required authorities to monitor and execute the credit control and debt collection policy to the Municipal Manager,
- 13) approve an appropriate staff structure for credit control and debt collection; and
- 14) appoint debt collection agents to assist the Municipal Manager in the execution of his/her duties, if required;
- 15) ensure that the Council's budget, cash flow and targets for the debt collection are met and executed in terms of the policy and relevant Bylaws;

- 16) monitor the performance of the Municipal Manager in implementing the policy and Bylaws;
- 17) review and evaluate the policy and Bylaws in order to improve the efficiency of the Council's credit control and debt collection procedures, mechanisms and processes; and
- 18) report to the Council.

4. Duties and functions of the Municipal Manager

Duties and functions of the Municipal Manager are to —

- 1) Implement good customer care management;
- 2) Implement the Council's credit control and debt collection policy;
- 3) Install and maintain an appropriate accounting system;
- 4) bill consumers;
- 5) demand payment on due dates;
- 6) raise penalties for defaults;
- 7) appropriate payments received;
- 8) collect outstanding debt;
- 9) implement "Best Practices";
- 10) provide different payment methods;
- 11) determine credit control measures;
- 12) determine work procedures for public relations, arrangements, disconnections of services, -summonses, attachments of assets, sales in execution, writing off debts, sundry debtors and legal processes;
- 13) appoint firm/s of attorneys to complete the legal process (i.e. attachment and sale in execution of assets, emolument attachment orders etc.);
- 14) set performance targets for staff;
- 15) appoint staff to execute the Council's policy and Bylaws in accordance with the Council's staff policy;
- 16) delegate certain functions to heads of departments;
- 17) determine control procedures; and
- 18) report to Council.

5. Duties functions of communities, ratepayers and residents

Duties and functions of communities, ratepayers and residents are to

- 1) certain responsibilities, as brought about by the privilege to use and enjoy public facilities and municipal services;
- 2) pay service fees, rates on property and other taxes, levies and duties imposed by the Municipality;

- 3) observe the mechanisms and processes of the Municipality in exercising their rights;
- 4) allow municipal officials reasonable access to their property to execute municipal functions;
- 5) comply with the Bylaws and other legislation of the Municipality; and
- 6) refrain from tampering with municipal services and property.
- 7) duties and functions of ward councillors and political parties
- 8) duties and functions of ward councillors and political parties are to —
- 9) hold regular ward meetings;
- 10) adhere to and convey the Council's policies to residents and ratepayers; and
- 11) adhere to Council's Code of Conduct for councillors.

CHAPTER 3

PROVISION OF MUNICIPAL SERVICES TO CUSTOMERS OTHER THAN INDIGENT CUSTOMERS

Part 1: Application for Municipal Services

6. Application for services

- 1) A customer who qualifies as an indigent customer must apply for services as set out in Chapter 5 below.
- 2) No person shall be entitled to access to municipal services unless application has been made to, and approved by the Municipality or its authorised agent on the prescribed form.
- 3) If, at the commencement of these Bylaws or at any other time, municipal services are provided and received and no written agreement exists in respect of such services, it shall be deemed that —
 - (a) an agreement in terms of subsection (7) exists; and
 - (b) the level of services provided to that customer are the level of services elected, until such time as the customer enters into an agreement in terms of subsection (2).
- 4) The Municipality or its authorised agent must on application for the provision of municipal services inform the applicant of the available levels of services and then applicable tariffs and/or charges associated with each level of service.
- 5) The Municipality or its authorised agent is only obliged to provide a specific level of service requested if the service is currently being provided and if the Municipality or authorised agent has the resources and capacity to provide such level of service.

- 6) A customer may at any time apply to alter the level of services elected in terms of the agreement entered into, provided that such requested level of service is available and that any costs and expenditure associated with altering the level of services is paid by the 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 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 that owner, customer or other person and advise him or her of the option to register as an indigent customer.
- 9) In the case of illiterate or, similarly disadvantaged persons, the Municipality or its authorised agent must take reasonable steps to ensure that the person is aware of and understands the contents of the application form and shall assist him or her in completing such form.
- 10) Municipal services rendered to a customer are subject to the provisions of these Bylaws, any applicable Bylaws and the conditions contained in the agreement
- 11) If the Municipality or its authorised agent —
 - (a) refuses an application for the provision of municipal services or a specific service or level of service;
 - (b) is unable to render such municipal services or a specific service or level of service on the date requested for such provision to commence; or
 - (c) is unable to render the municipal services or a specific service or level of service,

The Municipality or its authorised agent must, within a reasonable time, inform the customer of such refusal and/or inability, the reason therefor and, if applicable, when the Municipality or its authorised agent will be able to provide such municipal services or a specific service or level of service.

7. Special agreements for municipal services

The Municipality or its authorised agent may enter into a special agreement for the provision of municipal services with an applicant —

- (a) within the area of supply, if the services applied for necessitated the imposition of conditions not contained in the prescribed form or these Bylaws;
- (b) receiving subsidised service.; end
- (c) if the premises to receive such service is situated outside the area of supply, provided that the Municipality having jurisdiction over the premises has no

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

8. Change in purpose for which municipal services are used

Where the purpose or extent to which any municipal service used is changed, the onus and obligation is 'on the 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

9. Applicable charges for municipal services

- 1) All applicable charges payable in respect of municipal services, including but not limited to the payment of connection charges, fixed charges or any additional charges or interest will be set by the municipal council in accordance with —
 - (a) its rates and tariff policy;
 - (b) its credit control and debt collection policy;
 - (c) any Bylaws in respect thereof; and
 - (d) any regulations in terms of national or provincial legislation.
- 2) Applicable charges may differ between different categories of customers, users of services, types and levels of services, quantities of services, infrastructure requirement and geographic areas.
- 3) Services will be terminated due to non-payment on the terms and conditions. as stipulated in the credit control and debt collection Policy.
- 4) Deferment for payment of service accounts can be granted to customers in terms of council's delegated powers and conditions approved in its credit control and debt collection policy.
- 5) The Municipality may consolidate any separate account of persons who are liable for payment to the Municipality and may credit all payments received from such a person to any Service and order of performance as determined by council from time to time in its credit control and debt collection policy.

10. Availability charges for municipal services

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

11. Subsidised services

- 1) The municipal council may, from time to time, and in accordance with national policy, but subject to principles of sustainability and affordability, by public notice, implement subsidies for a basic level of municipal service
- 2) The municipal council 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 (1) must contain at least the following details applicable to a specific subsidy:
 - (a) The 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 municipal services 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 (1) may at any time, be withdrawn or altered in the sole discretion of the municipal council, after -
 - (a) service of notice as contemplated in section 115 of the Act on the person affected by the council's intention to consider such withdrawal or alteration; and
 - (b) consideration by the Council of any comments or request received from the person 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.

12. Authority to recover additional costs and fees

- 1) The Municipality or its authorised agent has the authority to, notwithstanding the provisions of any other sections contained in these Bylaws, recover any additional costs incurred in respect of implementing these Bylaws against the account of the customer, including but not limited to —
 - (a) all legal costs, including attorney and client costs incurred in the recovery of amounts in arrears shall be against the arrears account of the customer; and/or
 - (b) the average costs 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: Payments

13. Payment of deposit

- 1) The municipal council 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 the municipal council, has determined a deposit.
- 3) The Municipality or its authorised agent may annually review a deposit paid in terms of subsection (2) and in accordance with such review require that an additional amount be deposited by the customer where the deposit is less than the most recent deposit determined by the municipal Council.
- 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, if the municipal council has determined a deposit; and
 - (b) pay an additional deposit where the deposit paid by that customer is less than the most recent deposit determined by the municipal council.
- 5) Subject to subsection (7), the deposit shall not be regarded as being in payment of an account.

- 6) No interest shall be payable by the Municipality or its authorised agent out 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.

14. Methods for determining amounts due and payable

- 1) The Municipality or its authorised agent must in respect of municipal services that can be metered, endeavor 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 (2).
- 2) If a service is not measured, a Municipality or its authorised agent may, notwithstanding subsection (1), determine the amount due and able by a customer, for municipal services supplied to him, her or it, by calculating —
 - (a) the shared consumption; or if not possible; and
 - (b) the estimated consumption.
- 3) If a service is metered, but it cannot be read due to financial and human resource constraints or circumstances out of the control of the Municipality or its authorised agent, and the 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 are provided through a 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 municipal council may, on the recommendation 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 zones.

15. 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 has been settled in full and the Municipality or its authorised agent must recover all applicable charges due to the Municipality.
- 2) If a customer uses municipal services for a use other than which it is provided by the Municipality or its authorised agent in terms of an agreement and as a consequence is charged at a lower than the applicable charge the Municipality or its authorised agent may make an adjustment of the amount charged and recover the balance from the customer.
- 3) If amendments to the applicable charge become operative on a date between measurements for the purpose of rendering an account in respect of the applicable charges and the date of payment, --
 - (a) it shall be deemed that the same quantity of municipal services was provided in each period of twenty-four hours during the interval between the measurements; and
 - (b) any fixed charge shall be calculated on a pro rata basis in accordance with the charge that applied immediately before such amendment and such amended applicable charge.

16. Full and final settlement of an account

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

17. Responsibility for amounts due and payable

Notwithstanding the provisions of any other section of these Bylaws, the owner of premises shall be liable for the payment of any amounts due and payable to the Municipality or its authorised representative in respect of the preceding two years, where the owner is not the 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.

18. Dishonoured payments

Where any payment made to the Municipality or its authorised agent by negotiable instrument is later dishonoured by the bank the Municipality or its authorised agent —

- 1) may recover the average bank charges incurred relating to dishonoured negotiable instruments against the account of the customer; and
- 2) shall regard such an event as default on payment.

19. Incentive schemes

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

20. Pay-points and approved agents

- 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 specified pay-points and approved agents for payment of accounts.

Part 4: Accounts**21. 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 any amount due and payable.
- 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 prescribed in the Council's tariff of charges.
- 4) Accounts must be paid not later than the last date for payment specified in such account, which date will be at least 14 days after the date of the account
- 5) Accounts will reflect —
 - (a) at least -
 - I. the services rendered;
 - II. the consumption of metered services or average, shared or estimated consumption;

- III. the period stipulated in the account;
- IV. the applicable charges;
- V. any subsidies;
- VI. the amount due (excluding value added tax);
- VII. value added tax;
- VIII. the adjustment; if any, to metered consumption which has been previously estimated;
- IX. the arrears, if any;
- X. the interest payable on arrears, if any;
- XI. the final date of payment;
- XII. the methods, places and approved agents where payment may be made;

(b) and state that –

- I. the customer may conclude an agreement with the Municipality or its authorised agent for payment of the arrears amount in instalments, at the Municipality or its authorised agent's offices before the final date for payment if a 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 recovery of any amount 45 days in arrears;
- IV. the account may be handed over to a debt collector for collection; and
- V. proof of registration as an indigent customer, in terms of the Municipality or its authorised agent's indigent policy, must be handed in at the office of the Municipality or its authorised agent before the final date for payment

22. 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 a customer of an amount less than the total amount due, will be allocated at the discretion of the Municipality between service debt.
- 2) If an account is rendered for only one municipal service provided, any payment made by a 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

23. Queries or complaints in respect of account

- 1) A customer may lodge a query or complaint in respect of an accuracy of an amount due and payable in respect of a specific municipal service as reflected on the account rendered_
- 2) A query or complaint must be lodged with the Municipality or its authorised agent before the due date for payment of the account. '
- 3) A query or complaint must be accompanied by the payment of the average of the last three month's accounts where 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 or its authorised agent will register the query or complaint and provide the customer with a reference number.
- 5) The Municipality or its authorised agent —
 - (a) shall investigate or cause the query or complaint to be investigated; and
 - (b) must inform the customer, in writing, of its finding within one month after the query or complaint was registered.
- 6) Failure to make such agreed interim payment or payments will render the customer liable for disconnection.

24. Appeals against finding of Municipality or its authorised agent in respect of queries or complaints

- 1) A customer may appeal in writing against a finding of the Municipality or its authorised agent in terms of section 23.
- 2) An appeal and request in terms of subsection (1) 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 23 and must —
 - (a) set out the reason for the appeal; and
 - (b) be accompanied by any security determined for the testing of a measuring device, if applicable.

Part 6: Arrears

25. Interest

- 1) Interest will be levied on arrears at the prevailing, prime interest rate prescribed by the municipal council from time to time.
- 2) The cost associated with the limitation or disconnection of municipal services shall be for the cost of the customer and shall be included in the account following the re-connection.

26. Accounts 45 days in arrears

- 1) Where an account rendered to a customer remains outstanding for more than 45 days the Municipality or its authorised agent 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) A customer will be liable for any administration fees, cost incurred in taking action for the recovery of arrears and penalties, including the payment of a higher deposit, as may be determined by the municipal council from time to time.

Part 7: Agreement for the Payment of Arrears in instalments

27. Agreements

- 1) The following agreement for the payment of arrears in instalments may be entered into:
 - (a) An acknowledgement of debt.
 - (b) A consent to judgement.
 - (c) An emolument attachment order.
- 2) The customer shall acknowledge that interest will be charged at the prescribed rate.
- 3) Customers with electricity arrears must agree to the conversion to a prepayment meter if and when implementable, the cost of which, and the arrears total, will be paid off either by —
 - (a) Adding to the arrears account and repaying it over the agreed period; or
 - (b) Adding it as a surcharge to the pm paid electricity cost, and repaying it with each purchase of electricity until the debt is settled.

- 4) The Municipality or its authorised agent must require a customer to pay at least its current account on entering into an agreement for the payment of arrears in instalments.
- 5) The Municipality reserves the right to raise the security deposit requirement of debtors who seek agreements.

28. Copy of agreement to customer

A copy of the agreement shall be made available to the customer.

29. Failure to honour agreements

- 1) 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, Will be immediately due and payable, without further notice or correspondence and the Municipality or its authorised agent may —
 - (a) disconnect the electricity service provided to the customer,
 - (b) in the event that no electricity services are provided by the Municipality or its authorised agent, disconnect the water supply services provided to the 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 collection.

30. Reconnection of services

- 2) An agreement for payment of the arrear amount in installments, entered into after the electricity services was discontinued and/or the water services was limited or disconnected, will not result in the services being restored until —
 - (a) the arrears, any interest thereon, administration fees, cost incurred in taking relevant action and penalties, including payment of a higher deposit, are paid in full; or
 - (b) in addition to payments referred to in subsection (1) the customer shall pay the standard re-connection fee as determined by the Municipality from time to time, prior to the re-connection of municipal services by the Municipality or its authorised agent.

CHAPTER 4

ASSESSMENT RATES

31. Amount due for assessment rates

- 1) The provisions of Chapter 3 shall apply in respect of the recovery of assessment rates.
- 2) All assessment rates due by owners are payable by a fixed date as determined by the Municipality in its credit control and debt collection policy.
- 3) Joint owners of property shall be jointly and severally liable for payment of assessment rates.
- 4) Assessment rates will be levied in equal monthly instalments. When levied in equal monthly instalments the amount payable will be included in the municipal account
- 5) A property owner remains liable for the payment of assessment rates included in municipal accounts, notwithstanding the fact that—
 - (a) the property is not Occupied by the "owner thereof; and/or
 - (b) the Municipal aced/at is registered in the name of a person other than the owner of the property.

CHAPTER 5

PROVISION OF MUNICIPAL SERVICES TO INDIGENT CUSTOMERS

32. Qualification for registration as indigent customer

All households where the combined gross income of all the members of the household over the age of 18 years old is less than the amount to be determined by the Council qualify for registration as indigent customers.

33. Application for registration

- 1) A household who qualifies as an indigent customer must complete the relevant application form as provided by the Council.
- 2) Any application in terms of subsection (1) must be accompanied by —
 - (a) documentary proof of income, such as a letter from the customers employer, a salary ad-vice, a pension card, unemployment fund card; or
 - (b) an affidavit declaring 'unemployment or income; and

- (c) the customer's latest municipal account in his/her possession; and
 - (d) a certified copy of the customer's identity document; and
 - (e) 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 focus and other documentation and information provided hi connection with the application is true and correct.
- 4) The Municipality or its authorised agent shall counter-sign the application form and certify that the consequences and conditions of such an application for the customer were explained to the customer and that the customer indicated that the content of the declaration was understood.

34. Approval of application

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

35. Conditions

The Municipality or its authorised agent may upon approval of an application or any time thereafter -

- 1) install a pre-payment electricity meter for the indigent customer where electricity is provided by the Municipality or its authorised agents when implemented; and
- 2) limit the water supply services of an indigent customer to a basic supply of not less than the volume determined by the Council from time to time.

36. 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 37 and 38 shall apply to any application in terms of subsection (1).
- 3) The Municipality or its authorised agent cannot guarantee a renewal for indigent support.

37. Subsidised services for indigent customers

- 1) The municipal council 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 municipal council 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.
 - (b) Sanitation services of daily night soil removal or an improved ventilated pit latrine per household per month whichever is the most affordable to the municipality or its authorised agent; and
 - (c) Refuse removal services.
 - (d) All rates of which the municipal value is determined by Council as from time to time.
 - (e) Electricity Services.
- 3) The Municipality must, when making a determination in terms of subsection (1) give public notice of such determination.
- 4) Public notice in terms of subsection (3) must contain at least the following:
 - (a) The level or quantity of municipal services which will 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 10 excess of the levels or quantities determined in subsection (1) 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 (5).

38. Funding or subsidised services

- 1) The subsidised services referred to in section 37 shall be funded from the portion of revenue raised nationally which is allocated to the Municipality and data funding is insufficient the services may be funded from revenue raised through rates, fees and charges in respect of municipal services.
- 2) The subsidy amount to be funded from revenue raised nationally which is allocated to the Municipality shall be calculated by dividing the amount allocated by the estimated number of customers which may qualify for registration as indigent customers.

39. Exiting arrears of indigent customers on approval of application

- 1) 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 arrangements.

40. Audits

- 1) The Municipality may undertake regular random audits carried out by the Municipality or its authorised agent to —
 - (a) verify the information provided by indigent customers;
 - (b) record any changes in the circumstances of indigent customers; and
 - (c) make recommendations on the de-registration of the indigent customer.

41. De-registration

- 1) Any customer who provides or provided false information in the application form and/or any other documentation and information in connection with the application shall automatically, without notice, be de-registered as an indigent customer from the date on which the Municipality or its authorised agent become aware that such information is false.
- 2) An indigent customer must immediately request de-registration by the Municipality or its authorised agent if his /her circumstance has changed to the extent that he/she no longer meet the qualifications set out in section 32.

- 3) An indigent customer shall automatically be de-registered if an application in accordance with section 33 is not made or if such application is not approved.
- 4) 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 meet the qualifications set out in section 32.
- 5) An indigent customer may at any time request de-registration.

CHAPTER 6

BUSINESSES WHO TENDER TO THE MUNICIPALITY

42. Supply Chain policy and tender conditions

The procurement policy and tender conditions may provide that:

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

CHAPTER 7

UNAUTHORISED SERVICES

43. Unauthorised Services

- 1) No person may gain access to .municipal services unless it is in terms of an agreement entered into with the Municipality or its authorized agent for the rendering of those services.

- 2) The Municipality or its authorised agent may, irrespective of any other action it may take against such person in terms of these Bylaws by written notice order a person who is using an unauthorised service to,-
 - (a) apply for such services in terms of Chapter 3 part a ;
 - (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.

44. Interference with infrastructure for the provision of municipal services

- 1) No person other than The Municipality or its authorised agent shall manage, operate or maintain infrastructure through which municipal services are provided.
- 2) No person other than the Municipality or its authorised agent shall effect a connection to infrastructure through which municipal services are provided.

45. Restriction of access to infrastructure for the provision of municipal services

- 1) No person shall prevent or restrict physical access to infrastructure through which municipal services are provided.
- 2) If a person contravenes subsection (1), the Municipality or its authorised agent may—
 - (a) by written notice require such person to restore access at his/her own expense within a specified period; or
 - (b) If it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.

46. Illegal reconnection

- 1) A person who unlawfully and intentionally or negligently reconnects to services or unlawfully and intentionally or negligently interferes with infrastructure through which municipal services are provided, after such customers access to municipal services have been limited or disconnected.
- 2) A person who reconnects to municipal services in the circumstances referred to in subsection (1) shall be liable for the cost associated with any consumption, notwithstanding any other actions which may be taken against such a person.

47. Immediate disconnection

- 1) The provision of municipal services may immediately be disconnected if any person —
 - (a) unlawfully and intentionally or negligently interferes with infrastructure through which the Municipality or its authorised agent provide municipal services;
 - (b) fails to provide information or provides false information reasonably requested by the Municipality or its authorised agent.

CHAPTER 8**OFFENCES****48. Offences**

- 1) Any person who -
 - (a) fails to give access required by the Municipality or its authorised agent in terms of these Bylaws;
 - (b) assists any person in providing false or fraudulent information or assists in willfully concealing information;
 - (c) uses, tampers or interferes with municipal equipment, service supply equipment, reticulation network or consumption of services rendered;
 - (d) fails or refuses to give the Municipality or its authorised agent such information as may reasonably be required for the purpose of exercising the powers or functions under the Bylaws or gives such false or misleading information to the Municipality or its authorised agent, knowing it to be false or misleading;
 - (e) contravenes or fails to comply with a provision of these Bylaws;
 - (f) fails to comply with the terms of a notice served upon him/her in terms of these Bylaws,
 - (g) shall be guilty of an offence and liable upon conviction to a period not exceeding one year imprisonment or community service or a fine not exceeding R10 000-00 (TEN Thousand Rand), or a combination of the aforementioned.

CHAPTER 9 DOCUMENTATION

49. Signing of notices and documents

A notice or document issued by the Municipality in terms of these Bylaws and signed by a staff member of the Municipality or its authorised agent shall be deemed to be duly issued and must on its mere production be accepted by a court of law as evidence of that fact.

50. Notices and documents

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

51. Authentication of documents

- 1) Every order, notice or other document requiring authentication by the Municipality shall be sufficiently authenticated, if signed by the Municipal Manager or by a duly authorised officer of the Municipality or the authorised agent of the Municipality; such authority being conferred by resolution of the Municipality, written agreement or by a By-law.

52. Prima facie evidence

- 1) In legal proceedings by or on behalf of the Municipality or its authorised agent, a certificate reflecting the amount due and payable to the Municipality or its authorised agent, under the hand of the Municipal Manager, or suitably qualified municipal staff member authorised by the Municipal Manager or the Manager of the Municipality's authorised agent, shall upon mere production thereof be accepted by any court of law as prima facie evidence of the indebtedness.

CHAPTER 10**GENERAL PROVISIONS****53. Power of entry and inspection**

- 1) The Municipality or its authorised agent may enter and inspect any premises for any purpose connected with the implementation or enforcement of these Bylaws, at all reasonable times, after having given reasonable written notice to the occupier of the premises of the intention to do so; provided that in the case of a suspected tampering of services, no such notice needs to be given.

54. Exemption

- 1) The Municipality may, in writing, exempt an owner, customer, any other person or category of owner, customers, rate payers, users of services from complying with a provision of these Bylaws, subject to any conditions it may impose, if it is of the opinion that application or operation of that provision would be unreasonable, provided that the Municipality or its authorised agent shall not grant exemption from any section of these Bylaws that may result in -
 - (a) the wastage or excessive consumption of municipal services;
 - (b) the evasion or avoidance of water restrictions;
 - (c) significant negative effects on public health, safety or the environment;

- (d) the non-payment for services;
 - (e) the Act or any regulations made in terms thereof, is not complied with.
- 2) The Municipality at any time after given written notice of at least 30 days, withdraws any exemption given in terms of subsection (1).

55. Availability of Bylaws

- 1) A copy of these Bylaws shall be included in the Municipality's Municipal Code as required in terms of legislation.
- 2) The Municipality or its authorised agent shall take reasonable steps to inform customers of the contents of the credit control and debt collection Bylaws.
- 3) A copy of these Bylaws shall be available for inspection at the municipal offices or at the offices of its authorised agent at all reasonable times.
- 4) A copy of the Bylaws may be obtained against payment of a fee as prescribed in the Council's tariff of charges from the Municipality or its authorised agent.

56. Conflict of law

- 1) When interpreting a provision of these Bylaws, any reasonable interpretation which is consistent with the purpose of the Act as set out in Chapter 9 on Credit Control on Debt Collection, must be preferred over any alternative interpretation which is consistent with that purpose.
- 2) If there is any conflict between these Bylaws and any other Bylaws of the Council, these Bylaws will prevail.

57. Repeal of existing Municipal Credit Control Bylaws

- 1) The provisions of any Bylaws relating to the control of credit by the Municipality are hereby repealed insofar as they relate to matters provided for in these Bylaws; provided that such provisions shall be deemed not to have been repealed in respect of any such By-law which has not been repealed and which is not repugnant to these Bylaws on the basis as determined by the relevant Bylaws.

58. Short title and commencement

- 1) These Bylaws are called the Credit Control and Debt Collection Bylaws of the Matatiele Local Municipality and takes effect on the date of promulgation of these Bylaws.
- 2) The Municipality may, by notice in the *Provincial Gazette*, determine that provisions of these Bylaws, listed in the notice, does not apply in certain areas within its area of jurisdiction from a date specified in the notice.
- 3) Until any notice contemplated in subsection (2) is issued, these Bylaws are binding.

PROVINCIAL NOTICE 82 OF 2016**CREDIT MANAGEMENT****BY-LAW**

The Matatiele Local Municipality in terms of Section 156 of Constitution of the Republic of South Africa Act No. 108 of 1996, read with section 11(3) of the Local Government: Municipal Systems Act No. 32 of 2000, enacts as follows

INDEX**SECTION**

- 1. DEFINITIONS**
- 2. SERVICE AGREEMENT**
- 3. ACCOUNTS**
- 4. DEPOSITS**
- 5. DISCONNECTION FOR NON-PAYMENT**
- 6. TAMPERING**

7. AGREEMENTS AND ARRANGEMENTS WITH CONSUMERS IN ARREAR

8. ACKNOWLEDGEMENT OF DEBT

9. INTEREST ON ARREARS

10. HAND OVERS

11. CUSTOMER MAY NOT SELECTIVELY NOMINATE PAYMENT

12. AUTHORITY TO APPOINT DEBT COLLECTION SPECIALISTS

13. RELIEF MEASURES FOR PENSIONERS OR INDIGENT SUPPORT

14. APPLICABILITY

15. REPEAL OF EXISTING CREDIT MANAGEMENT BYLAWS

CREDIT MANAGEMENT BY-LAWS

1. DEFINITIONS

(1) Unless the context otherwise indicates —

"bank guarantee" means an unconditional undertaking by a financial institution whereby it guarantees a specified maximum amount to be paid if the principal debtor ("the customer") fails to pay;

"calculated amounts" means the amounts calculated by the Chief Financial Officer to be due to the Council by a consumer in respect of the supply of the applicable municipal services for any period during which the exact quantity of the supply cannot be determined accurately for any reason, and shall be based on the average consumption figures, if available, for the service rendered to the customer over the three months immediately prior to any such period commencing, or failing the availability of such data, on the average consumption figures applicable to one or more properties of similar size and nature in the area in which the customer resides or carries on business;

"Chief Financial Officer" means the Head of Department responsible for the Council's financial affairs, and any person duly authorised by him or her to act on his behalf in the stated capacity;

"consolidated account" means one combined account for all municipal services, surcharges, property tax and basic charges payable;

"consumer" means a customer;

"conventional electricity and water meters" means electricity and/or water meters, as the case may be, which are used to determine the supply of electricity and water and which are read on a monthly or other fixed interval basis;

"Council" means a municipal council referred to in section 157(1) of the Constitution, 1996 (Act No. 108 of 1996);

"customer" means any person to whom a service is or has been rendered by the Council and "customer services" has a corresponding meaning;

"due date" means, in the absence of any express agreement in relation thereto between the Council and the customer, the date stipulated on the account and determined by the Council from time to time as the last date on which the account can be paid;

"existing customers" means customers who have already entered into an agreement for the supply of municipal services;

"financial year" means 1 July in any year to 30 June of the following year;

"meter audits" means an investigation to verify the correctness of the consumption and supply of electricity or water;

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

"normal office hours" means the hours when the Chief Financial Officer offices are open to the public from Mondays to Fridays, excluding public holidays;

"property tax" means rates and/or taxes charged according to the value of a property which may be based on a

tariff on the value of the land or improvements or both, and has the same meaning, as assessment rates;

"rebate" means a discount on any property tax or service charge determined by the Council from time to time;

"reconnection fee" means the fee charged for reconnection of electricity when the supply has been disconnected due to non-payment, which fee will be determined periodically by the Council and will form part of the municipal tariff of charges;

"required amount" means the total calculated amount of the electricity/water consumed during any period of tampering, as well as the tampering fee;

"service accounts" means accounts in respect of electricity and/or water consumption;

"service agreement" means an agreement for the consumption of electricity and/or Water;

"tampering fee" means a fee charged for the illegal disconnection, adjustment or bypassing of a consumption meter or the siphoning of a supply of electricity or water supply to an un-metered destination, which fee will be determined annually, during the budget process and will form part of the tariff of service charges;

"terminated account" means the final account for services after the customer has left the premises, whether or not the customer has given notice to terminate the supply of service;

"Variable flow-restricting device" means a device that is coupled to the water connection that allows the water supply to be restricted or closed; and

"Voluntary garnishee order/emoluments order" means a court order for the deduction of an amount of money from the salary or other income of a customer.

(2) Words applying to any individual shall include persons, companies and corporations, and the masculine gender shall include females as well as mates, and the singular number shall include the plural and vice versa.

2. SERVICE AGREEMENT

- (1) Before being provided with electricity and other customer services, every customer must enter into a service agreement with the Council in which, inter alia, the customer agrees that the electricity and/or water payment system may be used for the collection of arrears in
- (2) Where a consumer has failed to enter into a service agreement with the Council, water and/or electricity will be blocked, disconnected or restricted, as the circumstances may require, until such time as a service agreement has been entered into and the applicable deposits have been paid. Such consumer is liable for calculated amounts.

3. ACCOUNTS

- (1) The Council will bill the inhabitants of, and property owners and property occupiers within the area for property tax and municipal services supplied to them by the Council at regular intervals or as prescribed by law.
- (2) The owner of a property is liable for refuse and sewerage charges.
- (3) The Council will post or hand-deliver the consolidated accounts to the respective customers at the address notified by each customer, to reach the customers before the due date printed on the account. Any change of address becomes effective only when notification of the change is received and acknowledged by the Council.

- (4) The customer must pay, in full, the amount rendered on or before the due date. Failure to comply with this section will result in debt collection action being instituted against the customer, and interest at the rate determined from time to time by the Council or in the absence of any determination, as prescribed by law, will be charged from the date upon which the amount of the account was due for payment.

4. DEPOSITS

- (1) Deposits are to be determined by the Chief Financial Officer, which determination is based on two and a half times the average monthly account for the service in that property, either as factually determined or as a calculated amount.
- (2) In determining the deposit described in section 4(1), the Chief Financial Officer will differentiate between areas to give cognisance to differences in service standards and usage.
- (3) The Chief Financial Officer may reassess customer deposits for new commercial and industrial customers three months after the initial deposit date, and may, as a result of this reassessment require an additional deposit from any such customer.
- (4) The Chief Financial Officer must review all deposits bi-annually or when a customer's service is disconnected or blocked as a result of non-payment. The outcome of this review will be communicated to the customer in the event of any variation in the deposit arrangements being required. Should the deposit mentioned in section 4(2) or 4(3) be found to be inadequate, the customer will be allowed to make arrangements with the Chief Financial Officer for the payment of the additional amount.
- (5) Consumer deposits are to be paid for all separately metered services.
- (6) Consumer deposits are to be paid in respect of water and electricity services only.
- (7) Deposits must be paid in cash or by cheque, The Council will accept a bank guarantee in cases where the deposit exceeds R2 000-00 (Two Thousand Rand). Such bank guarantee has to be hand-delivered during normal office hours to the Chief Financial Officer's offices.
- (8) All deposits have to be paid at least 2 (two) days prior to occupation of the property or the date on which the services are required, if not required on date of occupation. Failure to comply with this by-law may cause a delay with the connection of services, and the Council will not be liable for any loss or prejudice that may result.
- (9) No service deposit is required if a pre-payment meter is installed for the particular service.
- (10) Where deposits have been increased in terms of Council policy, such customers may enter into a written agreement with the Council to pay off, over a maximum period of 6 (six) months, the deposits levied.

5. DISCONNECTION FOR NON-PAYMENT

(1) General

The reconnection fee will also be charged in cases of customers who receive other municipal services of any kind and who fall into arrears with their payment in respect of the services and whose water and/or electricity supply, whether prepayment or conventional, has been disconnected or restricted.

(2) Notices to Customers

- (a) The Council will, at its discretion, issue final request notices or other reminders to customers whose accounts are in arrears, prior to disconnection.
- (b) The Council will issue a final demand for payment of arrears in respect of all debtor accounts reflecting an amount outstanding for more than 30 (thirty) days, after which the account will be referred for debt collection, in terms of section 10, in addition to the disconnection of the supply of services.

(3) Electricity

- (a) The Council will disconnect services to customers with conventional electricity meters in respect of which service accounts are in arrears after the due date. Should such customers wish to have their electricity reconnected, they will be charged the applicable reconnection fee and the service will not be reinstated before the account is paid in full or satisfactory, arrangements in terms of section 7 have been made with the Chief Financial Officer.
- (b) The Council must disconnect the electricity supply before 13:00 on the day of disconnection. Reconnections will commence as soon as practically passible, but will only be done during normal working hours.
- (c) In the event of mass disconnections, the Council is not obliged to effect same-day reconnections.
- (d) The Council will not be obliged to sell electricity to customers with pre-paid meters unless the customer's municipal account for other services and property tax, if any, is paid in full or satisfactory arrangements in terms of section 7 have been made with the Chief Financial Officer, and have been honoured.
- (e) All disconnected electricity meters must be clearly marked when the supply is disconnected for non-payment, in order to avoid disconnected meters being reported as faulty.
- (f) The Council will restrict the water supply of customers whose electricity supply has been blocked or disconnected for 2 (two) months in succession and from whom no payment was received or with whom no satisfactory arrangements for payment of the outstanding amount have been concluded,

- (g) The Council shall be entitled to disconnect, block or restrict, as the case may be, at the earliest opportunity, the electricity and/or water supply of customers who have offered a cheque as payment for municipal services if any such cheque is returned or dishonoured by the Financial Institution on which it is drawn for any reason. The customer's account will be endorsed accordingly and no further cheque payments will be accepted.
- (h) Standby electricians, meter readers and contractors are not permitted to restore any service to customers without written authority from the Council's Credit Control Section.
- (i) Customers whose supply of services has been unlawfully reconnected will be regarded as having tampered with the meter or the supply, and the provisions of section 6 shall apply.

6. TAMPERING

- (1) Where an electrical or water supply is found to have been tampered with or the meter bypassed, the Council may, subject to these Bylaws and other applicable legislation, isolate or disconnect the relevant supply, and charge the customer the applicable tampering fee, calculated amounts due as well as a reconnection fee in instances where the supply had been isolated and a connection fee in instances where the supply has been removed.
- (2) In instances where there is evidence of a discrepancy between the electricity consumption and purchase history of a specific property, transgressors will be dealt with in the following manner:
 - (a) Subject to paragraph (b), supply will be isolated at point of supply in instances of a first offence and removed in instances of subsequent offences.
 - (b) A written notification will be given to the customer, informing him or her of isolation or removal, as well as the fees due in respect of the tampering, reconnection/connection and the calculated amounts due.
 - (c) The Council will only re-instate services after the amounts referred to in paragraph (b) have been paid.
- (3) In instances where physical tampering with the electricity supply is detected, transgressors will be dealt with in the following manner:
 - (a) Supply will be isolated immediately in instances of a first offence and removed in instances of a second or subsequent offence,
 - (b) A written notification will be given to the customer, informing him or her of the isolation or removal, as well as the fees due in respect of the tampering, reconnection/connection and the calculated amounts due.
 - (c) The Council will only re-instate services after the amounts referred to in paragraph (b) have been paid.

- (4) In addition to the provisions of this by-law, the Council may enforce any other rights or exercise any power conferred upon it by the Occupational Health and Safety Act, 1993 (Act No. 85 of 1993), Water Services Act, 1997 (Act No. 108 of 1997), the Council's Water Bylaws, the Electricity Act 1987 (Act No. 41 of 1987), the Council's Electricity Bylaws and any other applicable legislation.

7. AGREEMENTS AND ARRANGEMENTS WITH CONSUMERS IN ARREAR

- (1) The Chief Financial Officer or his delegate is authorised to enter into agreements with consumers in arrear with their accounts and to grant such persons extensions of time for payment,
- (2) The Chief Financial Officer may determine, on the merits of each case, the initial amount to be paid as part of such agreement, as well as the number of instalments over which the arrear amount must be paid off and the term over which payment is to be made. Such term may not exceed 24 (twenty-four) months.
- (3) The Chief Financial Officer may, in exceptional cases and with the approval of the Municipal Manager, extend the period of repayment referred to in section 7(2).
- (4) In instances where the Chief Financial Officer is satisfied, at the time of making arrangements and after investigation, that a *bona fide customer* cannot reasonably afford the payment of services, such customer's details will be recorded and further legal steps against such customer will either be deferred or waived, as the Chief Financial Officer may decide.

8. ACKNOWLEDGEMENT OF DEBT

- (1) Only debtors with positive proof of *identity* or an authorised agent with a power of attorney will be allowed to complete an acknowledgement of debt agreement.
- (2) An acknowledgement of debt agreement must contain all arrangements *for paying* off arrear accounts. One copy of the document will be handed to the customer and another filed at the Council's Management Section.
- (3) A customer who has already been summoned by the Council's attorneys may apply for credit facilities. However, all legal costs already incurred will be for his or her account and an initial payment of at least half of the total resultant outstanding debt will be required. The *customer* must also sign an acknowledgement of debt, which will include *legal* fees due.
- (4) Failure to honour the acknowledgement of debt agreement will lead to immediate blocking, disconnection or restriction of services without further notice, and the resumption of legal action.

- (5) In all instances where the customer in arrears is employed, the Council may obtain a voluntary garnishee order or emolument attachment order.

9. INTEREST ON ARREARS

- (1) Interest will be charged on service arrears at an interest rate as determined by the Council, or in the absence of any such determination, as prescribed by law.
- (2) Interest will be charged on arrear property tax as prescribed in the applicable legislation.

10. HAND-OVERS

- (1) The Council will issue a final demand in respect of all customer accounts reflecting an amount outstanding for longer than 30 (thirty) *days* and, if such account still reflects an amount in arrears after 90 (ninety) days, it will be handed over for collection by external debt collection specialists:
- 2) The Chief Financial Officer must investigate ways and means of assisting customers before attaching movable or immovable property.

11. CUSTOMER MAY NOT SELECTIVELY NOMINATE PAYMENT

A customer is not entitled to allocate any payment made to any portion of the total debt due. The allocation of payments will be made by the Chief Financial Officer.

12. AUTHORITY TO APPOINT DEBT COLLECTION SPECIALISTS

The Chief Financial Officer has the authority to appoint debt collection specialists and to enter into agreements with such agencies in terms of the Contingency Fee Act, 1997.

13. RELIEF MEASURES FOR PENSIONERS OR INDIGENT SUPPORT

- (1) The Council may grant a rebate on property tax to persons who own and occupy property if they submit a written request annually and they can prove to the satisfaction of the Chief Financial Officer that they comply with the policy of the Council in *this* regard,
- (2) All applications must be submitted before a pre-determined date and no applications received after this date will be considered.
- (3) A new application must be made for each financial year.

14. APPLICABILITY

The Council may by notice in the *Provincial Gazette*, determine that the provision of *these* Bylaws do not apply in certain areas within its area of jurisdiction from a date specified in the notice.

15. REPEAL OF EXISTING CREDIT MANAGEMENT BYLAWS

The Bylaws relating to Credit Management for the Matatiele Local Municipality, are hereby repealed and replaced by these Bylaws, which are to become effective on promulgation hereof.

PROVINCIAL NOTICE 83 OF 2016
MATATIELE LOCAL MUNICIPALITY



SCHEDULE OF FINES

BY-LAWS	FINE	SENTENCE
1. By-laws on the Management and Control of Informal Settlements	A fine Not exceeding R20 000	Imprisonment not exceeding two years
2. Public Roads By-Laws	A fine not exceeding R5000 00	Imprisonment not exceeding six months
3. Electricity By-Laws	A fine not exceeding R20 000.00	Imprisonment not exceeding two years
4. Keeping of Dogs By-Laws	A fine not exceeding R10 000	Imprisonment not exceeding one years

5. Law Enforcement By-Laws	A fine not exceeding R10 000	Imprisonment not exceeding one year
6. Airstrip By-Laws	A fine not exceeding R20 000	Imprisonment not exceeding two years
7. Lease of Halls By-Laws	A fine not exceeding R10 000	Imprisonment not exceeding one year
8. Municipal Commonage By-laws	A fine not exceeding R10 000	imprisonment not exceeding one year
9. Library and Information Service By-Laws	A fine not exceeding R5 000	Imprisonment not exceeding six months
10. Municipal Taxi Rank By-Laws	A fine not exceeding R10 000	Imprisonment not exceeding one year
11. Pounds By-Laws	A fine not exceeding R5000 00	Imprisonment not exceeding six months
12. Swimming Pools and Spa-Baths By-Laws	A fine not exceeding R10 000	Imprisonment not exceeding one year
13. Control of Public Recreational Facilities By-Laws	A fine not exceeding R10 000	Imprisonment not exceeding one year
14. Keeping of Animals By-Laws	A fine not exceeding R20 000	Imprisonment not exceeding two years
15. Nuisance By-Laws	A fine not exceeding R10 000	Imprisonment not one year
16. Cemetery By-Laws	A fine not exceeding R30 000	Imprisonment not exceeding three years
17. Environmental By-Laws	A fine not exceeding R20 000	Imprisonment not exceeding two years
18. Credit Control & Debt Collection By-Law s	Fine not exceeding R10 000	Imprisonment not exceeding one year

PROVINCIAL NOTICE 84 OF 2016



CONTROL OF PUBLIC RECREATIONAL FACILITIES BY-LAWS

CONTROL OF PUBLIC RECREATIONAL FACILITIES BY-LAWS

It is notified according to section 13 of the Local Government Municipal Systems Act, 2000 (Act No.32 of 2000) that the MATATIELE Municipal Council publishes the Control of public recreational facilities By-laws as set out below:

INDEX

1. Definitions
2. Application of the By-laws
3. Planning of recreational facilities
4. Financing and development of recreational facilities
5. Environment, sport and recreation
6. Control of recreation facilities
7. Restriction on entry into or residence in parks and recreational facilities and prohibition of certain acts therein
8. Purpose for which permission to enter or reside in a recreational premises may be granted
9. Sale of food
10. Sale of other goods
11. Charges relating to the use of municipal recreational facilities
12. Safety measures to be observed
13. Repeal
14. Short title and commencement

Definitions

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

"animal" means animal of the animal kingdom;

"Municipal Council" means the Matatiele Municipal Council and any officer to whom the Municipality has delegated the powers, functions and duties vesting in the Municipality in relation to these By-laws;

"Municipality" means the Matatiele Local Municipality;

"Municipal entertainment facilities" means parks, public halls, stadia, sports grounds and Municipality;

"recreational facilities" means Municipal entertainment facilities;

Application of the By-laws

2. (1) These By-laws will apply within the area of jurisdiction of the Municipal area, from the date of promulgation.
- (2) These By-laws will not apply in the Municipality in so far as they relate to matters with regard to which there are replacing provincial or national legislation in force in the Municipality to the extent that such replacing legislation deals with the matters.

Planning of recreation facilities

3. The Municipality will, when planning such facilities for sport and recreation ensure that special consideration is given to the accessibility of such facilities to sports people and spectators with disabilities.

Financing and development of recreation facilities

4. (1) The Municipality may form partnership with other related sport organisation that have an interest in sport and recreation and mass participation, in order to:-
 - (a) enlist financial assistance towards the expansion of mass participation in sport and recreation programmes and services; and

(b) provide physical facilities for sport and recreation.

(2) The Municipality will ensure that-

- (a) women;
- (b) the youth attending school and those who are no longer attending school;
- (c) the disabled;
- (d) senior citizen; and
- (e) neglected rural areas within the area of the Municipality; receive priority regarding programmes for development and delivery of sport and recreational facilities

Environment, sport and recreation

5. All sport and recreation activities must be conducted in such a way that the environment is not adversely affected.

Control of recreation facilities

6. (1) The Municipality must control, manage maintain the recreation facilities within its Municipal area:

(2) The Municipality may-

- (f) construct and erect such roads, bridges, buildings, dams, fences, breakwaters, seawalls, boathouse, landing stages, mooring places, swimming pools, and underwater tunnels and carryout such other works as it may consider necessary for the control, management or maintenance of the facilities;
- (g) take such steps as will ensure the security of visitors, the animal and plant life and the preservation of the facilities premises and the animals and vegetation therein in a natural state;
- (h) provide meals and refreshments for visitors to the facilities;
- (i) carry on any business or trade for the convenience of visitors to parks and other recreational facilities;
- (j) supply any other service for the convenience of visitors to the recreational premises;

- (k) establish, erect, equip and maintain any building, structured or depot required for the use of the premises;
- (l) determine such charges which are to be paid in respect of permission to enter or reside in a recreational premises;
- (m) authorise any person to carry on, subject to such conditions and to the payment of such charges as the Municipality considers fit any a activity, except the sale of liquor, which in terms of this subsection may be carried on by the Municipality;
- (n) the Municipality may temporarily lease or in any other manner make available any land, building, structure or other facility which has been acquired or erected in terms of these By-laws to another person for the purpose and on the conditions agreed upon with that person.

Restriction on entry into or residence in parks and recreation facilities and prohibition of certain acts therein

7. (1) No person other than an officer or employee acting under the authority of the Municipality may-

- (o) enter or reside in a park, sporting facility or public hall without the permission of the Municipality or any officer or employee authorised to grant such permission;
- (p) convey into or within a park, sporting facility, public or any place of public entertainment or be in possession of any weapon, explosive trap or poison;
- (q) within a park or sporting facility hunt or otherwise wilfully or negligently kill or injure any animal;
- (r) within a park or sporting facility take, damage or destroy any egg or nest of any bird, or take honey from a beehive;
- (s) wilfully or negligently cause a veldt fire, or any damage to any object of geological archaeological, historical, ethnological, oceanographic, education or other scientific interest in park, public hall or any place of public amusement;
- (t) introduce any animals or permit any domestic animal to stray into or enter a place of public amusement;
- (u) cut, damage, remove or destroy any tree or any part thereof, dry firewood, grass or other plant (including any marine plant) in a place of amusement;
- (v) remove seed from any tree or other plant within a place of public amusement without the permission of the Municipality or any officer or employee authorised to grant such permission;

- (w) feed any animal in a park or sporting facility;
- (x) drive a motor vehicle in a place of amusement without a valid driver's licence, or permit any other person to drive a motor vehicle in a place of public amusement without a valid driver's licence.

Purpose for which permission to enter or reside in a recreational premises may be granted

8. (1) The permission to reside or enter a recreational premises or public hall other than in a normal course of a recreational activity may be granted subject to such conditions as may be deemed necessary and must be granted only for the purpose of:-

health, educational or recreational or matters incidental thereto;

transacting any lawful business with or concerning any person within the premises;

enabling any person in the employ of the government or of any provincial administration to carry out any official duty.

Sale of food

9. (1) Save where otherwise provided in these By-laws a person authorised to utilise entertainment facilities or to whom any other service mentioned in these By-laws has been rendered by the Municipality must be liable to the Municipality for the tariff charge in respect thereof.
- (2) Any person desiring to utilise any entertainment facility of the Municipality must apply therefore in a form prescribed by the Municipality seven days in advance.
- (3) A minimum of ten percent of the gate takings must be charged for the use of public entertainment facilities provided by the Municipality.
- (4) The Municipality may exempt any person or organisation from paying the charge mentioned in subsection (3).
- (5) The payment contemplated in subsection (3) must be made to the Municipality within a period of three days after the event.
- (6) The Municipality may determine any other charge payable for the use of its facilities in terms of these By-laws.

(7) Any person who fails to comply with the provisions contemplated in this section in respect of services rendered by the Municipality must be guilty of an offence.

Safety measures to be observed

12. The Council must maintain public entertainment facilities in accordance with the provision of the Disaster Management Act, Act of 2000.

Penalty clause

(1) Any person who contravenes or fails to comply with any provision of these By-laws or any requirement or condition thereunder shall be guilty of an offence.

(2) Any person convicted of an offence shall be liable to a fine not exceeding R10 000.00 or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

Repeal

13. (1) Any law applicable in the jurisdiction of the Municipality and which relates to the control of recreational facilities is repealed to the extent that it conflicts with these By-laws.

(2) Repeal is effective from the promulgation of these By-laws.

Short title and commencement

14. These By-laws must be called Control of Public Recreational Facilities By-laws and will come into effect after being published in the Provincial Gazette.

PROVINCIAL NOTICE 85 OF 2016



MATATIELE CIVIC HONOURS BY LAW

MATATIELE CIVIC HONOURS

MATATIELE LOCAL MUNICIPALITY

CIVIC HONOURS BY-LAW

PREAMBLE

Matatiele Local Municipality confers the power of giving the Freedom and Awards as an honourable tribute to such persons and individuals as may be considered deserving on merit. Matatiele Local Municipality desires to take into consideration and recognize exceptional, distinguished, eminent and dedicated service to the municipality and wishes to honour in appropriate manner persons who have displayed exceptional, distinguished and dedicated service. Matatiele Municipality grants and recognises the Freedom of Entry to Military Regiments and Units of the South African National Defence Force.

PART I

1. PUBLICATION

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

2. MUNICIPAL CIVIC HONOURS

2.1 The Mayor may award the freedom and Awards of the Municipality, also posthumously, annul such awards and restore an annulled award.

2.2 The Freedom and Awards of the Municipality may be awarded to South African citizens in the following categories:

[I] Category I: Conferment of the Freedom of the Town (Tokolloho Award)

- [II] Category II: Granting of Freedom of Entry to Military Regiments and Units of the South African National Defense Force (Bokgabane Award)
- [III] Category III: Matatiele Municipality People Award (Sechaba award)
- [IV] Category IV: Municipality Economic Growth Excellence Award (Sehwayi Award)
- [V] Category V: Service Delivery Excellence Award (Inkqubela Award)
- [VI] Category VI: Bravery Award in recognition of individuals or persons who have risked their lives and demonstrated bravery. (Igorha Award)
- [VII] Category VII: Sports Award (Intshatsheli Award)
- [VIII] Category VIII: Distinguished Public Service Award (Masupatsela Award)
- [IX] Category IX: Arts and Culture Award (Incubeko Award)
- [X] Category X: Human Care and Upliftment Award (Menslike en nederigheid Toekenning)
- [XI] Category XI: Academic Excellence (Uitstaande Akademiese Prestasie Toekenning)

3 PRESENTATION OF FREEDOM OF THE TOWN:-

3.1 The Municipal Council may by resolution admit any Person of distinction, any Person who has rendered eminent service to the town or any military, naval or air force unit to the honorary freedom of the town.

4. ROLL OF PERSONS ADMITTED TO FREEDOM:-

4.1 The Mayor shall compile and keep a roll of all Persons and units admitted to the honorary freedom of the town.

5 EXPENDITURE ON FREEDOM OF THE TOWN CEREMONIES:-

5.1 Subject to the Policy Directives of the Municipal Council, the Municipality may incur expenditure for all civic receptions, entertainments and other expenses as are customary for any award of civic freedom or as may be necessary or incidental to such award in accordance with the provisions of section 217 of the Constitution and National Legislation made thereunder.

PART II

CIVIC COMMEMORATION, REMEMBRANCES AND FUNERALS

1.0 Expenses:-

Subject to the Policy Directives of the Municipal Council, the Municipality may incur expenditure for:-

- (1) religious services for the deceased;
- (2) commemorations of the deceased;
- (3) the preparation of the body of the deceased;
- (4) the interment or cremation of the body of the deceased;
- (5) transportation of dignitaries to and from any place where any religious services for or commemoration of the deceased or the interment or cremation of the body of the deceased is to occur; and
- (6) such expenses as may be incurred by the estate of the deceased,

arising from or out of the death of:-

- (a) Councillors arising from accident or intentional killing, whether within or outside the Republic and whether acting on the instructions or the business of the Municipality or not;
- (b) Municipal Employees arising from or out of their employment; or
- (c) Persons to whom the honorary freedom of the Town has been granted,
- (d) Legitimate Traditional Leader recognized in terms of the law of the Republic of South Africa,
- (e) Any member of the Public identified by the Municipality as befitting,

in accordance with the provisions of section 217 of the Constitution and National Legislation made thereunder.

PART III

MEDALS

1. Award of Medals:-

The Municipal Council may by resolution award any Person nominated in terms of the categories of Awards mentioned in section 2.2 of Part I a medal and/or accompanying prize in accordance with any rules determined by the resolution of the Municipal Council for the award of such medal.

2. Design of Medals:-

The Municipal Council may by resolution establish any medal for any award by the Municipality and register the same in accordance with the law of intellectual property applicable thereto.

3. Scroll:-

Where the Municipal Council awards any medal in terms of section 1.0 of Part III, the Municipality shall present to the Person so awarded or to the next-of-kin as confirmed or nominated by the family a suitable scroll signed by the Mayor under the common seal of the Municipality.

4. Expenditure on Medals:-

Subject to the Policy Directives of the Municipal Council, the Municipality may incur expenditure for the production of all medals, scrolls and prizes referred to in this part and all civic receptions, entertainments and other expenses as are customary for any award of medal or as may be necessary or incidental to such award in accordance with the provisions of section 217 of the Constitution and National Legislation made thereunder.

PART IV

ADDRESSES

1.0 Presentation of Addresses and Emblems:-

Subject to the Policy Directives of the Municipal Council, the Mayor may present to any other Mayor, Speaker, Mayoress, Premier, President, Minister, Member of the Executive Council, Member of Parliament or Legislature, monarch, Legally recognised Traditional Leader or like dignitary, former Mayor or former Mayoress or Speaker of the Town and any Person admitted to the freedom of the Town a suitable badge, emblem or address.

2.0 Expenditure on Addresses, Badges and Emblems:-

Subject to the Policy Directives of the Municipal Council, the Municipality may incur expenditure for the production of all badges, addresses and emblems referred to in this part and all civic receptions, entertainments and other expenses as are customary for any award of any such badge, address or emblem or as may be necessary or incidental to such award in accordance with the provisions of section 217 of the Constitution and National Legislation made thereunder.

PART V

GRATUITIES AND SPECIAL PENSIONS

1.0 Unusual Risks:-

- 1.1 Subject to the Policy Directives of the Municipal Council, the Municipality may out of revenue pay to any Person employed by the Municipality in any area where there existed at any material time, unusual risks of injury, or to the dependants of such Persons, such pension or gratuity as the Municipality may

think fit consistent with the Policy Directives of the Municipal Council by way of compensation for the death of or for any injury or loss suffered by such Person.

- 1.2 Nothing contained in this section shall affect any obligations of the Municipality to make payment of any damages or any compensation payable under the Compensation for Occupational Injuries and Diseases Act or any other law.

2.0 Awards:-

Subject to the Policy Directives of the Municipal Council, the Municipality may out of revenue pay to any Person employed by the Municipality a reward for:-

- (1) distinguished service;
- (2) long continuous service; and
- (3) any suggestions which may lead to a greater efficiency or economy within the Municipality and which suggestions have been approved by the Municipality.

3.0 Honoraria:-

Subject to the Policy Directives of the Municipal Council, the Mayor may out of revenue pay an honorarium to the Mayor's chaplain.

PART V

CANDIDATES NOMINATION PROCESS

[a] NOMINATION PERIOD

All awards, other than the freedom of Town Award will run on an annual basis, commencing on the first day of July in the current year and ending on the last day of June of the following year. The freedom of Town Award will be conferred once per each term of Municipal Council.

[b] PROCESS

A public notice would be published in local newspapers, inviting nominations from the public. External experts in the respective categories may also make nominations to the judging committee. Nominations must be received in writing and the judging committee would review all entries received annually. Nominations would be considered by the judging committee, which has the discretion to confer and takes the final decision on the freedom of Town and other awards. The Office of the Municipal Manager must prepare a report to the Council regarding the conferring of the Awards.

(c) Judging

The judging committee will be chaired by the Mayor and comprised of the Council Speaker, Council Chief Whip, Councilors (appointed by the Mayor) and the Municipal Manager.

[d] Recognition

It is recommended that, where possible, awards be in whatever form, which will assist in the development of projects to be identified as sustainable and have a long-term viability.

[e] Awards Dinner

The awards will be presented at an annual dinner, for which corporate buy-in will be sought in the form of tables and sponsorship to raise funds.

PROVINCIAL NOTICE 86 OF 2016



MATATIELE LOCAL MUNICIPALITY

FINANCIAL BY-LAW

The Matatiele Local Municipality in terms of Section 156 of Constitution of the Republic of South Africa Act No. 108 of 1996, read with section 11(3) of the Local Government: Municipal Systems Act No. 32 of 2000, enacts as follows

MATATIELE LOCAL MUNICIPALITY

FINANCIAL BY-LAW

PURPOSE

In terms of the Constitution of the Republic of South Africa (Act 108 of 1996) municipalities shall have inter alia the following rights:

Section 151 (3)

A municipality has the right to govern, on its own initiative, the local government affairs of its community, subject to national and provincial legislation, as provided for in the Constitution.

Section 156 (2)

A Municipality may make and administer Bylaws for the effective administration of the matters which it has the right to administer.

Section 160 (2)

A Municipal Council may make Bylaws which prescribe rules and order for —

- (a) its internal arrangements;
- (b) its business and proceedings.

As the Council is accountable to its voters, it believes that in, regularizing financial administration, it will ensure that sound administration prevails and that Council is satisfied that it complies with relevant legislation, and therefore issues these Bylaws, acting under the authority of Section 11, read in connection with section 98 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

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1. DEFINITIONS

In these Bylaws, *unless* the context otherwise indicates —

"Accounting, Officer" means the municipal official referred to in Section 60 of the Local Government-Municipal Finance Management Act, (Act No. 56 of 2003);

"Chief Financial Officer" means the employee designated in terms of Section 80(2)(a) of the Local Government-Municipal Finance Management Act, (Act No. 56 of 2003) or any amendment thereto, and, any person duly authorised by the Council to act on his behalf;

"Committee" means any committee established in terms of sections 79 or 80 of the Local Government Municipal Structures Act, 1998 (Act No. 117 of 1998);

"Council" means a municipal council referred to in section 157(1) of the Constitution, 1996 (Act No. 168 of 1996);

"Department" means any department, section or branch of the Council of which the head reports directly to the Municipal Manager only;

"GAMAP" means Generally Accepted Municipal Accounting Practices;

"GRAP" means Generally Recognised Accounting Practices;

"Head of Department" means the person appointed or acting as head of any department of the Council;

"Municipal Manager" means the Municipal Manager of the Council or any official acting in such capacity;

2) Any other word or expression to which a meaning has been assigned in the Local Government: Municipal Finance Management Act, 2003, and the Local Government: Municipal Systems Act, 2000, unless inconsistent with the context shall, wherever such word or expression appears in the Bylaws, bear the same meaning as that assigned to it in the said legislation.

3) Words applying to arty individual shall include persons, companies and corporations and the masculine shall include females as well as malts and the singular Shall include the plural and *vice versa*:

2. ESTIMATES AND BORROWING

1.(a) Borrowing

The Chief Financial Officer shall be responsible for the raising of such loans required for the purpose of financing capital expenditure from external sources in accordance with such terms and conditions and from such sources approved by the Council after considering the Chief Financial Officer's report.

When the full amount provided for a specific purpose in the estimates in respect of the operating account has not been spent for that purpose, the balance shall not, except as mentioned above or with the consent of the Council, be used for any other purpose.

(b) *Shortfall in Income*

Where estimated income is unlikely to realise, the Head of the Department concerned shall without delay, give an account for• the reasons resulting to the shortfall in income to the Chief Financial Officer. The Mayor shall then report to the Council if the 'shortfall is, in his opinion, substantial and indicate how the shortfall will be met.

2. REPORTS

- a) No report containing financial implications shall be considered by the Council unless the report, including a financial report of the Chief Financial Officer in this regard, has been considered by the Executive Committee. The essence of the contents of the financial report of the Chief Financial officer shall not be altered.
- b) Where any expenditure is contemplated in a report submitted to the Council, the Head of the Department shall indicate the applicable provision on the capital or operating estimates and the vote against which the expenditure is to be charged.

- c) Before instructions are given to a consultant with regard to any capital project, and before any expenditure is incurred, the Head *of* the Department concerned, baying Brat obtained the approval of the Council or Executive Committee, where applicable; shall also see to it that adequate financial provision is made in the relevant estimates.

3. ACCOUNTING SYSTEMS AND COSTING

- 1) The Chief Financial Officer, or a Head of a Department, when so requested by the Chief Financial Officer, shall maintain proper cost accounting systems in respect of intergovernmental grants, capital and operating accounts and, except in so far as the form of such accounts may be prescribed by law, such systems shall be kept in whatever form the Chief Financial Officer or external grantor of funds should consider suitable.
- 2) The system used by a department for the collection of revenue, the keeping of books or any records relating to financial matters, assets, stocks, as well as cost accounting, shall be subject to the approval of the Chief Financial Officer and no such system shall be established, altered or deviated from without the Chief Financial Officer's approval.
- 3) The Chief Financial Officer shall keep the financial accounting records of the Council up to date, and the accounting systems which he has accepted in compiling such records shall, apart from complying with any prescribed law, adhere to any compulsory guidelines which National Treasury may from time to time after consultation with the Auditor-General determine.
- 4) The Chief Financial Officer shall continuously review all tariffs in respect whereof expenditure is taken into account elsewhere, in conjunction with a Head of a Department.
- 5) The Chief Financial Officer shall prepare financial statements in respect of each financial year in accordance with GAMAP and/or GRAP, and certify, together with the Municipal Manager, the correctness of such statements.
- 6) Except in respect of normal services for which the Council has determined tariffs, no goods of any kind belonging to the Council, or in respect of which it is taxable, shall be supplied to, and no work shall be carried out by it for any other person without the Council's approval and unless the Council is satisfied that the supplying of such goods or the executing of such work is to its advantage.
- 7) No material shall be supplied to and no work shall be carried out for a private individual, company, firm, organization, state or parastatal body, unless the Head of the Department concerned has been notified by the Chief Financial Officer that the amount of the estimated cost or part of the cost of the work has been paid or otherwise been provided for: Provided that the Chief Financial Officer may in his discretion, in the case of state or parastatal bodies, deviate from this provision. If a payment has been made in advance in compliance with this section, and it nevertheless becomes evident to the Chief Financial Officer or the Head of the Department performing the work or supplying the material, that such payment in advance is likely to or will be exceeded by the cost of the work or material, such Head of a Department shall not continue with the performance of such work or the supply of such material without the prior consent of the Municipal Manager, and

without thereafter complying with such terms and conditions as the Municipal Manager may determine.

- 8) No department shall carry out work or render services to another department or section unless such work or services are requisitioned on the Council's official departmental works order and signed by a duly authorized official. The document shall contain a description of the work or services, the estimated cost thereof, the authority for incurring the expenditure, and the vote or item or job number against which such expenditure should be debited.
- 9) Charges levied by one department in respect of another department, for work or services referred to in section 3(8) shall be submitted without delay to the latter department for approval and thereafter be submitted to the Chief Financial Officer for recharge purposes. Any objection to such a charge shall be referred to the Chief Financial Officer for a final decision.
- 10) (a) Works, which have been provided for on the operating estimates, including the maintenance and repair of such works, of which the anticipated cost will, in the opinion of the Head of the Department concerned, exceed the amount mentioned in section 16(5) as such other work as may be determined by the Council, shall not be carried out departmentally unless the Chief Financial Officer has issued a work order for same on application by the Head of the Department concerned.
(b) The Chief Financial Officer may refuse to issue a work order as referred to in subsection (a) as he deems necessary if the application therefor is not supported by such information relating to material, labour, transport and other costs.
(c) An application for the issue of a work order shall be submitted on a form prescribed by the Chief Financial Officer, and the vote against which the relevant expenditure is to be charged shall be stated therein.
- 11) No stocks and materials shall be transferred from one job to another, unless there has been compliance with the provisions of section 14 (1) (a).

4. INCOME

- 1) The Accounting Officer shall be responsible for the collection of all monies due to the Council in terms of the Council's Credit Control and Debt Collection Bylaws.
- 2) All monies received shall be balanced and deposited daily, or at such regular intervals as the Chief Financial Officer may determine, at the department of the Chief Financial Officer or the Council's bankers. The Chief Financial Officer must be provided with the necessary proof that the monies have been balanced and deposited.
- 3) The Chief Financial Officer shall ensure that all monies received by any other department are paid over regularly to his department or otherwise in accordance with the provisions of section 4(1), and for that purpose he shall prescribe a system

for the collection of income, and no such system shall be altered or deviated from without the Chief Financial Officer's approval.

- 4) Heads of Departments shall notify the Chief Financial Officer immediately of any monies becoming due to the Council, and such notification shall state the reasons why such monies are due.
- 5) No amount due to the Council shall be written off as irrecoverable without the approval of the Council, provided that the Chief Financial Officer shall be authorised to write off appropriate amounts in any one case not exceeding the amount as determined in section 16(5), and a record of all amounts written off shall be kept by the Chief Financial Officer, in such form as he may decide.

7. STAFF RECORDS AND PAYMENTS

- 1) The Chief Financial Officer is responsible for the calculation of salaries, wages, allowances and leave and shall keep the necessary records for this purpose.
- 2) The Chief Financial Officer shall be responsible for the verification of all calculations referred to in section 7(1).
- 3) The payment of all salaries, wages and allowances shall be made by the Chief Financial Officer and the method of such payment shall be at his discretion.
- 4) The Chief Financial Officer shall be notified of all appointments, promotions, dismissals, resignations, transfers, leave of any description as well as any absence without leave of an employee and all matters affecting the emoluments of employees of the Council. The submission of such information to the Chief Financial Officer shall be in such form and at such date and time as the Chief Financial Officer may from time to time determine.
- 5) A Head of a Department shall be required to certify that, in respect of every employee reflected on the pay sheet for each pay period; such employee was employed by the Council during such period.
- 6) In the event of salaries and wages having to be paid in cash due to unforeseen circumstances —
 - a) the supervisor or a responsible official designated by the Head of the Department, and who shall be present, and the paymaster shall certify that the amounts reflected on the pay sheet or pay tickets have been duly paid to the respective persons against their signatures or other marks of identification; and
 - b) the paymaster or other responsible official designated by the Chief Financial Officer shall certify that all unclaimed salaries or wages have been paid into the designated account, in accordance with any relevant legislation, within the period specified by the Chief Financial Officer and appropriate record of such unclaimed monies shall be kept.

8. INTERNAL CONTROL

- 1) The following shall be the responsibility of a Head of a Department:
 - a) To establish and maintain internal control systems to ensure that the activities of his department are conducted in an efficient and well-ordered manner; and that the control systems are as such that, where applicable, it will assist to reach the goals which must be obtained in sections 9(6) and 9(7).
 - b) To ensure that adequate measures are taken to safeguard computer equipment, programs and all associated records.
 - c) Generally to maintain and safeguard all assets, materials and records for which the department is responsible.
 - d) Such financial control systems are subject to the approval of the Chief Financial Officer and for such purpose each Head of a Department must submit such control systems to the Chief Financial Officer. The Chief Financial Officer has the power of attorney to implement such control systems where the Head of the Department neglects to do so.

9. AUDIT

- 1) The Municipal Manager shall be responsible for the auditing (on such a basis as he considers appropriate and subject to any legal prescriptions) of all records, transactions, undertakings or matters in general relating to the finance, stocks and assets of the Council.
- 2) The Municipal Manager and any other person authorised by him shall have access to any information which he deems necessary to meet the requirements referred to in section 9(1).
- 3) A Head of a Department shall advise the Municipal Manager of any departmental inquiry which may be applicable to the financial administration, stocks and assets of the Council and shall request the Chief Financial Officer to personally obey an authorised official, be present at such inquiry.
- 4) The Chief Financial Officer may, at his discretion, and in addition to any steps taken by the Head of the Department, submit a report to the Municipal Manager or the Council, after consultation with the Municipal Manager on any matter pertaining to such inquiry.
- 5) A Head of a Department and every official thereof shall upon request of the Chief Financial Officer to the best of his knowledge furnish him with such information relating to financial matters, stocks and assets as the Chief Financial Officer specifies.
- 6) In performing the internal audit function, the Accounting Officer shall consider and, where he deems it necessary, report on, inter alia., the following to the Audit Committee:

- Council has indeed so accrued and has been properly recorded.
- b) Whether proper authority exists for any amount written off as irrecoverable or abated.
 - c) Whether effective accounting records are maintained.
 - d) Whether expenditure incurred on any item or project, including interdepartmental jobs —
 - I. has been correctly allocated between the capital, trust fund and operating accounts;
 - II. has been charged to the correct vote;
 - III. has been made with proper authority;
 - IV. complies with the law; and
 - v. if any investigation has been performed in terms of section 9(7) whether the Council received due value for money and whether waste, extravagance Or inefficient administration exists.
 - e) Internal control, including the soundness, adequacy and application of financial measure controls.
 - f) Whether procedures which apply to the finances of the Council and which are prescribed in these Regulations, or by any other law, or by a directive of the Chief Financial Officer, are adhered to.
 - g) Whether the movable assets of the Council, cash and other interests are adequately safeguarded.
 - h) Whether all securities for investments made by the Council are in order, adequately safeguarded and properly reflected in the books of the Council.
 - i) Whether assets, stocks and materials at the various departments are verified at least once in every financial year.
 - j) Whether cash in hand and all bank balances pre-verified monthly.
 - k) Whether adequate security exists in respect of all computer installations in respect of financial transactions, assets, stocks and material and the determined procedures for the Proper management of such installations are properly observed.
 - l) The suitability and reliability of financial and other management data developed within the Council.
- 7) Whenever a performance audit is conducted, the Audit Performance Committee must -
- (a) assess the measures and procedures implemented to ensure effective and efficient management;

10. ASSETS

The status of any capital asset under his/her control and shall furnish the Chief Financial Officer with any information he may require from time to time regarding any assets of the Council.

- (a) Every department shall keep inventories, in a form to be approved by the Chief Financial Officer, of all animals, plant, tools and furniture, details of which the Chief Financial Officer has not required to have recorded in the register.
- (b) At such a date during every financial year of the Council as the Chief Financial Officer may decide, every Head of a Department shall cause a comparison to be made between the inventories referred to in subsection (a) and the assets in the possession of his department and shall report the result of such comparison to the Chief Financial Officer in writing.
- (c) If any asset referred to in the aforesaid inventories is found not to be in the department's possession, the Head of the Department shall include a statement of all the facts relating to the deficit in the report referred to in subsection (b).
- (d) The Head of the Department shall submit a written report to the Audit Committee and Council setting out the relevant facts' relating to the absence of any asset as identified in accordance with subsection (c).
- (e) The Head of the Department concerned shall arrange for a complete check of all assets as shown on such records at least once during each financial year or as demanded by the Chief Financial Officer, and shall thereafter submit to the Chief Financial Officer a certificate of the existence or otherwise of such assets. The Head of the Department shall report any discrepancies which cannot, in the opinion of the Chief Financial Officer, be satisfactorily accounted for, to the Audit Committee and the Council.
- (f) Where, in the opinion of the Council, any asset should be scrapped or declared redundant or obsolete, such asset shall be kept in such a place as the Chief Financial Officer may direct, and the Chief Financial Officer shall dispose of such asset to the best advantage of the Council, in accordance with directives issued by the Council, provided that where such asset has been financed from a loan that is not fully redeemed, the Chief Financial Officer shall determine the method by which the unredeemed portion of the loan shall be repaid.
- (g) The Chief Financial Officer shall reconcile the capital assets and accounting records in respect of each financial year.

11. INVESTMENTS

- 1) The Chief Financial Officer in consultation with the Municipal Manager shall be responsible for the investment of the funds of the Council on such terms and conditions as may be prescribed by law and in accordance with a policy determined by the Council and shall in connection with such investments be empowered to buy or sell any securities and shall report monthly to the Council on all investments bought and/or withdrawn during the foregoing month.
- 2) The way in which surplus funds and other Municipal funds must be invested, is controlled in terms of —
 - a) GAMAP 106;
 - b) Section 13 of the Local Government Municipal Finance Management Act, 2003;
 - c) Determinations of the Minister of Finance by notice in the Government Gazette.
- 3) The following instruments may be used for investment of municipal funds:
 - a) Deposits with banks registered in terms of the Banks Act, 1990 (Act No. 94 of 1990).
 - b) Securities issued by the National Government.
 - c) Investments with the Public Investments Commissioner as contemplated by the Public Deposits Act, 1984 (Act No. 46 of 1984).
 - d) A municipality's own stock or similar type of debt.
 - e) Internal funds of a municipality which have been established in terms of a law to pool money available to the municipality and to employ such money for the granting of loans or advances to departments within a municipality, to finance capital expenditure.
 - f) Bankers, acceptance certificates or negotiable certificates of deposits of banks.
 - g) Long-term securities offered by insurance companies in order to meet the redemption fund requirements of municipalities.
 - h) Any other instruments or investments in which a municipality was under a law permitted to invest before the commencement of the Local Government Municipal Finance Management Act, 2003: Provided that such instruments shall not extend beyond the date of maturity or redemption thereof.
- 4) Before money can be invested, the Chief Financial Officer, in consultation with the Municipal Manager, must determine whether there will be surplus funds available during the term of the investment.
- 5) The long-term investments should be made with an institution of minimum BBB rating (where BBB refers to lower risk institutions).
- 6) The short-term investments should be made with an institution of minimum B rating (where B refers to higher risk institutions).

- 7) Not more than the amount of available funds as laid down by Council policy should be placed with any one single institution.

12. INSURANCE

- 1) The Chief Financial Officer shall be responsible for the placing of insurance as approved by the Council from time to time. The Chief Financial Officer shall also be responsible for the management of the Council's self-insurance fund, if in operation, and shall in managing Such fund, cover such risks as the Council may from time to time determine and ensure that adequate premiums are charged by the fund annually.
- 2) A self-insurance fund shall be protected by such reinsurance cover as the Council may determine.
- 3) The Chief Financial Officer may at any time require from a Head of a Department, a statement which he shall duly supply, reflecting the assets held by that department, the risks to be insured, and any other information which the Chief Financial Officer deems necessary.
- 4) A Head of a Department, where so required by the Chief Financial Officer, shall give prompt notice to the Chief Financial Officer of all property acquired, leased or rented, which should be insured against fire, accident or loss of any kind, and of any alterations in structure, or occupation of any buildings or items under insurance.
- 5) A Head of a Department shall advise the Chief Financial Officer of the amounts for which new insurance should, be effected, or of any alterations in existing insurance's, having regard at all times to the replacement cost of assets.
 - a) A Head of a Department shall give notice to the Chief Financial Officer immediately after the occurrence of any fire or damage to or loss of the assets of the Council and shall as soon as possible, within the prescriber/ period and subject to the requirements of the insurances, after such incident, complete the appropriate claim forms and furnish an estimate of the cost of making good such damage.
 - b) A Head of a Department shall advise the Chief Financial Officer and the Director: Corporate Services immediately of any injuries to employees & the Council.
 - c) A Head of a Department shall advise the Chief Financial Officer immediately of each cast of any injuries or damage to third parties property notwithstanding whether the Head of the Department is of the opinion that the case could give rise to a claim against the Council or not.

13 SUPPLY CHAIN MANAGEMENT

- 1) Quotations need not be invited for the purchase of goods or the execution of works for an amount as mentioned in section 16(5).
- 2) The Tender Committee or its assignee to the degree to which he is authorised in terms of delegated authority, shall approve the quotation which appears to be the most favourable.
- 3) Subject to the provisions of any law, compliance with the provisions of section 13(10) shall be waived by the Tender Committee or the Head of Department to the degree to which each is authorised by means of delegated authority to accept tenders or quotations, if the authorised committee or person is of the opinion that the invitation of quotations would not be to the advantage of the Council.
- 4) A head of a department shall ensure that his requirement for particular goods, material, services and work are not deliberately divided up in order to avoid the need to invite public tenders and the Chief Financial Officer shall report any contravention of this section to the council.
- 5) Notwithstanding the provisions of any of these sections unless he has been specifically authorised by the Council, the Director. Corporate Services shall not without first inviting Public tenders enter into any contract on behalf of the Council for the leasing of goods or property for a period exceeding twelve (12) months where such contract involves an average estimated monthly rental in excess of any amount as determined in section 16 (5), This compliance may be waived by the Tender Committee or the Municipal Manager to the degree to which each is authorised by means of delegated authority to accept tenders or quotations, if the authorised person is of the opinion that the invitation of quotations would not be to the advantage of the Council.
- 6) In the case of leasing where tenders shall not be invited in terms of Section 13(15) such Contract shall not be entered into by the Director: Corporate Services unless the Executive Committee has approved the rental amount.

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- 7) In reports dealing with the acceptance of tenders or quotations, a Head of the Department shall indicate, in addition to known costs to be paid to the successful tender, the probable additional costs which may arise in the execution of such contract, or for the completion of the project, and where necessary obtain approval from the Council for any additional expenditure.

- 8) No contract shall be binding on the Council unless it is in writing and the acceptance thereof signed by an official authorised by the Council.
- 9) In the case of every contract where the total amount payable under the contract exceeds or is likely to exceed an amount as determined in section 16(5), a guarantee approved by the Chief Financial Officer shall be provided by the contractor and such guarantee shall cover at least ten (10%) percent of the contract amount. Notwithstanding the a foregoing, the Council or a delegates to whom the powers to accept tenders nr quotations has been awarded, may in circumstances which he deems appropriate, and upon the recommendation of the Chief Financial Officer, waive compliance with the whole or any part of this section.
- 10) A progress payment in terms of a contract shall be limited to the value of the work done or material supplied, as certified in terms of the contract, less the amount of previous payments made and retention money withheld in pursuance of such contract
- 11) Upon completion of a contract, the certificate for final payment together, with the contractor's detailed account and statement, showing omissions and additions, shall be forwarded to the Chief Financial Officer.
- 12) The Council and Tender Committee shall adhere to any guidelines which National Treasury may from time to time prescribe regarding _tender procedures and contract administration.
- 13) A Head of a Department shall furnish the Chief Financial Officer with ail such information as he may require to ensure the efficient administration of all contracts entered into by the Council.
- 14) Subject to section 113 of the Local Government Municipal Finance Management Act, 2003, read with Government Gazette Notice No. 19836 dated 26 March 1999, or any further amendment in terms of the Tenders Amendment Regulations a Council may dispense with the calling of tenders —
- a) in respect of any contract which is for the execution of any work far or the supply or sale of any goods or materials to the municipalities where —
- I. the amount involved is likely to be involved does not exceed in respect of —
- Category 1 an amount of 150 000, 00;
- Category 2 an amount of R70 000, 00; and
- Category 3 an amount of R120 000, 00.
- Provided that any municipality may determine a lower amount than the amount set for the category of that municipality by this subparagraph.
- II. the contract relates to the publication of notices and advertisements by or on behalf of the municipality;

- III. any purchase is done on behalf of the municipality at a public auction or by competitive tender,
 - IV. the contract is for the supply of goods or materials to a municipality by a contractor of the national or provincial sphere of government at the price and on the terms and conditions applicable to such a sphere of government;
 - V. the contract relates to any purchase by or on behalf of the municipality of a work of art and the Council concerned has consented to such a purchase;
 - VI. the contract relates to the appointment of any person to provide professional advice or services and the Council concerned has consented to such an appointment provided that it is in accordance with a schedule of fees approved by a nationally recognised institute or body;
 - VII. the contract is for the repairs to or the purchase of spare parts for machinery or equipment for which only one authorised supplier is available in the municipal area or in the Republic; or
 - VIII. the execution of such work or the supply or sale of such goods or materials is so urgent that it would not be in the interest of the municipality to invite tenders; and
- b) in respect of any contract which is for the sale of any goods or materials by the municipality —
- I. at a public auction of which notice has been published in the press;
 - II. commonly sold to the public at a charge fixed by law or by resolution of the municipality;
 - III. at a uniform price or tariff fixed by law or by resolution of the municipality;
 - IV. which have previously been offered for sale at a public auction or in respect of which tenders have previously been invited but which could not be disposed of;
 - V. the value of which, as assessed by the municipality, does not exceed the amount stipulated in section 16(5); at
 - VI. where the sale of such goods or materials is so urgent that it would not be in the interest of the municipality to invite tenders.

14 WITHDRAWAL OF TENDER AND FAILURE TO EXECUTE A CONTRACT

- a) Should a tenderer amend or withdraw his or her tender after the closing date and time, but prior to him being notified of the acceptance thereof, or should a tenderer after having been notified that his or her tender has been accepted —

15 STOCKS AND MATERIAL

- 1) No stock items shall without the approval of the Head of Department be purchased out of impress monies held by departments.
- 2) Every Head of a Department shall at least once in every financial year or as required by the Chief Financial Officer, carry out a stocktaking covering all stocks and material under his control and shall report to the Chief Financial Officer the quantity and value of any discrepancies and breakages in stocks revealed by such stocktaking, together with the reasons for such discrepancies and, breakages. In addition, the Chief Financial Officer shall from time to time, and on such basis as he considers adequate, verify the existence of all stocks, whether under his control or under the control of another department.
- 3) Any adjustments to-stock records, if it does not exceed the amount stipulated in section 16(5), shall be authorised in the Manner prescribed by the Chief Financial Officer or the Council, as the case may be, provided that any adjustments which the Chief Financial Officer deems to be substantial, and all cases involving negligence or identifiable theft shall be reported to the Council and, if applicable, dealt with as prescribed by a higher authority and section 4(6) (c).
 - a) All stocks and material available after the completion of the work or on fulfilment of the purpose for which they were issued, or recovered in the course of carrying out work, or on hand for any reason whatsoever, shall immediately, under cover of an advice note which adequately describes same, be returned to the store or such place as the Head of Department may direct. The advice note shall be in such form as the Chief Financial Officer may prescribe and, where applicable, the value placed on returned stocks and material shall be determined by the Head of the Department.
 - b) The provisions of subsection 14(11) (a) shall also be applicable to any stock, goods, materials, assets etc., donated to the Council. The application or alienation of such goods etc. is subject to the normal stipulations as set out in these Bylaws.
- 4) Where, in the opinion of the Council, any stocks and material should be scrapped or declared redundant or obsolete, the Chief Financial Officer or Head of a Department so authorised shall dispose of such stocks and Material to the best advantage of the Council, in accordance with directives issued by the Chief Financial Officer or the Council, as the case may be.

16. INFORMATION AND COMMUNICATION SYSTEMS

- 1) The centralised corporate information and communication systems allocated to the Chief Financial Officer shall be maintained in such a way as to ensure the integrity and security of the systems and data.
- 2) The Chief Financial Officer shall take all reasonable measures to ensure adequate backup of programmes and data for recovery purposes.
- 3) All programme changes shall be recorded for audit purposes and be authorised by the Chief Financial Officer or his delegated representative.
- 4) A suitable disaster recovery plan shall be prepared and maintained by the Chief Financial Officer to cover all relevant aspects to maintain business continuity in the event of a disaster.
- 5) Heads of Departments shall ensure that all reasonable steps are taken to prevent hardware and software from being infected by viruses. All workstations shall be supplied with the recommended software to assist in providing the necessary protection.
- 6) Information systems of any nature which generate financial results used to cost or estimate expenditure for recovery from third parties or which quantify levies, tariffs and other fees and charges must be certified by the Chief Financial Officer or his representative.

15. MISCELLANEOUS

- 1) Wherever powers are delegated to an official in terms of these Bylaws, the conditions where under such powers are delegated should be defined in the official Delegated Powers of Authority of the Council, including a condition that such official shall report to the Council at such intervals as the Council may determine.

2) COMMITTEE MEETINGS, AGENDAS AND MINUTES

Notices of all meetings of the Council shall be sent to the Chief Financial Officer, together with full agendas and reports.

3) CIRCULARS, LETTERS AND OTHER WRITTEN COMMUNICATIONS FROM THE STATE AND OTHER INSTITUTIONS

The Director: Corporate Services shall, immediately upon receipt of any circular, letter or other written communication, where the contents in any way relate to the financial administration, assets or stock of the Council, forward a copy of such communication to the Chief Financial Officer for attention.

4) FINANCIAL PROCEDURES

The Accounting Officer shall be empowered to prescribe procedures and policies regarding financial matters including stocks and assets under these Bylaws.

5) REVIEW OF MONETARY LIMITS

All monetary limits in respect of these Bylaws shall be subject to any stipulations as determined by the Council from time to time.

6) REPEAL OF EXISTING MUNICIPAL FINANCIAL BYLAWS

The provisions of any Bylaws relating to financial matters by the disestablished municipal entities or predecessors are hereby repealed insofar as they relate to matters provided for in these Bylaws.

16. SANCTIONS

Any person who contravenes or fails to comply with a provision of these Bylaws shall be dealt with in terms of the relevant Disciplinary Code applicable to the Municipality.

67 SHORT TITLE AND COMMENCEMENT

This by-law shall be called financial by-law, 2015, and shall take effect from the date of proclamation in the Provincial Gazette.

PROVINCIAL NOTICE 87 OF 2016

MATATIELE LOCAL MUNICIPALITY



MATATIELE

LOCAL MUNICIPALITY

ENVIRONMENTAL BY-LAWS

ENVIRONMENTAL BY-LAWS

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CHAPTER 1

DEFINITIONS

Definitions

1. In these by-laws, unless the context indicates otherwise –

“Council” means the Council of Matatiele Municipality;

"authorised official" means an authorised official authorised by the Council for the purposes of these by-laws to perform and exercise any or all of the functions in terms of these by-laws or the provisions of any other law;

“compliance notice” means a notice issued in terms of section 16 to comply with these by-laws or with a permit issued in terms of these by-laws;

“environmental health officer” means an official appointed by the Council, and who is duly registered as an environmental health officer or environmental health practitioner with the Health Professions Council of South Africa;

“municipal manager” means a person appointed as such by the Council in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“occupier”, in relation to any premises, means any person –

(a) occupying the premises; leasing the premises; or

(b) who is not occupying the premises but is entitled to do so;

“owner”, in relation to any premises, means -

- (a) the person in whose name the title to the premises is registered; or
- (b) if the person referred to in (a) is dead, insolvent, mentally ill, a minor or under any legal disability, the executor, guardian or other person who is legally responsible for administering that person's estate;

"permit" means a public health permit granted by the Council in terms of the section 10;

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

"pest" means any animal that may create a public health hazard or public health nuisance if it is present in significant numbers and without limitation, includes rats, mice, flies, mosquitoes and cockroaches;

"premises" means -

- (a) any land without any buildings or other structures on it;
- (b) any building or other structure and the land on which it is situated; or
- (c) any vessel, vehicle or movable structure that is used for a scheduled use;

"prescribed fee" means a fee determined by the Council by resolution;

"prohibition notice" means a notice issued in terms of section 17;

"public health" means the mental and physical health and well-being of people in the Council's area;

"public health hazard" means any actual threat to public health, and without limitation, includes –

- (a) the circumstances referred to in section 2(3);
- (b) unsanitary conditions;
- (c) circumstances that make it easier for a communicable disease to spread;
- (d) circumstances that make food or drink, including water for domestic consumption, unhygienic or unsafe to eat or drink; and
- (e) circumstances that allow pests to infest any place where they may affect public health;

"public health nuisance" means the use of any premises or place in a manner that creates conditions that significantly increase the risk of a public health hazard occurring or that compromises any aspect of the public health to an extent that is more than trivial or insignificant, and without limitation, includes those circumstances in which a public health nuisance is considered to exist in terms of section 5; and

"public place" means any road, street, thoroughfare, bridge, overhead bridge, subway, foot pavement, footpath, sidewalk, lane square, open space, garden park, path, bus or taxi rank, servitude or enclosed space vested in a Council and includes any road, place or thoroughfare which is in the undisturbed use of the public or which the public have the right to use.

CHAPTER 2

PUBLIC HEALTH HAZARDS

Prohibition on causing a public health hazard

2.(1) No person may create a public health hazard.

(2) Every owner or occupier of premises must ensure that a public health hazard does not occur on the premises.

(3) An owner or occupier of premises creates a public health hazard if –

- (a) the premises are infested with pests or pests are breeding in significant numbers on the premises;
- (b) there are conditions on the premises that are conducive to the spread of a communicable disease;
- (c) there are unsanitary conditions in any part of the premises; or
- (d) any water supply for domestic consumption on the premises is unsafe for human consumption.

(4) Any person that contravenes or fails to comply with subsections (1) or (2) commits an offence.

Duty to report

3.(1) The owner or occupier of premises who knows of a public health hazard on the premises must within 24 hours of becoming aware of its existence –

- (a) eliminate the public health hazard; or
- (b) if the owner or occupier is unable to comply with subsection (a), take reasonable steps to reduce the risk to public health and report the existence of the public health hazard to the Council.

(2) An owner or occupier who does not comply with subsection (1) commits an offence.

CHAPTER 3

PUBLIC HEALTH NUISANCES

Prohibition on causing a public health nuisance

4.(1) No person may cause a public health nuisance.

(2) Every owner or occupier of premises must ensure that a public health nuisance does not arise on the premises.

General nuisances

5. An owner or occupier of premises creates a public health nuisance where –

- (1) any stream, pool, marsh, ditch, gutter, watercourse, cistern, urinal, drain, sewer, septic

tank, long drop, slop tank, ash heap or dung heap is so foul or in such a state or so situated or constructed as to be offensive or to be injurious or dangerous to the public health;

(2) any stable, kraal, shed, run or other structure used for the keeping of animals or birds is so constructed, situated, used or kept as to be offensive or to be injurious or dangerous to health;

(3) any accumulation of refuse, offal, manure or other matter is offensive or is injurious or dangerous to health;

(4) any factory, industrial or business premises is so overcrowded, inadequately lit or ventilated as to be injurious or dangerous to the health of those employed therein or thereon; and

(5) any factory, industrial or business premises causes or gives rise to smells or effluvia which are offensive or which are injurious or dangerous to health.

Pest control

6. An owner or occupier of premises creates a public health nuisance where -

(1) waste or other material is left or kept in a manner that attracts rodents or other pests to the premises; or

(2) flies or mosquitoes are attracted to, or breeding, in significant numbers on the premises;

CHAPTER 4

POTENTIALLY HAZARDOUS USES OF PREMISES

Duty to list potentially hazardous uses

7. The Council may list any use of premises, in a schedule to these by-laws, which has caused, or is likely to cause, a public health hazard or to create a public health nuisance unless reasonable measures are taken to avoid the risk or to reduce it to an acceptable level and Council must prescribe measures that must be taken to avoid the risk or reduce it to a level acceptable to the Council.

Scheduled uses

8. Any person who uses premises in a manner or for a purpose listed in the Schedule to these by-laws must –

(1) comply with each of the provisions set out in the Schedule relating to that use unless that person has been granted an exemption under section 9 from complying with any provision; and

(2) obtain a permit under section 10 before commencing the use and must comply with the terms and conditions of the permit.

Exemption certificate

9. (1) Any person who wishes to use premises in a manner or for a purpose listed in the Schedule to these by-laws, but who wishes to be exempted from complying with one or more of the requirements of the Schedule, may apply to the Council for an exemption certificate.

(2) The Council may grant an exemption certificate, with or without conditions, if an environmental health officer is satisfied that –

(a) the measures taken to avoid or reduce the risk to public health arising from the scheduled use are equivalent to or better than the measures required by the relevant schedule; and

(b) the scheduled use for which the exemption is required is not likely to cause a public health hazard or a public health nuisance.

Public health permits

10.(1) Any person who wishes to use premises in a manner or for a purpose listed in the Schedule to these by-laws, must apply in writing to the Council in accordance with section 11 for a public health permit.

(2) The Council may issue a public health permit to the owner or occupier of any premises if an environmental health officer is satisfied that the use for which the permit is required is not likely to cause a public health hazard or a public health nuisance.

(3) A public health permit –

(a) must be issued subject to conditions aimed at reducing the risk to public health created by the scheduled use, to a level acceptable to the Council; and

(b) may exempt the permit holder from complying with one or more of the provisions of the relevant schedule, if the person authorised to issue the permit reasonably believes that the permit requires the permit holder to take measures to avoid or reduce the risk to public health arising from the activity that are equivalent to, or better than, the measures required by the relevant schedule.

Application procedure

11.(1) Any person that wants to obtain a permit or an exemption certificate must apply to the Council in writing in a form stipulated by the Council, prior to undertaking the relevant scheduled use.

(2) When the Council receives an application for a permit or an exemption certificate it must ensure that the relevant premises are inspected by an environmental health officer as soon as reasonably possible.

(3) Before deciding whether or not to approve an application referred to in subsection (1), the Council –

- (a) must ensure that any persons in the vicinity of the premises whose health or wellbeing may be affected if the premises are used for a scheduled use, have been consulted and have had an opportunity to make representations; and
- (b) may request the applicant to provide any further information which the Council considers relevant to enable him or her to make a properly informed decision.

General terms applicable to permits and certificates

12.(1) A permit or an exemption certificate –

- (a) is not transferable from one person to another; and
- (b) applies only to the premises specified in the permit or certificate.

(2) Every permit or exemption certificate –

- (a) must specify the address and other relevant details regarding the location of the premises concerned;
- (b) must describe the premises concerned;
- (c) must describe the activity concerned;
- (d) may specify terms and conditions; and
- (e) must indicate when it expires.

(3) The Council may charge applicants a prescribed fee for considering and granting the permit or exemption certificate.

(4) The Council may refuse to consider an application until it has been provided with the information that it reasonably requires to make an informed decision and until the prescribed fee (if any) has been paid.

Suspension, cancellation and amendment of permits and of exemption certificates

13.(1) An environmental health officer may by written notice to the holder of a permit or exemption certificate, suspend, amend or cancel the permit or certificate.

(2) An environmental health officer may suspend or cancel a permit or exemption certificate with immediate effect if –

- (a) the environmental health officer reasonably believes that it is urgently necessary to do so to eliminate or to reduce a significant risk to public health posed by a public health hazard or a public health nuisance; and
- (b) the holder of the permit or certificate has failed to comply with a compliance notice that states that the permit or certificate may be suspended or cancelled without further notice if the holder fails to comply with the compliance notice.

(3) An environmental health officer may amend a permit or exemption certificate by endorsing the permit or certificate or by written notice to the holder, if the environmental health officer reasonably believes that it is necessary to do so to protect public health or to take account of changed circumstances since the permit or exemption certificate was issued.

CHAPTER 5

IMPLEMENTATION AND ENFORCEMENT

Appointment and identification of environmental health officers

14.(1) The Council must issue an identity card to each environmental health officer.

(2) The identity card must –

- (a) contain a recent photograph of the environmental health officer;
- (b) be signed by the environmental health officer; and
- (c) identify the person as an environmental health officer.

(3) The environmental health officer must display his or her identity card so that it is clearly visible or produce it at the request of any person in relation to whom the environmental health officer is exercising a power under these by-laws.

General powers of an environmental health officer

15.(1) An environmental health officer may, for the purposes of implementing or administering any power or duty under these by-laws –

- (a) exercise any power afforded to such officer in terms of these by-laws or any other applicable legislation;
- (b) issue a compliance notice in terms of section 16 requiring any person to comply with the provisions of these by-laws;
- (c) issue a prohibition notice in terms of section 17 prohibiting any person from conducting an activity;
- (d) undertake measures in terms of section 19 to remove, reduce and/or minimise any public health nuisance;
- (e) cancel, suspend or amend any permit or exemption certificate in terms of section 13 or
- (f) enter and inspect premises and for this purpose may-
 - (i) question any person on the premises;
 - (ii) take any sample that the environmental health officer considers necessary for examination or analysis;
 - (iii) monitor and take readings or make measurements; and
 - (iv) take photos or make audio-visual recordings of anything or any person, process, action or condition on or regarding any premises.

(2) An environmental health officer who removes anything from any premises being inspected must –

- (a) issue a receipt for it to the owner, occupier or person apparently in control of the

premises; and

(b) return it as soon as practicable after achieving the purpose for which it was removed.

Compliance notices

16.(1) If an environmental health officer, after inspecting premises, reasonably believes that a public health hazard or public health nuisance exists on the premises or that the premises are being used in a manner or for a purpose listed in the Schedule to these by-laws without a permit, the environmental health officer may serve a compliance notice on one or more of the following persons:

- (a) the owner of the premises;
- (b) the occupier of the premises; or
- (c) any person apparently in charge of the premises.

(2) A compliance notice must state –

- (a) why the environmental health officer believes that these by-laws are being contravened;
- (b) the measures that must be taken –
 - (i) to ensure compliance with these by-laws; or
 - (ii) to eliminate or minimise any public health nuisance;
- (c) the time period within which the measures must be taken;
- (d) the possible consequences of failing to comply with the notice; and
- (e) how to appeal against the notice.

(3) If a person fails to comply with a compliance notice that requires a particular action to be taken, the Council may –

- (a) take the required action specified in the compliance notice; and
- (b) recover, as a debt, from the person to whom the notice was given, the costs and expenses reasonably incurred in taking the required action.

Prohibition notice

17.(1) An environmental health officer may, after inspecting premises, serve a prohibition notice prohibiting the premises from being used for specified purposes and requiring measures to be taken to ensure that this occurs; the prohibition notice may be served on one or more of the following persons:

- (a) the owner of the premises;
- (b) the occupier of the premises; or
- (c) any person apparently in charge of the premises,

if the environmental health officer reasonably believes that that person has not complied with the terms of a compliance notice.

(2) The environmental health officer must give the person on whom he or she intends serving a prohibition notice a reasonable opportunity to make representations before serving the notice unless the environmental health officer reasonably believes that the delay in doing so would significantly compromise public health, in which case the person on whom a prohibition notice is served must be given reasonable opportunity to make representations why it should be withdrawn.

(3) A prohibition notice must state –

- (a) the reasons for serving the notice;
- (b) whether or not the Council will withdraw the notice if certain measures are taken, and if so, the measures that must be taken;
- (c) the possible consequences of failing to comply with the notice; and
- (d) how to appeal against the notice.

(4) The environmental health officer must as soon as possible affix a copy of the notice in a conspicuous position on the premises.

Withdrawal of prohibition notice

18.(1) An environmental health officer must, within 48 hours of receiving a written request for the withdrawal of a prohibition contained in a prohibition notice, carry out an investigation of the premises.

(2) After completing the investigation the environmental health officer must inform the person on whom the prohibition notice was served or that person's agent in writing, whether or not the prohibition has been removed or the prohibition order withdrawn.

(3) The Council may charge the owner or occupier of any premises where an investigation is carried out in terms of subsection (1), a prescribed fee for undertaking the investigation.

Municipal remedial work

19. The Council may enter any premises and do anything on the premises that it reasonably considers necessary –

- (a) to ensure compliance with these by-laws or with any compliance notice or prohibition notice;
- (b) to reduce, remove or minimise any public health nuisance; or
- (c) to reduce, remove or minimise any significant public health hazard.

CHAPTER 6

APPEALS

Appeals

20.(1) A person whose rights are affected by a decision taken by any authorised official under these by-laws, may appeal against the decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.

(2) The municipal manager must promptly submit the appeal to the appropriate appeal authority mentioned in subsection (4).

(3) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.

(4) When the appeal is against a decision taken by –

- (a) a staff member other than the municipal manager, the municipal manager is the appeal authority; or
- (b) the municipal manager, the executive mayor is the appeal authority.

(5) An appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable period.

CHAPTER 7

GENERAL

Offences

21. Any person who -

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

shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R20

000 or imprisonment for a period not exceeding two year or both.

Repeal of existing By-laws

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

Short title and commencement

23 These by-laws shall be called the Environmental By-laws, 2015, and shall come into operation on a date to be specified in the government gazette.

SCHEDULE

SCHEDULED USES

The uses of premises defined as scheduled businesses in this Schedule are considered to pose an unacceptable risk to public health unless the measures specified are taken to avoid the risk or to reduce it to a level acceptable to the Council.

1 Definitions

In this Schedule, unless the context indicates otherwise -

“effluent” means any waste water which may arise as a result of undertaking any scheduled use;

“scheduled uses” means any business listed below or that involves an activity listed below –

- (a) panel beating or spray painting;
- (b) operating a waste recycling plant;
- (c) scrap yard;
- (d) tanning, glue or size making;
- (e) charcoal burning, brick burning or lime burning;
- (f) manure or compost making or storing;
- (g) manufacturing malt and yeast;
- (h) cement works, coke-ovens or salt glazing works;
- (i) sintering of sulphurous materials;
- (j) viscose works;
- (k) ore and mineral smelting, calcining, puddling and rolling of iron and other metals, conversion of pig iron into cast iron, reheating, tempering, hardening, forging, conversion and compounding of carbon with iron and other metals;
- (l) works for the production of carbon bisulphide, cellulose lacquer, cyan or its compounds, hot pitch or bitumen, pulverized fuel, peridine, liquid or gaseous sulphur dioxide or sulphur chlorides;
- (m) works for the production of amyl acetate, aromatic ethers, butyric acid, caramel, enameled wire, glass, hexamine, lampblack, B-naphthol, resin products, salicylic acid, sulphated organic compounds, sulphurous paints, ultramarine, zinc chloride and zinc oxide; or
- (n) the refining or processing of petrol, oil or their products; and

“scheduled business person” means any person who owns, conducts or carries on a business which is listed as a scheduled use or which includes an activity listed as a scheduled use.

2 Permit requirement

No person may conduct a scheduled business in or on any premises, except in terms of a valid permit.

3 Requirements for premises

No person may undertake a scheduled use of any premises unless –

- (a) the floors of the premises are constructed of cement concrete or a similar impervious material, brought to a smooth finish;
- (b) the floors of the premises are adequately graded and drained for the disposal of effluent to an approved disposal system;
- (c) the inside walls, except where glazed or glass brick or glazed tiles are used, are plastered, brought to a smooth finish and painted with a light-coloured, washable paint;
- (d) the surface of any backyard or open space is paved with concrete or similar impervious material, brought to a smooth finish;
- (e) the premises are provided with adequate light and ventilation as prescribed in National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977), as amended;
- (f) an adequate supply of running potable water is provided;
- (g) an adequate number of portable containers constructed of iron or another non-absorbent material, equipped with closely fitting lids, are provided for the removal of all waste and waste water from the premises;
- (h) adequate means are provided for the disposal of all effluents arising from the manufacturing process performed on the premises;
- (i) adequate accommodation is provided for the storage of all finished products or articles or materials which are used in the manufacturing process and which may-
 - (i) discharge offensive or injurious effluent or liquids; or
 - (ii) decompose in the course of the work or trade;
- (j) adequate means are provided to control the discharge in the open air of any noxious, injurious or offensive gases, fumes, vapours or dust produced during any handling, preparation, drying, melting, rendering, boiling, grinding process or storage of material;
- (k) adequate toilet facilities are provided as prescribed in the National Building Regulations and Building Standards Act, 1977 (Act No.103 of 1977), as amended;
- (l) a perimeter wall or fence with a minimum height of 2 metres is constructed around the premises;
- (m) all gates to the premises are of solid construction with a minimum height of 2 metres;
- (n) all perimeter walls and gates adequately screen activities from public view; and
- (o) all materials are stacked or stored on the premises below the height of the perimeter screening.

4 Duties of a scheduled business person

A scheduled business person must –

- (a) maintain the premises in a clean, hygienic and good condition at all times;

- (b) maintain all walls and floors of the premises in a manner and condition that prevents the absorption of any waste or waste water;
- (c) maintain all machinery, plant, apparatus, furniture, fittings, tools, implements, vessels, containers, receptacles and vehicles in a clean, hygienic and good condition at all times; and
- (d) prevent the emission of noxious, injurious or offensive gases, fumes, vapours or dust generated during any handling, preparation, drying, melting, rendering, boiling, grinding process or storage of any material on the premises.

PROVINCIAL NOTICE 88 OF 2016
MATATIELE LOCAL MUNICIPALITY



MATATIELE
LOCAL MUNICIPALITY

LAW ENFORCEMENT BY-LAWS

LAW ENFORCEMENT BY-LAWS

BE IT ENACTED by Matatiele Local Municipality, as follows:

Section 1. Definitions

In these By-laws, 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-laws of the Municipality;

"Municipality" means Matatiele Local 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 in the area of jurisdiction 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 culvert, thoroughfare and sidewalk, as defined in the National Road Traffic Act 93/1996

Section 2. Purpose of these By-laws

To provide for the prevention of crime in the Matatiele Local Municipal area and matters related thereto.

Section 3. Prohibition of damage to public property

No person shall remove, damage, deface, conceal or tamper with municipal or public property.

Section 4. Surface of streets may not be defaced

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

Section 5. Regulation for the display of signs, posters and banners

(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 display any sign, poster and/or banner;

- (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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.

Section 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.
- (3) Subject to the Drugs and Drug Trafficking Act, 1992, no person shall, for payment or otherwise, provide a substance referred to in subsection (1) to any person if it is reasonably evident that the substance is acquired with the purpose of contravention of that subsection.

Section 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 substance referred to in subsection (1) to be placed in, on or at a public place from premises owned or occupied by such person.

Section 13. Unlawful acts in relation to trees in public places

- (1) No person shall:
 - (a) break, damage or destroy any tree in a public place; or
 - (b) mark or paint such tree, without the written permission of the Municipality.
- (2) Except with the prior written permission of the Municipality, no person shall:
 - (a) display an advertisement on a tree in a public place;
 - (b) lop, top, trim, cut down or remove such tree.

Section 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.

Section 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.

Section 16. Nuisance prohibited

- (1) No person shall, in, on or at a public, residential or business 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) slaughter any animal (unless authorized by law)
 - (vi) any other means.

Section 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 as defined in the explosives act.

Section 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.

Section 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.

Section 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.

(2) For the purposes of subsection (1):

"film" means:

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

"publication" means:

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

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

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

Section 21. Parking of heavy vehicles, trailers or caravans

(1) No person shall park:

- (a) a vehicle with a gross vehicle mass exceeding 3500 kg, or a trailer with a gross vehicle mass Exceeding 750 kg, or a caravan - for longer than 2 hours during the times 06h00 to 18h00 during weekdays.

2) No vehicle or vehicles with a GVM exceeding 3500kg is permitted to park overnight within the Town limits during the hours of 18h00 to 06h00.

Section 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.

Section23. Penalty clause

(1) Any person who contravenes or fails to comply with any provision of these By-laws 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 not exceeding R10 000 or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment,

Section24. Short title and commencement

These By-laws shall be called the Law Enforcement By-law 2016 and shall take effect from the date of proclamation in the Provincial Gazette.

PROVINCIAL NOTICE 89 OF 2016
MATATIELE LOCAL MUNICIPALITY



LEASE OF HALLS AND CONFERENCE FACILITIES BY-LAWS

LEASE OF HALLS AND CONFERENCE FACILITIES BY-LAW

BE IT ENACTED by Matatiele Municipality, as follows:

1. Definitions

In these bylaws 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 Council or any other person lawfully acting in that capacity

"Town Electrical Engineer" means the person appointed as town Electrical 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 Matatiele 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 Matatiele 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 4(3) shall be debited with the total cost of all incidents as mentioned in section 5(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 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 2 the lessee indemnifies Council against any claim arising from such lease instituted by any person on any ground whatsoever.

11. Council-owned property

(1) 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 expense of the lessee.

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) 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.

(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 Town 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 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 Council 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 Council of 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 bylaws shall be guilty of an offence and liable, upon conviction, to a fine not exceeding 10 000 or imprisonment for a period not exceeding one year

30. Short title and commencement

1 This By-law shall be known as the Lease of Halls and other Facilities By-law 2016, and shall take effect from the date of proclamation in the Provincial Gazette.

PROVINCIAL NOTICE 90 OF 2016



BY-LAW ON POUND

MATATIELE LOCAL MUNICIPALITY**POUND BY-LAW****TABLE OF CONTENTS**

Be it enacted by the Council of the Matatiele Local Municipality in terms of Section 156 of Constitution of the Republic of South Africa Act No. 108 of 1996, read with section 11 of the Local Government: Municipal Systems Act No. 32 of 2000, as follows:

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1. DEFINITIONS

In these bylaws, unless inconsistent with the context –

"Animal" means any equine or bovine animal or any donkey, sheep, goat, pig or domesticated ostrich, or any hybrid of such animals, or any poultry;

"Council" means the council of the Matatiele Local Municipality;

"Impounded animal" means any animal received into a pound as contemplated in section 5;

"Owner" in relation to any animal includes the agent of the owner or any other person having lawful custody of the animal;

"Pound" means any premises on which a pound has been established by or on behalf of the Council for the impounding of animals under these bylaws; and

"Pound master" means the person appointed from time to time by the Council to manage a pound established by the Council and any other person appointed by such person to act in his or her stead during his absence from the pound.

"Public place" any place to which the public has access including, without limiting the generality of the foregoing, any square, park, recreation ground, sports ground, open space, beach, shopping centre on municipal land, unused/vacant municipal land or cemetery; and

"Public road" shall mean a public road as described under Section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996).

2. APPLICATION

Nothing prevents any animal detained in terms of these bylaws from being impounded in a pound or any similar facility established by any other municipality, the provincial government or other lawful authority.

3. ESTABLISHMENT OF POUND

(1) The Council may establish a pound at any convenient place within its area of jurisdiction and, whenever the Council deems it necessary, may disestablish such pound.

(2) The Council shall give notice of the establishment of a pound, or the disestablishment thereof, by publishing a notice in at least two newspapers circulating in the area of jurisdiction of the Council.

4. DETENTION AND REMOVAL OF ANIMALS

(1) any animal –

- (a) found trespassing on land; or
- (b) straying or wandering unattended in a public road or other public place,
- (c) may be detained and removed to a pound by the owner of such land, an official of the Council, a member of the South African Police Services or the pound master.

(2) Any person who has detained an animal for the purpose of impounding shall -

- (a) remove such animals to a pound within 24 hours after seizure; and
- (b) ensure that proper care is taken of the seized animal until the animal is received at the pound.

5. RECEIPT OF ANIMALS

(1) Any person removing an animal to a pound shall provide the pound master with-

- (a) his or her name and permanent residential address;
- (b) the time and place of detention of the animal; and
- (c) the capacity in which he or she detained the animal.

(2) The pound master shall, upon receipt of a detained animal -

- (a) record the particulars furnished in terms of section 5(1) and enter the same in a book maintained for the purpose;
- (b) furnish the person delivering the animal with a receipt reflecting –
 - (i) his or her name;
 - (ii) a description of the animal; and
 - (iii) the date and time of receipt of the animal at the pound; and
- (c) keep a copy of each receipt issued in terms of section 5(2)(b).

(3) No person shall release or attempt to release, otherwise than in accordance with these bylaws, any animal which has been received at a pound.

6. CARE OF ANIMALS

(1) The pound master shall take proper care of any animal impounded in terms of these bylaws.

(2) The pound master shall not use or cause or permit to be used any animal impounded in terms of these bylaws.

(3) In the event of the injury or death of any impounded animal, the pound master shall record the cause of such injury or death and shall retain any veterinary certificate issued.

(4) The pound master shall keep records of any expense incurred in respect of an impounded animal including, but not limited to, the feeding and veterinary care of the animal.

7. RELEASE OF ANIMALS

The pound master shall release an impounded animal to any person who has –

- (1) satisfied the pound master that he or she is the owner of the impounded animal;
- (2) paid the conveyance and pound fees prescribed by resolution of the council of the Council from time to time; and
- (3) paid any veterinary or other expenses incurred in the impounding of the animal.

8. DISPOSAL OF ANIMALS

(1) The pound master may sell by public auction and for cash any impounded animal which has not been claimed within 30 days of being impounded, and in respect of which –

- (a) the Council has taken all reasonable steps to locate and notify the owner;
- (b) the owner has not been located or, despite having been given 10 day's notice, has failed to remove the impounded animal; and
- (c) 10 day's prior notice of the proposed sale has been given in terms of section 8(2).

(2) The sale of an impounded animal shall be advertised by placing a notice on a public notice board at a place designated by the Council for that purpose –

- (a) describing the animal, its sex, its approximate age and any particular brands or marks; and
- (b) stating that the animal will be sold by public auction if not claimed within 10 days.

(3) The proceeds of any sale shall be applied in defraying the fees and expenses referred to in section 7 and the balance, if any, shall be forfeited to the Council if not claimed within three months by a person who establishes to the satisfaction of the pound master that he or she is the owner of the impounded animal.

(4) If the pound master is for any reason unable to sell any impounded animal or if, in the opinion of the pound master the animal is so dangerous, vicious, diseased or severely ill or in such a physical condition that it ought to be destroyed, the pound master may cause the animal to be destroyed subject to any applicable law relating to the protection of animals or otherwise dispose of the animal in a manner approved by the Council.

(5) Any shortfall between the proceeds of sale, if any, and the fees and expenses referred to in section 7, or the costs of destruction as contemplated in clause 8(4), may be claimed by the Council from the owner.

9. INDEMNITY

The Council, the pound master and any officer, employee, agent or councillor of the Council shall not be liable for the death of or injury to any animal arising as a result of its detention, impounding or release, or arising during its impoundment.

10. OFFENCES AND PENALTIES

(1) any person who -

(a) Contravenes any provision of this By-law; or

(b) fails to comply with any provision of these by-laws shall be guilty of an offence and liable for a fine not exceeding R5 000 or imprisonment for a period not exceeding six months or for both such fine and imprisonment.

11. REGULATIONS

The Municipality may make regulations not inconsistent with this By-law, prescribing:

(a) any matter that may or must be prescribed in terms of this By-law; and

(b) any matter that may facilitate the application of this By-law.

12. REPEAL OF LAWS

Any by-law(s) relating to impounding of animals adopted by the Council or any erstwhile Council now comprising an administrative unit of the Municipality, shall be repealed from the date of promulgation of this By-law in the Provincial Government Gazette.

13. WAIVER OR SUSPENSION OF THIS BY-LAW

This By-law may be partly or wholly waived or suspended by the Council on temporary basis.

14. COMPLIANCE AND ENFORCEMENT

Violation of or non-compliance with this By-law shall give just cause for the instituting of prosecution against the Offender.

15. SHORT TITLE & COMMENCEMENT

These by-laws shall be called the Pound By-laws, 2016, and shall come into operation from the date of proclamation in the Provincial Gazette

PROVINCIAL NOTICE 91 OF 2016
MATATIELE LOCAL MUNICIPALITY



MATATIELE
LOCAL MUNICIPALITY

MUNICIPAL COMMONAGE BY-LAW

BE IT Enacted by Matatiele Local Municipality, as follows:

Section1. Definitions

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

"Municipality" means Matatiele Local 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)

Section2. Purpose of this By-law

To provide for a municipal commonage for Matatiele Local Municipality; and for matters connected therewith.

Section3. 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: reserve as common pasture municipal land;

- (a) at any time add any additional defined piece or pieces of municipal land to the common pasture so reserved; and
- (b) 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) and subsection (1) (b) except:

- (a) after publication of a notice in the Provincial Government Gazette:
 - (i) stipulating which piece or pieces of land it intends to withdraw or alienate;
 - (ij) 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.

Section 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.
- (4) A single ranger may be appointed for more than one piece of land if the pieces of land are so situated that it is practically possible for one ranger to maintain proper control over each of the pieces of land.
- (5) A ranger shall visit the land for which he or she is appointed on a regular basis and shall, subject to the labour legislation relating to leave, be present on the land for at least one full working day during each week of the year.
- (6) The veterinary surgeon appointed by the Municipality, shall on a regular basis, but at least once every three months, do an inspection on, report on and make recommendations to the Commonage Manager regarding the state of health of each animal on the commonage

Section 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.

Section 6. Application for and 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.

Section 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
 - any other matter which, in his or her opinion, needs to be recorded.

Section 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 branding of stock kept thereon;
 - (c) the prohibition of the keeping of dangerous and undesirable animals thereon, and the description 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 crops, 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 relating to the use of 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).

Section9. 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 not exceeding R10 000 or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

Section10. Short title and commencement

This By-law shall be called the Municipal Commonage By-law 2016, and shall commence on the date of publication in the provincial government gazette.

PROVINCIAL NOTICE 92 OF 2016



**KEEPING OF ANIMALS, BIRDS, BEES, PETS, POULTRY AND
BUSINESSES INVOLVING THE KEEPING OF ANIMALS, BIRDS,
POULTRY OR PETS BY- LAWS**

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PROVINCE OF THE EASTERN CAPE
IPHONDO LEMPUMA KOLONI
PROVINSIE OOS-KAAP

**Provincial Gazette
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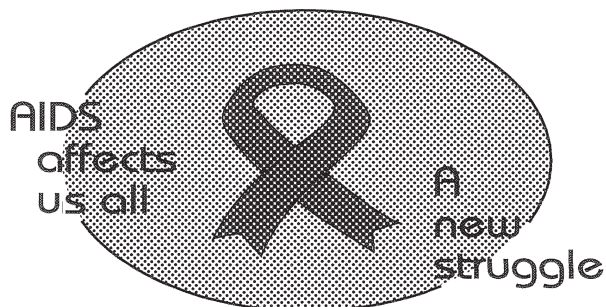
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The Matatiele Local Municipality in terms of Section 156 of Constitution of the Republic of South Africa Act No. 108 of 1996, read with section 11(3) of the Local Government: Municipal Systems Act No. 32 of 2000, enacts as follows:

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

“adequate” means adequate in the opinion of the Municipality;

“animal” means any cattle, sheep, goat, horse, mule, donkey, pig, rabbit, cat and dog;

“approved” means approved by the health officer regard being had to the reasonable public health requirements of the particular case;

“aviary” means a roofed or unroofed enclosure used for the keeping of birds, other than a portable cage;

“battery system” means the method of keeping poultry or rabbits in cages in either single rows or tier formation within a building or structure;

“bird” means a feathered vertebrate other than poultry;

“cattery” means premises in or on which boarding facilities for cats are provided or cats are kept and bred for commercial purposes;

“Municipality” means Matatiele Municipal Council established in terms of section 13 of the Local Government: Municipal Structures Act, 1999 (Act No 29 of 1999);

“dwelling” means any building or part thereof used for human habitation;

“enclosure” in relation to animals, means any kraal, pen, paddock or other such fenced or enclosed area used for accommodating, keeping or exercising animals;

“health officer” means a medical officer of health appointed in terms of section 22 or 25 of the Health Act, 1977 (Act 63 of 1977), and includes a health inspector appointed by a local authority in terms of section 24 of that Act;

“kennels” means premises in or on which –

- (a) boarding facilities for dogs are provided;
- (b) dogs are bred for commercial purposes; or
- (c) dogs are kept for the purposes of being trained or hired out with or without handlers;

“livestock” means horses, cattle, sheep, goats, pigs, mules, donkeys and poultry;

“Municipal Council” means Matatiele Municipal Council contemplated in section 59 read with section 81(2) of the Local Government Municipal Systems Act, 2000 (Act No. 32 of 2000), in terms of Section 157(1) of the Constitution of the Republic of South Africa, 1996 (Act 108, 1996), or person designated by any legislation or resolution of Municipality to represent it;

“nuisance” means a nuisance as defined in the Health Act, 1977 (Act 63 of 1977);

“permit holder” means the person to whom a permit has been issued by the health officer in terms of these By-laws;

“person in control” means the person actually managing or actually in control of a premises or a business;

“pet” means any domestic or other animal which may be lawfully kept as a pet and includes any bird and non-poisonous reptile;

“pet salon” means any premises in or on which beauty treatment is given to dogs or cats by washing, drying, brushing, clipping, trimming or by attending to their nails or teeth;

“pet shop” means the business of keeping and selling pets on premises licensed for that purpose under the Licenses Ordinance, 1974 (Ordinance 19 of 1974);

“pigsty” means a building, structure or enclosure in which pigs are kept;

“poultry” means fowls, ducks, muscovy ducks, geese, turkeys, pigeons, peacocks and domestic guinea-fowls;

“poultry house” means any roofed-over building or structure, other than one in which a battery system is operated, in which poultry is kept;

“poultry run” means any unroofed wire mesh or other enclosure, whether or not an addition to a poultry house, in which poultry is kept;

“premises” means any land, building or structure or any portion of land, building or structure on or in which any of the activities regulated by these By-laws are carried on;

“public place” means any road, street, pavement, sidewalk, park or other place to which the public has authorized and unimpeded access;

“rabbit hutch” means any roofed-over building or structure, other than one in which a battery system is operated, in which rabbits are kept;

“rabbit run” means any unroofed wire mesh or other enclosure, whether or not an addition to a rabbit hutch, in which rabbits are kept;

“stable” means any building or structure or any part thereof used for accommodating or keeping any cattle, horses, mules or donkeys;

“stray animals” means animals found in the municipal area which were not approved by the municipality.

2. APPLICATION OF BY-LAWS

(1) The provisions of these By-laws must not apply to –

- (a) the keeping of cows for commercial milk production;
- (b) any agricultural show where animals, poultry or birds are kept on a temporary basis;
- (c) any laboratory where animals, poultry or birds are kept for research purposes,

but the health officer may, if he or she is satisfied that the application of one or more provisions of these By-laws is essential in the interest of public health, by notice to the person concerned require such provision be complied with.

(2) The provisions of sections 4, 5, 10 and 11 must not apply to the temporary keeping of a goat on any land for the provision of milk for medical reasons, provided the prior

approval of the health officer is obtained and no nuisance arises from the keeping of such goat.

- (3) The provision of section 3, 4(a), 6, 8, 10, 12, 14, 16, 18, 19 and 21 must apply only to premises which are newly constructed, re-constructed or converted after the commencement of these By-laws: Provided that the health officer may, if he is satisfied that the application of any one or more of the said requirements is essential in the interests of public health, give notice in writing to the owner or person in control of such premises, to comply with such requirements as he may specify and within a reasonable period stated in the notice.
- (4) The provisions of sections 12(d), (f) and (g) and 13(d) to (h) inclusive, must not apply to the keeping of poultry not in excess of ten in number.
- (5) The provisions of sections 14(c) and (e) and 15(d) to (h) inclusive, must not apply to the keeping of rabbits not in excess of ten in number.

3. PREMISES FOR THE KEEPING OF LIVESTOCK AND KENNELS

No person must -

- (a) keep any livestock, other than poultry, or maintain kennels within any area defined by the Municipality as unsuitable for the keeping of livestock and the maintenance of kennels but the foregoing must not apply in respect of a veterinary clinic or veterinary hospital operating with the Municipality's consent;
- (b) keep any livestock, other than poultry, on premises situated on land less than 1 ha in extent but in the case of a dealer or speculator in livestock the land must not be less than 2,5 ha in extent.

4. KEEPING OF ANIMALS, POULTRY AND BIRDS

No person must keep any animal, poultry or bird in or on any premises -

- (a) which does not comply with the provisions of these By-laws; or
- (b) which are so constructed, maintained or situated that the keeping of animals, poultry or birds thereon is, in the opinion of the health officer, likely to cause a nuisance or injury to health.

5. PERMITS FOR KEEPING OF ANIMALS AND POULTRY

- (1) No person must keep any animal, poultry or bird in or on any premises –

- (a) which does not comply with the provisions of these By-laws;
- (b) which are so constructed, maintained or situated that the keeping of animals, poultry or birds is, in the opinion of the authorized official, likely to cause a nuisance or injury to health.

- (2) No person must-

- (a) keep any animal or poultry in excess of the number specified in such permit:
Provided that progeny of any mammal still suckling, must not be taken into account;
- (b) keep or allow to be kept, more than 100 poultry in number on an agricultural holding but-
 - (i) the authorized official may if he or she is of the opinion that a nuisance or danger is not likely to be caused to public health, on written application by the owner, grant such an owner a permit to keep more than the maximum poultry in number; or

- (ii) and the provisions of this section are not applicable to a bona fide poultry farmer.
- (2) Application for such a permit must be made to the environmental health officer in the prescribed form.
- (3) A permit is not transferable and expires on the date on which the permit holder ceases to keep the animals or poultry for which the permit was issued.
- (4) A permit holder must in writing notify the health officer, if he or she ceases to keep the animals or poultry in respect of which a permit was issued or of any increase in the number of animals or poultry kept in excess of the number specified in the permit concerned, within ten days of any such occurrence.
- (5) The Municipality may cancel a permit issued in terms of subsection (1)(a), if –
 - (a) the construction or maintenance of the premises concerned at any time does not comply with any provision of these By-laws;
 - (b) the permit holder contravenes, or fails to comply with any such provision;
 - (c) the permit holder fails to comply with a written notice from the health officer requiring him or her to make such premises comply with these By-laws or to stop such contravention or failure within a period specified in such notice;
 - (d) any disease, which in the opinion of the health officer or a veterinarian, is of such a nature that it is likely to constitute a danger to public health, to other animals or poultry, breaks out amongst the animals or poultry kept under such permit;
 - (e) the permit holder or person in control of the premises at the time personally or through his or her employee obstructs the health officer in his or her execution of his or her duties under these By-laws;
 - (f) the permit holder has been found guilty by a competent court of a contravention of these By-laws; or

- (g) in the opinion of the environmental health officer, a public nuisance exists due to the keeping of the animals.
- (6) The health officer must, as soon as a permit has been cancelled, notify the permit holder of that fact in writing.
- (7) The health officer may, subject to the foregoing provisions of this section, issue a new permit if he or she is satisfied that the reason for the cancellation no longer exists or that there is no reason why a new permit should not be issued.

6.DUTIES OF KEEPER OF ANIMALS, BIRDS OR POULTRY

(1) Every person keeping animals must-

- (a) maintain the premises, any equipment, apparatus, container and receptacles used in connection with such keeping in a clean and sanitary condition and in good repair;
- (b) take effective measures for the prevention of harbouring and breeding of and for the destruction of flies, cockroaches, rodents and other vermin; and
- (c) remove all manure from the stable, pigsty and the enclosure at least once every 7 days from the enclosure, building or shed for goats and sheep;
- (d) ensure that the manure is disposed of in a manner which will not create a nuisance.

(2) Every person keeping birds and poultry must-

- (a) comply with the necessary changes with the provisions of 6(1)(a), (b), and (c);
- (b) maintain the premises free from offensive odours arising from the keeping of birds and poultry; and
- (c) ensure that poultry or birds do not disturb or hinder the comfort, convenience, peace or quiet of the public.

CHAPTER 2

KEEPING OF CATTLE, HORSES, MULES AND DONKEYS.

7. REQUIREMENTS FOR PREMISES

For the keeping of any cattle, horse, mule or donkey a stable or enclosure complying with the following requirements, must be provided-

- (a) every wall and partition of the stable must be constructed of brick, stone, concrete or other durable material;
- (b) the internal wall surfaces of the stable must be of smooth brick or other durable surface brought to a smooth finish;
- (c) the floor of the stable must be constructed of concrete or other durable and impervious material brought to a smooth finish, graded to a channel and drained in terms of section 25;
- (d) any enclosure must have an area of at least 10 m² for each head of cattle, horse, mule or donkey to be accommodated therein and the fencing must be of such substantial material so constructed as to prevent such animals from breaking out;
- (e) no enclosure must be situated within 100 m and no stable must be situated less than 15 m of any boundary of any land, dwelling or other building or structure used for human habitation or within 50 m of any well, water course or other source of water supply intended or used for human consumption.
- (g) A portable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to every stable or enclosure.

8. DUTIES OF KEEPER OF CATTLE, HORSES, MULES AND DONKEYS

Every person keeping any cattle, horse, mule or donkey must -

- (a) ensure that any such animal is kept within a stable or enclosure;
- (b) comply, read with the necessary changes, with the provisions of section 6(1)(a),(b),(c) and(d).

CHAPTER 3

KEEPING OF PIGS.

9. REQUIREMENTS FOR PREMISES

- (1) For the keeping of pigs, a pigsty complying with the following requirements must be provided-

- (a) every wall must be constructed of brick, stone, concrete or other durable material not less than 1,5 m in height and must have a smooth internal surface;
 - (b) the pigsty must have a floor area of at least 3 m² for each pig to be accommodated therein, with an overall minimum floor area of 6 m²;
 - (c) the junction between the walls and the floor must be covered;
 - (d) the floor must be at least 150 mm above the surrounding ground level, constructed of concrete or other durable and impervious material brought to a smooth finish, graded for the run-off of liquids into an open channel outside the pigsty;
 - (e) the pigsty must be so constructed as to prevent the pigs from breaking out;
 - (f) no pigsty must be situated within 100 m of any dwelling or other building or structure used for human habitation or of the boundary of any land or of any well, water course or other source of water supply intended or used for human consumption.
- (2) no person must keep any pigs, on premises situated on land less than 1 ha in extent but in the case of a dealer or speculator in livestock the land must not be less than 2.5 ha in extent
- (3) no enclosure must be situated within 100m and no stable must be situated less than 15m of any boundary of any land dwelling or other building or structure used for human habitation or within 50m of any well, water course or other source of water supply intended or used for human consumption.
- (4) A potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to the pigsty.

DUTIES OF A PIG KEEPER

- No person keeping any pigs in any premises must -
- (a) ensure that the pigs are kept in a pigsty;
 - (b) comply, read with the necessary changes, with the provisions of section 6(1)(a),(b),(c) and(d).

CHAPTER 4**KEEPING OF GOATS AND SHEEP.****10. REQUIREMENTS FOR PREMISES**

For the keeping of any goat or sheep, premises complying with the following requirements must be provided-

- (a) an enclosure with an area of at least 1,5 m² for every goat or sheep to be accommodated therein with an overall minimum floor area of 30 m²;
- (b) if a building or shed is provided for such keeping, it must comply with the following requirements-
 - (i) every wall thereof must be constructed of brick, stone, concrete or other durable material not less than 2 m in height and must have a smooth internal finish;
 - (ii) the floor must be constructed so as to prevent the forming of standing water and be of such a nature to be cleaned and graded to the lowest point of the premises;
- (c) no building or shed must be situated within 15 m and no enclosure within 100 m of any boundary of any land, dwelling or any other building or structure used for human habitation or within 50 m of any well, water course or other source of water supply intended or used for human consumption; and
- (d) a portable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to every stable or enclosure.

11. DUTIES OF KEEPER OF GOATS AND SHEEP

Every person keeping any goat or sheep must -

- (a) ensure that every such animal is kept within an enclosure, building or shed;
- (b) comply, read with the necessary changes, with the provisions of section 6(1)(a),(b),(c) and(d).

CHAPTER 5

KEEPING OF POULTRY.

12. REQUIREMENTS FOR PREMISES

For the keeping of poultry, premises complying with the following requirements must be provided-

- (a) a poultry house complying with the following requirements-
 - (i) every wall thereof must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface;
 - (ii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish;
 - (iii) the upper floors of the structure of two or more tiers must be of an impervious and easily cleaned material;
 - (iv) it must have an area of at least 0,20 m² for each grown fowl, duck, muscovy duck or guinea fowl, 0,5 m² for each grown goose, turkey, peacock and 0,14 m² for each grown pigeon to be accommodated therein, with a minimum aggregate area of 4 m²;
- (b) A poultry run, if provided, must be enclosed with wire mesh or other durable material;
- (c) if a battery system is to be operated, a building or structure in which such system must be housed, constructed and equipped in accordance with the following requirements, must be provided-
 - (i) every wall, if provided, must be at least 2,4 m high, and must be constructed of concrete, stone, brick or other durable material and must have a smooth internal surface;
 - (ii) if walls are provided, the building must be ventilated and lighted by means of mechanical ventilation and artificial lighting or by obtaining natural ventilation and light through openings or opening windows of an area equal to not less than 15% of the floor area of the building;

- (iii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish, and if required by the health officer, the floor surface must be graded and drained by means of a channel drained in terms of section 25;
- (iv) if no walls are provided, or the walls are of metal, the floor must be provided with a curb at least 250 mm high around its extremities;
- (v) every junction between the floor and walls and curbing must be coved;
- (vi) the cages of the battery system must be constructed of an impervious material;
- (vii) If required by the health officer, a tray of an impervious material and design must be fitted under every cage for the collection of manure.
- (viii) a wash hand basin with a constant supply of water laid on must be provided and drained in terms of section 25;
- (d) a potable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to the battery system building or structure or poultry house;
- (e) there must be at least 3 m of clear unobstructed space between any poultry house, poultry run, or building or structure housing a battery system and the nearest point of any dwelling, other building or structure used for human habitation or place where foodstuffs are stored or prepared for human consumption and the nearest boundary of any land;

- (f) A store-room must be provided for the storage of feed, where a battery system is to be operated;
- (g) a curbed concrete washing platform or stainless steel trough with draining board and with a constant supply of water laid on, must be provided within or adjacent to such building or structure for the cleaning and disinfection of cages. The washing platform and trough must be drained in terms of section 25.

13. DUTIES OF KEEPER OF POULTRY

Every person keeping poultry must -

- (a) ensure that all poultry is kept within the poultry house, poultry run or building or structure housing a battery system;
- (b) comply, read with the necessary changes, with the provisions of section 6(1)(a),(b),(c) and(d);
- (c) maintain the premises free from offensive odours and every poultry house, poultry run or building or structure housing a battery system and all cages clean and free from vermin;
- (d) remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every 4 days or at such longer intervals approved by the health officer from a building or structure housing a battery system; place the manure and other waste matter in the manure storage receptacles;
- (e) remove the contents of the manure storage receptacles from the premises at least once every 7 days and dispose thereof in a manner which will not create a nuisance; and
- (f) not store any material or article in any poultry house, poultry run or building or structure housing a battery system, except material or an article which is required for use in such house, run, building or structure.

CHAPTER 6**KEEPING OF RABBITS.****14. REQUIREMENTS FOR PREMISES**

For the keeping of rabbits premises complying with the following requirements must be provided-

- (a) a rabbit hutch complying with the following requirements-
 - (i) every wall thereof must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface;
 - (ii) the floor surface, which must be at least 150 mm above ground level, must be constructed of concrete or other durable and impervious material brought to a smooth finish and, if required by the health officer, the floor must be graded to a channel drained in terms of section 25;
 - (iii) natural light and ventilation must be provided;
 - (iv) it must have a minimum area of 0,4 m² for every rabbit to be accommodated;
 - (v) a rabbit run, if provided, must be enclosed with wire mesh or other durable material and constructed so as to prevent the escape of rabbits from the run;
- (b) if a battery system is to be operated, a building or structure in which such system must be housed, constructed and equipped in accordance with the following requirements must be provided-
 - (i) every wall, if provided, must be at least 2,4 m high, must be constructed of concrete, stone, brick or other durable material and must have a smooth internal surface;
 - (ii) if walls are provided, the building must be ventilated and lighted by means of natural openings or windows of an area equal to not less than 15% of the floor area of the building;

- (iii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish, and if required by the health officer, the floor surface must be graded to a channel drained in terms of section 25;
 - (iv) if no walls are provided, or the walls are of metal, the floor must be provided with a curb at least 150 mm high around its extremities;
 - (v) every junction between the floor and the walls and curbing must be coved;
 - (vi) the cages of the battery system must be constructed of impervious material and fitted with trays of an impervious material under every cage for the reception of urine; and
 - (vii) a wash hand basin with a constant supply of water laid on must be provided and drained in terms of section 25;
- (c) A portable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to the battery system building or structure or the rabbit hutch.
- (d) There must be at least be 5 m of clear unobstructed space between a rabbit hutch, rabbit run, or building or structure housing a battery system, and the nearest point of any dwelling, or other building or structure used for human habitation or place where foodstuffs are stored or prepared for human consumption and the nearest boundary of any land-
- (i) a rodent proof store-room must be provided for the storage of feed, the floor area of which must be not less than 7 m², the width not less than 2,2 m and the height not less than 2,4 m.
 - (ii) if the health officer is satisfied that, having regard to the number of rabbits being kept, a store-room of dimensions less than the minimum dimensions required in terms of subparagraph (i) or other storage facilities are suitable. He may permit such smaller storeroom or other storage facilities.

- (iii) a curbed concrete washing platform or a stainless steel trough with draining board and with a constant supply of water laid on, within or adjacent to such building or structure for the cleaning and disinfection of cages. The washing platform and trough must be drained in terms of section 25.

15. DUTIES OF KEEPING RABBITS

Every person keeping rabbits must -

- (a) ensure that all rabbits are kept within the rabbit hutch, rabbit run or building or structure housing a battery system;
- (b) remove all manure and any other waste matter from the rabbit hutch, rabbit run or building or structure housing a battery system at least one every 48 hours and place it in the manure storage receptacles;
- (c) comply, read with the necessary changes, with the provisions of section 6(1)(a),(b) and(d);
- (d) not store any material or article in any rabbit hutch, rabbit run or building or structure housing a battery system, except material or an article which is required for use in such house, run or building or structure.

CHAPTER 7

KEEPING OF BIRDS.

16. REQUIREMENTS FOR PREMISES

For the keeping of birds in an aviary, premises complying with the following requirements must be provided-

- (a) the aviary must be properly constructed of durable materials, rodent proof and provided with access thereto adequate for cleaning purposes;
- (b) if the aviary is constructed above ground level, the base thereof must be constructed of an impervious and durable material and must not be less than 300 mm above ground level;
- (c) no aviary must be situated within 3 m of any building or structure, boundary fence or boundary wall; and
- (d) a portable supply of water must be provided adequate for drinking and cleaning purpose.

17. DUTIES OF A KEEPER OF BIRDS

Every person who keeps birds in an aviary must -

- (a) ensure that the aviary and the premises are kept in a clean condition and free from vermin;
- (b) comply, read with the necessary changes, with the provisions of section 6(1)(a),(b) and(d).

CHAPTER 8

DEALER IN LIVESTOCK AND OTHER BUSINESSES INVOLVING THE KEEPING OF ANIMALS OR POULTRY

18. REQUIREMENTS FOR CONDUCTING BUSINESS

- (1) Every person conducting the business of a dealer or speculator in livestock or other business involving the keeping of animals or poultry, other than a pet shop, must comply with the requirements of subsection (2) and (3).
- (2)
 - (a) Subject to the provisions of section 31, the requirements of section 2 to 15 inclusive, must be complied with in so far as those provisions are applicable to the animals or poultry kept.
 - (b) An enclosure with an area of at least 10 m² per head of cattle, horse, mule or donkey and 1,5 m² per goat or sheep to be accommodated therein at any time with an overall minimum area of 50 m² must be provided.
 - (c)
 - (i) A separate change room, clearly designated, must be provided for every sex if more than three non-resident persons of the sex are employed in the keeping of animals or poultry;
 - (ii) every such change room must have a floor area of at least 0,5 m² per employee, subject to an overall minimum area of 6,5 m² and a minimum width of 2,1 m;
 - (iii) every such change room must be equipped with a metal clothes locker for the keeping of personal clothing of each employee;
 - (iv) for each employee for whom no change room is required in terms of subparagraph (i), a metal clothes locker must be provided.
 - (d)
 - (i) One wash hand basin and one shower-bath must be provided for every 15 persons, or part of that number, employed.
 - (ii) Every wash hand basin and shower-bath must be located within or adjacent to the change rooms, must have a constant supply of hot and cold running water laid on and be drained in terms of section 25.
 - (e) Soap and towelling must be provided at the wash hand basin and shower-bath.
 - (f) Overalls or other protective clothing and, if required by the health officer, protective footwear must be provided for the use of persons employed in the keeping of animals or poultry.
- (3) In respect of employees resident on or at the premises -

- (a) sleeping accommodation equipped with a bed for each such employee must be provided;
- (b)
 - (i) ablution facilities comprising one wash hand basin and one shower-bath or bath, separate for the sexes and clearly designated, must be provided for every 10 persons or part of that number of a particular sex employed.
 - (ii) every wash hand basin, shower-bath or bath must have a constant supply of hot and cold running water laid on and be drained in terms of section 25;
- (c)
 - (i) cooking facilities and a scullery for the cleaning of cooking and eating utensils must be provided;
 - (ii) the scullery must be fitted with a double bowled sink of stainless steel with a constant supply of hot and cold running water laid on and drained in terms of section 25;

- (iii) every bowl of the sink must have a minimum capacity of 55 l be fitted with a 150 mm high splash screen on the side nearest the wall and be positioned at least 100 mm away from any wall surface;
- (d) laundry facilities consisting of a stainless steel laundry trough with a constant supply of hot and cold running water laid on and drained in terms of section 25, must be provided;
- (e) a refuse receptacle must be provided in the scullery;
- (d) a locker or other approved facilities must be provided in the room where the cooking facilities are situated for the storage of non-perishable food of each employee.

CHAPTER 9

DOG KENNELS AND CATTERIES

19. REQUIREMENTS FOR PREMISES

- (1) No person must maintain kennels or a cattery, unless the requirements of subsection (2) to (12), inclusive are complied with.
- (2) Every dog or cat must be kept in an enclosure complying with the following requirements:
 - (a) It must be constructed of durable materials and must have access thereto adequate for cleaning purposes.
 - (b) The floor must be constructed of concrete or other durable and impervious material brought to a smooth finish and graded to a channel 100 mm wide, extending the full width of the floor and situated within the enclosure, which channel must be graded and drained into a gully connected to the Municipality's sewer by means of an earthenware pipe 100 mm in diameter.
 - (c) A curb 150 mm high must be provided along the entire length of the channel referred to in paragraph (b) and on the side thereof adjacent to the surrounding outside area to prevent storm water from such area from entering the channel.

- (3) Every enclosure referred to in subsection (2), must contain a roofed shelter for the accommodation of dogs or cats complying with the following requirements:
 - (a) Every wall must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface without cracks or open joints.
 - (b) The floor must be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints and every junction between the floor and the walls of a permanent structure must be coved.
 - (c) Every shelter must have adequate access thereto for cleaning and de-verminising.
- (4) 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 subsection (2) and if the base of such kennel is not rendered water-proof, a sleeping board which will enable the dog to keep dry, must be provided in every such kennel.
- (5) A concrete apron extending at least 1 m wide around the extremities of the enclosure must be provided, which apron must be graded and drained for the draining of storm water away from the enclosure.
- (6) A portable water supply must be provided in or adjacent to the enclosure adequate for drinking and cleaning purposes.
- (7)
 - (a) If required by the health officer, a separate room or roofed area with a floor area of not less than 6,5 m², a width of not less than 2,1 m and a height of not less than 2,4 m must be provided for the preparation of food.
 - (b) The floor of the room or roofed area must be of concrete or other durable and impervious material brought to a smooth finish.
 - (c) The internal wall surfaces of the room or roofed area must be smooth plastered and painted with a light colour washable paint.

- d) The room or roofed area must be equipped with preparation tables of metal manufacture and a double bowled stainless steel sink with a constant supply of hot and cold water laid on and drained in terms of section 25.
 - (e) Every bowl of the sink must have a minimum depth of 225 mm and a minimum capacity of 55 l.
- (8) A rodent proof store-room must be provided for the storage of food, the floor area of which must not be less than 6,5 m² and the width not less than 2,1 m but if the health officer is satisfied that, having regard to the number of dogs or cats being kept on the premises, a store-room of smaller dimensions than the minimum dimensions required or other storage facilities would be adequate, he or she may permit a smaller store-room or other storage facilities as he or she deems fit.
- (9) At least 5 m of clear unobstructed space must be provided between any shelter or enclosure and the nearest point of any dwelling, other building or structure used for human habitation or place where food is stored or prepared for human consumption, or the boundary of any land.
- (10) Isolation facilities must be provided for sick dogs or cats.
- (11) If washing, clipping or grooming of pets is done, the following facilities must be provided:
- (a) A bathroom with a minimum floor area of 9 m², a width of not less than 2,1 m fitted with a bath or similar approved fitting and wash hand basin with a constant supply of hot and cold running water laid on.
 - (b) A clipping and grooming room with a minimum floor area of 10 m², a width of not less than 2,1 m and fitted with approved impervious topped tables and an adequate number of portable storage receptacle of an impervious durable material with close fitting lids for the storage of cut hair pending removal.
 - (c) The rooms referred to in paragraphs (a) and (b) must be laid out in such a manner so as to provide an unobstructed floor area of at least 30%.

- (d) The floors of the rooms referred to in paragraphs (a) and (b) must be constructed of concrete or other durable and impervious material, brought to a smooth finish, graded to a channel drained in terms of section 25.
 - (e) Every junction between the floor and walls of such room must be coved and the coving must have a minimum radius of 75 mm.
 - (f) Every internal wall surface must be smooth plastered and painted in a light colour washable paint.
- (12) If cages are provided for the keeping of cats, such cages must be of durable impervious material and constructed so as to be easily cleaned.

20. DUTIES OF PERSON IN CONTROL OF KENNELS OR CATERIES.

Any person in control of kennels or a cattery must -

- (a) maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;
- (b)
 - (i) provide portable storage receptacles of an impervious material with close fitting lids for the storage of dog and cat faeces;
 - (ii) every such receptacle must be kept on a platform constructed of concrete or other durable and impervious material adjacent to the enclosures;
- (c) 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 (b);
- (d) remove the contents of the storage receptacles from the premises at least twice every 7 days and dispose thereof in a manner which will not create a nuisance;
- (e) store all loose food in receptacles with close fitting lids within the food store;
- (f) provide refrigeration facilities in which all perishable food must be stored at a temperature not higher than 10° C;
- (g) take effective measures for the prevention of harbouring or breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of dogs or cats;
- (h) provide refuse receptacles with close fitting lids in the food preparation room or roofed area required in terms of section 19(7);
- (i) keep any sick dog or cat in the isolation facilities required in terms of section 19(10), whilst on the premises;
- (j) ensure that dogs and cats kept on the premises do not disturb or hinder the comfort, convenience, peace or quiet of the public.

CHAPTER 10

PET SHOPS AND PET SALONS

21. REQUIREMENTS OF PREMISES

No person must conduct a business of a pet shop or pet salon in or on any premises -

- (a) in which there is direct internal access with any room or place used for human habitation or in which clothing is stored or sold or food for human consumption is prepared, stored, sold or consumed;
- (b) unless the premises are constructed and equipped in accordance with the following requirements:
 - (i) Every wall including any partition of any building must be constructed of brick, concrete or other durable material, must have a smooth internal surface and painted with a light coloured washable paint or given some other approved finish.
 - (ii) The floor of any building must be constructed of concrete or other durable and impervious material brought to a smooth finish.
 - (iii) The ceiling of any building must be constructed of durable material, have a smooth finish, be dust proof and painted with a light coloured washable paint.

- (iv) One wash hand basin with a constant supply of hot and cold running water laid on, must be provided for every 15 or part of that number of persons employed on the premises which must be drained in terms of section 25.
- (v) (aa) A rodent proof store-room, with a floor area of not less than 16 m² must be provided.
 - (bb) If the health officer is satisfied that, having regard to the extent of the business and the quantity of goods and equipment and pets food to be stored on the premises, a store-room of smaller dimensions than the minimum dimensions in terms of subparagraph (aa) is adequate, he or she may permit a smaller store-room.
- (vi) Facilities for the washing of cages, trays and other equipment must be provided in the form of either –
 - (aa) a curbed and roofed over platform with a surface of at least 1,5 m² raised at least 100 mm above the floor and constructed of concrete or other durable and impervious material brought to a smooth finish, which platform must be provided with a constant supply of water laid on; or
 - (bb) a stainless steel sink or trough not less than 304 mm deep with a drainage board and with a constant supply of water laid on;
- (vii) The platform, sink or trough referred to in subparagraph (vi) must be drained in terms of section 25 and any wall surface within 0,5 m of such platform, sink or trough must be permanently covered with durable water proof material to a height of at least 1,4 m above the floor.
- (viii) (aa) A separate change room, clearly designated, must be provided for any sex if more than two persons are employed on the premises.

- (bb) Every such change room must have a floor area of at least 0,5 m² for each employee with a minimum overall floor area of 6,5 m² and a minimum width of 2,1 m and must be equipped with a separate metal clothes locker for the keeping of personal clothing of each employee.
- (cc) For each employee for which no change room is required in terms of subparagraph (aa), a metal clothes locker must be provided.
- (ix) No door, window or other opening in any wall or a building on the premises must be within 2 m of any door, window or opening to any building in which food is prepared, stored or sold for human consumption or consumed by humans.
- (x) If the washing, clipping or grooming of pets is done on the premises the requirements of section 19(11) must be complied with.

22. DUTIES OF TRADER

Every person who conducts the business of a pet shop must -

- (a) provide cages for housing animals, poultry or birds, and the following requirements must be complied with-
 - (i) the cages must be constructed entirely of metal or other durable impervious material and must be fitted with a removable metal tray below the floor thereof to facilitate cleaning;
 - (ii) every cage must be free from any recess or cavity not readily accessible for cleaning and every tubular or hollow fitting used in connection therewith must have its interior cavity sealed;
 - (iii) every cage must be of such size and mass and so placed that it can be readily moved;
 - (iv) if rabbits are kept in a cage, the metal tray referred to in subparagraph (i) must be drained to a removable receptacle;

- (v) every cage must be fitted with a drinking vessel filled with water and accessible to the pets kept in the cage;
- (vi) the distance from any cage to the nearest wall must at all times be not less than 150 mm;
- (vii) the cages must be kept not less than 450 mm above floor level and the space beneath the cages must be unobstructed;
- (b) provide rodent proof receptacles of an impervious material with close fitting lids in the store-room in which all loose pet food must be stored;
- (c) provide refrigeration facilities in which all perishable pet food kept on the premises must be stored at a temperature not higher than 10° C;
- (d) maintain in every room in which pets are kept, an unobstructed floor space of not less than 30% of the floor area of such room and a distance of not less than 800 mm between rows of cages;
- (e) 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;
- (f) take effective measures for the prevention of harbouring or breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of pets on the premises;
- (g) provide overalls or other protective clothing for the use of persons employed in connection with the pet shop and ensure that such apparel is worn by the employee when on duty;
- (h) not keep any pet in the yard or other open space on the premises, unless otherwise approved by the health officer;
- (i) provide isolation facilities, in which every pet which is or appears to be sick must be kept whilst on the premises;
- (j) ensure that there is a constant and potable water supply for drinking and cleaning purposes;
- (k) ensure that the premises are at all times so ventilated so as to ensure sufficient movement of air for the comfort and survival of the pets;
- (l) ensure that the number of pets per cage are not such that the free movement of such pets is impeded.

CHAPTER 11**STREET TRADING IN POULTRY AND RABBITS****23. REQUIREMENTS FOR STREET TRADING**

No person must sell in the street poultry or rabbits, unless the following requirements are complied with-

- (a) the business of a street trader must be conducted from premises on which poultry or rabbits must be kept in compliance with the provisions of Chapters V and VI and facilities must be provided for the parking of the vehicle used for street trading after normal trading hours;
- (b) a vehicle of sound construction, oil painted and bearing the name of the street trader, together with his or her residential address and the address of his business premises in clearly legible letters not less than 50 mm in height on both sides of the vehicle must be provided;
- (c) that part of the vehicle in which poultry or rabbits are conveyed must be provided with a top or cover of heat resistant material, other than metal, and provision for through ventilation must be made;
- (d) (i) Cages or crates of an impervious and durable material must be provided for conveying poultry or rabbits on the vehicle;
- (e) (ii) such cages, crates or divisions thereof must be fitted with removable trays of impervious material for the reception of poultry or rabbit droppings;
- (f) every cage, crate or division must be provided with a drinking vessel, not less than 100 mm in depth filled with water, which must be fixed to an inside corner of the cage, crate or division.

24. DUTIES OF STREET TRADER

Every person selling poultry or rabbits in the street must -

- (a) wash and thoroughly cleanse that part of the vehicle in which poultry or rabbits are conveyed and every cage, crate and tray used on the vehicle, after each day's trading;
- (b) remove from every cage or crate on the vehicle any poultry or rabbits which appear to be sick and place such poultry or rabbits in a separate cage;
- (c) maintain the premises, vehicle and every cage, crate, tray, vessel, container and receptacle used in connection with such hawking in a clean and sanitary condition, free from vermin and in good repair;
- (d) store all feed in rodent proof receptacles or storeroom.

CHAPTER 12**25. KEEPING OF BEES**

- (1) No person may keep bees on any premises unless:
 - (a) that person is the holder of the permit authorising that activity; and
 - (b) every bee hive is situated:
 - (i) a minimum of five meters from any boundary of the premises and
 - (ii) a minimum of twenty meters from any public place or any building used for human habitation or from any place used for the keeping of animals, poultry and birds.
 - (c) the bees are kept in an approved bee hive; and
 - (d) the bee hive is:
 - (i) kept in an area inaccessible to children and animals
 - (ii) kept in the shade at all times; and
 - (iii) Supplied with a source of drinking water within five meters of the hive

No person may dump or deposit any garbage, compost, grass cuttings or manure within five meters of any bee hive.

CHAPTER 13

KEEPING OF WILD ANIMALS

26. DANGEROUS ANIMALS

(1) No person may without permit issued by environmental health practitioner, keep any wild animals of a species that is dangerous to humans, including without limitation, large carnivores, venomous snakes, spiders or scorpion.

(2) Any person who keeps any animal which is known to behave in a manner that is dangerous to humans must keep it in an adequate enclosure and take adequate measures to ensure that it does not escape from the enclosure or pose a danger to the residents of, or visitor to, the premises or any other persons.

CHAPTER 14

MISCELLANEOUS

27. DRAINING

All sinks, wash hand basins, baths, shower-baths, troughs, floor surfaces, including channels and washing platforms, required to be drained in terms of these By-laws, must be drained to an external gully, connected to the Municipality's sewer or, where no sewer is available or readily accessible, to other means of drainage approved by the Municipality.

28. NUISANCE

No person must -

- (a) keep any animal or pet in such a manner as to cause a nuisance;
- (b) fail to remove faeces deposited by a dog in a public place whilst under his control or supervision and dispose of such faeces in a refuse receptacle;
- (c) fail to duly dispose of dead animals in such a manner as prescribed by the health officer.

29. ILLNESS ATTRIBUTABLE TO ANIMALS

The illness of any person, which is attributable to the keeping of any animal, poultry, bird or pet as contemplated in Chapters VII to X inclusive, must be reported to the health officer within 24 hours of diagnoses by the person making the diagnosis.

30. INSPECTIONS

The health officer and any officer authorized thereto by the Municipality may, in order to satisfy himself that the provisions of these By-laws are being complied with -

- (a) enter any premises on which animals, poultry, birds or pets are kept or on which kennels or a cattery is conducted or the business of a dealer or speculator in livestock or a pet shop, a hawker of poultry or rabbits is being conducted or on which he reasonably suspects animals, poultry, birds or pets are kept or such business is being conducted, at all reasonable times;
- (b) inspect such premises or any vehicle used or reasonably suspected by him to be used for such business and anything thereon or therein; and
- (d) question any person on such premises or in such vehicle or who has recently been on such premises or in such vehicle.

31. PROVISIONS OF CAMPS

The Municipality may reserve and fence off or conditionally allow being fenced of such portions of land within its area of its jurisdiction, as may be deemed desirable by the municipality and establishing a special camp or camps as it deems fit in order to ensure proper administration and to prevent soil erosion.

32. DUTIES OF A KEEPER OF ANIMALS

Anyone who keeps an animal/animals within the jurisdiction of the Municipality must-

- (a) keep animals identified by a mark in terms of the Agriculture Act
- (b) keep kraals in a clean and hygienic condition at all times;
- (c) cause all animals to be tested for tuberculosis and brucellosis in accordance with the Animal Health Act 2002, or as often as required by the authorized official;
- (d) cause an animal to be vaccinated as required in terms of the Animal Health Act 2002 (Act No. 7 of 2002);
- (e) cause all manure from animals to be stored and disposed of in an approved manner;
- (f) cause all feed to be stored in a rodent proof place;
- (g) cause the premises to be kept in such a condition as not to attract or provide shelter for rodents

33. ANIMALS KEPT IN AN UNSATISFACTORY MANNER

Whenever, in the opinion of the authorized official, any animals kept on any premises are causing a nuisance or danger to health, the authorized official 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 carry out such steps as the authorized official may deem necessary for the said purpose.

34. OFFENCES AND PENALTIES

(1) Any person –

- (a) who contravenes or fails to comply with any provision of these By-laws;
- (b) who keeps animals, birds or poultry or who is the person in control of or who conducts the business of a dealer or speculator in livestock, a pet shop, dog kennels or cattery or a hawker of poultry or rabbits on any premises fails to ensure that all the provisions of these By-laws applicable to such premises or business are complied with;
- (c) who fails or refuses to give access to premises to the health officer or any officer contemplated in section 29 when requested to give such access;
- (e)
- (f) who obstructs or hinders the health officer or other officer in the execution of this duties under these By-laws;
- (g) fails or refuses to give information to the health officer or such other officer which is lawfully required, or knowingly furnishes false or misleading information; or
- (h) fails or refuses to comply with a notice in terms of section 2,

is, subject to the provisions of subsection (2), guilty of an offence and must be liable on conviction to a fine not exceeding R20 000 or, in default of payment, to imprisonment for a period not exceeding two years, or in the case of a continuous offence, to a prescribed fine or, in default of payment, to imprisonment for a period not exceeding ten days for every period of 24 hours during which such offence continues.

- (2) It must be competent defence if a person referred to in subsection (1) (b) proves that he or she did not know of, could not reasonably have foreseen and could not have prevented the commission of the offence contemplated in subsection (1).

35. Repeal of By-laws

Any by-law(s) relating to the keeping of Animals, Birds, Bees, Poultry and Businesses Involving the Keeping of Animals, Birds, Poultry or Pets adopted by the Council or any erstwhile Council now comprising an administrative unit of the Municipality, shall be repealed from the date of promulgation of this By-law in the Provincial Government Gazette.

36. short title & commencement

This by-law shall be called keeping of animals, birds, bees, pets, poultry and businesses involving the keeping of animals, birds, poultry or pets by- law, 2016, and shall take effect from the date of proclamation in the Provincial Gazette.

SCHEDULE 1

Local Authority Permit No:
..... Date:.....
.....
.....

**PERMIT: BY-LAWS RELATING TO THE KEEPING OF ANIMALS, BIRDS AND POULTRY
AND BUSINESSES INVOLVING THE KEEPING OF ANIMALS, BIRDS, POULTRY OR
PETS.E**

With reference to your application dated a permit to keep the animals-
poultry as specified hereunder at address so specified is hereby granted.

*Animals/Poultry:

Address:

.....
.....

The granting of the permit is subject to your complying with the provisions of the aforementioned By-laws.

Your attention is invited to the provisions of section 5(4) of the said By-laws requiring a permit holder to notify the Municipality's Health Officer of any increase in the number of animals or poultry in excess of the number authorized by the permit and section 5(5) regarding the cancellation of a permit.

Yours faithfully

For Health Officer

*Specify number and kind of animals or poultry

SCHEDULE 2

Local Authority

For office use

Application No:

Date received:

Application granted/refused:

Permit No:

Date:

**APPLICATION FOR A PERMIT: BY-LAWS RELATING TO THE KEEPING OF ANIMALS,
BIRDS,BEES,PETS, POULTRY AND BUSINESSES INVOLVING THE KEEPING OF
ANIMALS, BIRDS, POULTRY OR PETS.**

i/We
(Full name of applicant/s)

Hereby apply for a permit to keep animals/poultry/rabbits on premises situated at Stand

Street

Township, in terms of the aforementioned By-laws of the

(Name of Local Authority). Details of the animals/poultry-rabbits to be kept are as follows:

SPECIES	NUMBER
.....
.....
.....
.....

I/We accept the responsibility or the keeping of animals, poultry, rabbits, in accordance with the provisions of the said By-laws and acknowledge that in the event of my/our failure to effect such compliance this permit may be cancelled in terms of section 5 of the said By-laws.

Signature of Applicant/s:

Capacity:

* Delete whichever is not applicable

PROVINCIAL NOTICE 93 OF 2016
MATATIELE LOCAL MUNICIPALITY



MATATIELE
LOCAL MUNICIPALITY

CEMETARY AND CREMATORIA BY-LAWS

CEMETARY AND CREMATORIA BY-LAWS

Be it enacted by the Council of the Matatiele Local Municipality, in terms of Section 156 of the Constitution of the Republic of South Africa Act No. 108 of 1996, Section 104 (2) Funeral, Burial and Cremation Services Act of 2002 in the Province of Eastern cape, and section 11 of the Local Government: Municipal Systems Act No. 32 2000, as follows:

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CHAPTER 1

GENERAL

Section1. Definitions

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

“adult” means a deceased person over the age of 12 years and any deceased person the dimensions of whose coffin cannot be accommodated in an excavation of 1,40m in length and 400 mm in width;

“after-hours fee” means a fee over and above the set normal fee for burial or cremation outside normal week days cemetery operating hours, save in the case of cremations or burials, which because of religious belief, are undertaken after such hours, or in the case of burial, where the mourners undertake to close the grave;

“ashes” means the cremated remains of a body;

“Births and Deaths Registration Act” means the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);

“body” means any dead human body, including the body of a stillborn child;

“burial order” means an order issued in terms of the Births and Deaths Registration Act;

“burial” means burial or inhumation into earth or any other form of burial and includes a tomb and any other mode of disposal of a body;

“cemetery” means any land or part thereof within the municipal area set aside by the Council or approved by the Council as a public cemetery;

“child” means any deceased person of the age of 12 years or younger and who is not an adult;

“Commonwealth war grave” means any grave, tombstone, monument or memorial connected with a Commonwealth war burial in terms of the Commonwealth War Graves Act, 1992 (Act No. 8 of 1992);

“Council” means Council of Matatiele Local Municipal

“cremation” means the incineration of any human body or remains to ashes;

“crematorium” means a building where the dead are cremated;

“crematorium section” means a section of a cemetery or crematorium set aside by the Council for the burial of ashes;

“cremated remains” means all recoverable ashes after the cremation process;

“exhumation” means the removal of a body from its grave;

“garden of remembrance” means a section of a cemetery or crematorium set aside for the erection of memorial work , placing or scattering of ashes, but does not include a columbarium;

“grave” means any piece of land excavated for the burial of a body within a cemetery and includes the contents, headstone or other marker of such place and any other structure on or associated with such place;

“grave of conflict” means the grave of a person who died while defending the country;

“hero” means a person who performed a heroic act for the country and is given the status of a hero by the Council;

“indigent person” means a destitute person who has died in indigent circumstances, or if no relative or other person, welfare organisation or non governmental organization can be found to bear the burial or cremation costs of such deceased person and includes a pauper;

“indigent relief” means assistance received for the burial or cremation of an indigent person;

“medical officer of health ” means the Medical Officer of Health for the Council or any other person acting in such capacity or by virtue of any power delegated to him/her;

“memorial section” means a section of a cemetery set aside for the erection of memorials;

“memorial wall” means a wall in a cemetery or crematorium section provided for the placement of inscribed tablets commemorating deceased persons;

“memorial work” means any headstone, monument, plaque, or other work, or object, erected or intended to be erected in any cemetery or crematorium to commemorate a deceased person, and includes a kerb demarcating a grave, and a slab covering a grave;

“municipal area” means the area under the control and jurisdiction of the Council;

“niche” means a compartment in a columbarium or garden of remembrance for the placing of ashes;

“officer-in-charge” means the person in the employ of the Council who, from time to time, is in control of any cemetery.

“prescribed” means prescribed by the Council;

“prescribed fee” means a fee determined by the Council by resolution of that Council or its successor.

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

“registrar of deaths” means any person appointed by the Government of the Republic of South Africa to register deaths

“South African Heritage Resources Agency” means the South African Heritage Resources Agency, established in terms of section 11 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999)

“stone mason” means a person carrying on business as a stone mason;

“victim of conflict” means a person defined in section 1 of the National Heritage Resources Act, 1999 (Act No. 25 of 1999).

CHAPTER 2

ESTABLISHMENT AND MANAGEMENT OF CEMETERIES

Section 2. Establishment of cemeteries

The Council may from time to time set aside and reserve suitable municipal land within the municipality for the establishment and management of a cemetery. The Council may consider and approve an application for the establishment and management of a cemetery. The Council 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 Council may deem necessary.

(2) The Council may set aside, reserve and demarcate within a cemetery, in accordance with an approved layout plan, such areas as the Council may deem necessary for exclusive use by the members of a particular religion or denomination, or for the burial of adults, children, security forces or war heroes, or for the creation and management of the following sections:

- (a) Berm-section where memorial work of a restricted size may be erected only on a concrete base provided by the Council at the top or bottom end of a grave the top surface of graves are level and the Council will cut planted as well as natural grass as part of its maintenance program;
- (b) Monumental-section where memorial work erected shall cover the entire grave area,
- (c) 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 Council;
- (d) Natural-grass section where the surface of graves are levelled. Graves are identified by numbers affixed on top of the graves in such a way that lawnmowers can be used to cut the natural grass without damaging the numbers;
- (e) Traditional-section where 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. The surfaces of graves are level;
- (f) Columbarium-section where ashes may be buried in a niche in a memorial wall or wall of remembrance provided by the Council;

Section3. Official hours

(1) The cemetery and the office of the caretaker shall be open during the hours as determined by the Council. 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 as determined by the Council.

(3) The Council has the right to close a cemetery or any portion thereof to the public for such periods and for such reasons as the Council 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 Council or during any period when it is closed for the public, without the permission of the caretaker.

Section4. Register

(1) A register of graves and burials shall be kept by the caretaker.

(2) 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.

Section5. 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 this by-law shall be numbered by the Council.

(2) The number shall be affixed to the grave and indicated on a plan to be kept available in the caretaker's office.

Section6. Reservation of graves

(1) No reservation of a grave in a cemetery shall be allowed.

(2) Reservation of graves made and recorded in the official records of the Council in terms of any previous by-laws shall still be valid and the Council shall honour such reserved rights.

Section 7. Transfer of reserved rights

(1) A reserved right as contemplated in section 6(2) may not be transferred without the prior approval of the Council.

(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 Council, the amount paid by the holder (if any) minus 10% administration fees, will be refunded to the holder.

Section 8. Number of corpses in a grave

(1) Only one corpse may be buried in a grave with measurements as contemplated in this by-law.

(2) Only two corpses may be buried in a grave with measurements as set out in sub-section 15(4): Provided that application for the burial of two corpses has been made to the caretaker in writing by completing and submitting the required application form before the first corpse is buried.

(3) After the re-opening of a grave for the purpose of the burial of a second corpse as mentioned in sub-section 9(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 re-opening 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 will be handled in consultation with the Medical Officer of Health.

Section 9. Number of Corpses in a coffin

(1) A deceased stillborn child and his or her deceased mother may be buried in the same coffin at the fee for a single interment of an adult.

(2) Still-born twin babies may be buried in the same coffin at the fee for a single interment of a stillborn child.

CHAPTER 3

BURIALS

Section 10. Application for a burial

(1) Application for permission for a burial in a cemetery shall be made to the caretaker in writing by completing and submitting a prescribed application form. An application shall be accompanied by:

- (a) the prescribed burial order;
- (b) the prescribed fees; and
- (c) a reservation certificate, if applicable;

(2) No person shall, without the prior written approval of the Council, execute, cause, or allow a burial in any other place in the municipality than in a cemetery established and managed by the Council. This includes the burial of a corpse, of ashes and of a cadaver.

(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 permission 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) In allocating a grave the caretaker shall as far as practicable possible 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 choice, but not the individual grave of his or her choice. The allocation of a specific grave is the sole responsibility and discretion of the caretaker and a burial shall be executed only in a grave allocated by him or her.

(7) The Council 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 permission for a burial and the allocation of a specific grave in a cemetery, does not give the applicant, the responsible person or any other person any right in respect of such grave other than to bury a corpse in the grave.

(10) Except with the permission of the Council, no person shall place or cause any coffin constructed of any material other than natural wood or other perishable material to be placed in any grave.

Section 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 the Muslim community.

(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 Council in terms of the provisions of this by-law, 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 any 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 Council for a period of not less than ten years.

(9) Every coffin or body upon being placed in any grave shall, at once, be covered with 500 mm of earth.

(10) No person shall disturb any human remains or any soil adjacent thereto in any cemetery, except where such disturbance is expressly permitted by this bylaw or by an order of court.

Section 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; provided that a coffin does not exceed the average body weight of 70 kg, and further-more that the grave is re-adjusted 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 permission 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 in writing by completing and submitting a prescribed application form.

(4) Niches will be allocated by the caretaker strictly in the order in which the applications therefore are received and no reservations for future use will 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 Council 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 will once again be sealed.

(8) Application for the opening of a niche shall be made to the caretaker in writing by completing and submitting a 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 from Council;
- (b) approval for the erection of the memorial work has been obtained from Council; and,
- (c) the prescribed fees have been paid which shall be determined by Council from time to time.

(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 office hours of the cemetery.

(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 cemetery hours as determined by Council.

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

Section 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 sub-section 15(4) : Provided that a coffin does not exceed the average body weight of 70 kg, and furthermore that the grave is re-adjusted to the prescribed depth and measurements.

Section 14. Persons dying outside the municipal area

The provisions of these by-laws shall apply *mutatis mutandis* to any burial in a cemetery of a person who has died outside the municipality

Section 15. Grave measurements

(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 or width than those specified above is required, 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) Deviations 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
: 900 mm wide

Brick-nogging : 2600 mm long
: 1050 mm wide

(6) The area of a rectangular grave for an adult shall be 1500 mm wide by 2600 mm long.

(7) The area of a grave for an adult shall be 1210 mm wide by 2430 mm long.

(8) The area of a grave for a child shall be 1210 mm wide by 1520 mm long. If a coffin is too large, an adult grave shall be used.

CHAPTER 4

RE - OPENING OF GRAVES AND EXHUMATIONS

Section 16. Conditions of exhumations

(1) No person may exhume or cause to be exhumed a body without the written consent of the -

- (a) Premier of the Provincial Government;
- (b) the Council;
- (c) the provincial Department of Health;
- (d) the Administrator of cemeteries;
- (e) the Council's Medical Officer of Health or
- (f) by an order of a court having jurisdiction over such matters.

(2) Whenever an exhumation is to take place, the officer-in-charge must inform the Provincial Commissioner of the South African Police Services.

(3) A member of the South African Police Services must always be present when an exhumation is being conducted.

(4) An exhumation must not take place when the cemetery is open to the public and must take place under the supervision of the officer-in-charge.

(5) If remains are to be exhumed from any grave, only the undertaker under the supervision of the officer-in-charge, may cause the grave to be excavated for such exhumation;

(6) (a) If a grave is to be excavated for exhumation, the officer-in-charge must be given 48 hours written notice before the time of exhumation, and

(b) The authority referred to in paragraph (1)(d) of this Section and the prescribed fee must accompany such notice.

(7) A person who wishes to exhume the remains of an indigent person must pay the costs incurred by the Council at the time of burial, to the Administrator of Cemeteries.

(8) The person carrying out the exhumation must ensure that the body and grave are properly disinfected and deodorized.

(9) The South African Police Services must -

- (a) if there is proof of illegal burial immediately exhume the body; and
- (b) take it to a government mortuary for investigation.

(10) A grave of victims of conflict and a grave which is older than 60 years may only be exhumed with the permission of the South African Heritage Resources Agency.

(11) A Commonwealth war grave may only be exhumed in accordance with the provisions of section 3 of the Commonwealth War Graves Act, 1992.

Section 17. Exhumation and reburial

(1) The Council may, if a body has been buried in contravention of these By-laws, cause the body to be exhumed and re-buried in another grave.

(2) The relatives of the deceased must be -

- (a) notified of the intended exhumation and re-burial; and
- (b) allowed to attend.

Section 18. Screening of exhumation

(1) A grave from which a body is to be exhumed must be screened from the view of the public during the exhumation.

(2) The person carrying out the exhumation must provide a suitable receptacle for each body or remains.

CHAPTER 5

MISCELLANEOUS

Section 19. Injuries and damages

(1) A person using a cemetery do so at his own risk, and the Council accepts no liability whatsoever for any personal injuries sustained by such person or for any loss of or damage to such person's property relating to or resulting from the aforementioned usage of the cemetery.

(2) A person using a cemetery accepts full responsibility for any incident, damages or injuries that may be caused by or that may result from the aforementioned use of the cemetery and he or she accordingly indemnifies the Council, its members, employees or agents, whether in personal or official capacity, against liability for all claims from whichever nature by himself, his or her dependants or third parties in respect of any patrimonial loss, consequential damages, injuries or personal prejudice that may be suffered or sustained in connection with or resulting from such a person's use of a cemetery. The aforementioned indemnity also applies to injuries sustained by employees of the Council while on duty at the cemetery, as well as damages to Council property at the cemetery.

Section 20. Fire-arms and traditional weapons

No fire-arms and traditional weapons shall be allowed in a cemetery.

Section 21. Offences and penalties

(1) Any person contravening or failing to comply with any of the provisions of these by-laws shall be guilty of an offence and shall upon conviction by a court be liable to a fine not exceeding R 30 000, or imprisonment for a period not exceeding three years or both a fine as well as period of imprisonment, or such other fine or period of imprisonment which the Minister of Justice may from time to time determine.

(2) Any expense incurred by the Council as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he or she failed to do, may be recovered by the Council from the person who committed the contravention or who failed to do such thing.

Section 22. Complaints

Any person wishing to lodge a complaint shall lodge such complaint, in writing with the Director.

Section 23. Charges

The charges set forth in "the tariff" in respect of the various items therein contained, shall be paid to the Council in advance.

Section 24. Rights on Graves

No person shall acquire any right to or interest in any ground or grave in any cemetery.

Section 25. Consents, Notices and Orders

Any written consent, notice or other order issued by the Council in terms of these by-laws, with the exception of consent by the Director or any officer authorised by him and shall be prima force evidence of the contents of such a signed consent, notice or other order.

Section 26. Religious Ceremonies

(1) The members of any religious denomination may conduct religious ceremonies in connection with any interment of memorial service subject to the control and by-laws of the Council.

(2) No animal may be slaughtered on the premises of the cemetery regardless of any religious ceremony which may require an animal to be slaughtered.

Section 27. Hearses and vehicles at Cemeteries

(1) No person shall cause any hearse or vehicle, as defined by the Road Traffic Act, while within a cemetery to depart from the carriage drives or certain any hearse within any cemetery after the removal of the body from such hearse or vehicle. Every hearse or vehicle such removal shall leave the cemetery by the route indicated by the caretaker.

(2) The cemetery is a public place and all laws applicable to the driving of a vehicle and the use of a public road will be applicable inside the premises of the cemetery.

Section28. Exposure of Bodies

No person shall convey a dead body, which is not covered, or any such body or any part thereof in any street, cemetery or public place.

Section29. Instruction of Caretaker

Every person taking part in any funeral procession or ceremony shall comply with the directions of the caretaker while such person is within a cemetery.

Section30. Music Inside Cemetery

Only sacred singing shall be allowed in any cemetery, except in the case of police and military funerals.

Section31. Interments Attended by large Numbers of People

In any case where it is probable that an unusually large number of persons will be present at any interment, the person giving notice of such interment shall notify the caretaker the day before the funeral.

CHAPTER 6**REPEAL OF BY-LAWS****32. Repeal of existing By-laws**

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

33. Short title and commencement

These by-laws shall be called the Cemetery and Crematoria By-Laws, 2016 and shall come into operation from the date of proclamation in the Provincial Gazette.

PROVINCIAL NOTICE 94 OF 2016



MATATIELE

LOCAL MUNICIPALITY

NUISANCE BY-LAWS

NUISANCE BY-LAWS

BE IT ENACTED by Matatiele Local Municipality, as follows:

SECTION 1. Definitions

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

"Council" means the Council of Matatiele Local 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 delegated to it in terms of legislation;

"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 to act as 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 capacity;

"**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 are regulated under the Explosives Act, 1956 or its regulations;

"**Municipal property**" means any structure or thing owned or managed by or on behalf of the Council and includes buildings, land, lapas, kiosks, benches, picnic table, playground equipment, fountains, statues, monuments, fences, poles, notices, signs including any corporeal and incorporeal property.

"**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 causes harm or damage to the environment, or which may potentially harm or damage the environment;

"Person" means 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 indecency" means an act of not conforming to the generally accepted standards of behaviour or propriety

"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, 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.

SECTION 2. Purpose of these By-laws

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

To provide for and promote an environment conducive to the upholding of sound and socially acceptable moral standards and values.

SECTION 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 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 Municipality
- (4) A person may not expose or exhibit, except for sale in a shop window, any article or thing offensive to decency.
- (5) 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.
- (6) 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.
- (7) A person may not appear in any public place in a state of intoxication.
- (8) 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.
- (9) A person may not loiter in any public place for the purpose of prostitution, or solicit of importune any other person for such purpose.
- (10) 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.
- (11) 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.
- (12) 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.

(13) 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.

(14) A person may not urinate in public view.

(15) 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.

SECTION 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 or 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) 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.

SECTION 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 multiplications 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 bum any rubbish or refuse on any premises or do anything to cause any offensive smells or excessive smoke, or by buming 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.

SECTION 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.

SECTION 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.

SECTION 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.
- (6) A person may not cause or permit to be caused a nuisance or annoyance to any person by making excessive noise

SECTION 9 Offences against decency and morality

- (1) No person shall, in any public place commit any indecent or immoral gesture or act or wilfully and obscenely expose his/her person.
- (2) No person shall wilfully and intentionally appear in any public place without being decently clothed.
- (3) No person shall be or appear in any public place in a state of intoxication.
- (4) No person shall write, print or draw any obscene or indecent words or figures in any public place or upon, door, window or other part of premises in or within side of any public place, nor use any foul, obscene or indecent language in any public place within the hearing of any person therein.
- (5) No person shall use any auto mobile or carriage to commit any act viewed as an act of public indecency in any public place.

SECTION 10. 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.

(C) is found guilty of contravening any of the by-laws contained herein will be liable to a fine including admission of guilt fine not exceeding an amount of R 10 000.00 or for imprisonment not exceeding a period of one year (1) year.

SECTION 11. Short title and commencement

This By-law shall be called the Nuisance By-laws of 2016 and shall take effect from the date of proclamation in the Provincial Gazette.

PROVINCIAL NOTICE 95 OF 2016
MATATIELE LOCAL MUNICIPALITY



MATATIELE
LOCAL MUNICIPALITY

MUNICIPAL TAXI RANK BY-LAW

MUNICIPAL TAXI RANK BY LAW

BE IT ENACTED by Matatiele Local Municipality, as follows:

Section 1. Definitions

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

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

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

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

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

"Municipality" means Matatiele Local Municipality;

"Municipal Manager" means the person appointed by the Municipality in terms of section 54 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

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

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

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

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

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

Section2. Purpose of These By-laws

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

Section3. Municipality may establish, maintain and manage municipal taxi ranks

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

Section4. Taxis to display parking permit discs when being driven into or parked at Municipal taxi ranks

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

Section5. Application for, issue and duration of a parking permit disc

- (1) The owner of a taxi, desirous to make use of the municipal taxi ranks, must apply to the Municipality in writing for the issue of a parking permit disc for each taxi to make use of any such rank.
- (2) An application for the issue of a parking permit disc must:
 - (a) be in the form determined by the Municipality;

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

Section6. Presumption that owner drove or parked the taxi

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

Section7. Seizure and impoundment of taxis at municipal taxi ranks

- (1) Over and above any prosecution in terms of These By-laws, a municipal traffic officer may seize and impound a taxi at a municipal taxi rank for a period of 7 days:
- (a) if the taxi is driven into or parked at that taxi rank without displaying a valid parking permit disc in the manner set out in section 3(2);
 - (b) if the taxi is parked and left unattended in contravention of any rule to be observed at that taxi rank by the owner or driver of a taxi making use of the taxi rank; or
 - (c) if an owner or driver of a taxi contravenes any rule to be observed at that taxi rank and after a direction by a municipal traffic officer to terminate such contravention, persists in his or her actions.
- (2) A taxi impounded by the Municipality in terms of subsection (1), must be returned to its owner on payment of the impoundment fees determined by the Municipality in respect of municipal taxi ranks, if the taxi is to be released before the 7-day period has expired.

(3) No person may hinder, impede or obstruct a municipal traffic officer in the execution of his or her duties in accordance with subsection (1).

section8. Delegation

(1) The Municipal Manager may, in writing, delegate the powers and functions vested *in* him or her by section 4, to the Manager public safety/designated official.

Section9. Penalty clause

(1) Any person who contravenes or fails to comply with:

- (a) a legitimate direction given by a municipal traffic officer at a municipal taxi rank; or
- (b) a provision of These By-laws; shall be guilty of an offence.

(2) Any person convicted of an offence in terms of subsection (1), shall be liable to a fine not exceeding **R10 000.00** or to imprisonment for a period not exceeding **one year**, or to both a fine and such imprisonment.

Secyion10. Short title and commencement

These By-laws shall be called the Municipal Taxi Ranks By-laws 2016 and shall take effect from the date of proclamation in the Provincial Gazette.

PROVINCIAL NOTICE 96 OF 2016



SWIMMING POOLS AND SPA-BATHS BY-LAWS

SWIMMING POOLS AND SPA-BATHS BY-LAWS

Matatiele Local Municipality enacts as follows:

Section	Index
1.	Definitions
2.	Requirement for premises
3.	Duties of the Spa-bath keeper
4.	Duties of the swimming-pool keeper
5.	Water Supply
6.	Safety of water
7.	Prohibition on the use of a swimming pool or spa-bath
8.	Right of Entry
9.	Order and Behaviour
10.	Penalty clause
11.	Repeal of this By-law

1. Definitions

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

"Municipality" means Matatiele Municipality;

"Municipal Council" means the Matatiele Municipal Council established in terms of section 12 of the Local Government: Municipal Structures Act, (Act No. 117 of 1998), as amended;

"National Building Regulations and Building Standards Act" means National Building Regulations and Building Standards Act, 1977(Act No. of 1977), as amended;

"premises" means any land, building or structure.

2. Requirement for premises

- (1) Separate change-rooms, shower and toilet facilities must be provided for each sex with easy access of the spa-bath and swimming pool and must be in accordance with the National Building Regulations and Building Standards Act.
- (2) A swimming pool must be surrounded by an approved wall or fence as contemplated in the National Building Regulations and Building Standards Act.
- (3) The surface of the floor area surrounding the spa-bath or swimming pool must be of an impervious, non-slip material.
- (4) A suitable chemical gasmask must be provided at the chlorinator installation, and if required by the health officer, an oxygen or air breathing apparatus must be provided.
- (5) An adequate number of refuse receptacles must be provided on the premises.

3. Duties of the Spa-bath keeper

- (a) The premises must be kept in a safe, clean and sanitary condition and in good repair at all times.
- (b) an approved, fully equipped first-aid box, clearly designated, properly maintained and kept in a prominent, easily accessible and protected positions must be provided.
- (c) The spa-bath keeper must ensure that the water is purified, treated And maintained to an acceptable quality at all times when the spa-bath is in use.
- (d) Equipment for testing the quality of the spa-bath water for pollution And for disinfections must be provided and maintained in proper working order.
- (e) The spa-bath keeper must be fully conversant with all routine tests to be carried out and the interpretation of the results thereof.
- (f) A daily operating record of the water quality must be maintained.

3. Duties of the swimming-pool keeper

- (a) the premises must be kept in a safe, clean and sanitary condition at all times.
- (b) provide an approved fully equipped first-aid box, life-saving equipment and resuscitation appliance clearly designated, properly maintained and kept in a prominent, easily accessible and protected position.
- (c) The swimming-pool keeper must be qualified and proficient in life saving, rendering first aid, use of the resuscitation appliance, the operation of the swimming pool and testing and maintain the safety of the water.
- (d) The swimming-pool keepers must ensure that the water is purified, treated and maintained to an acceptable quality at all times when the swimming pool is in use.
- (e) Provide and maintain in proper working order equipment for testing the quality of the swimming-pool water for pollution and disinfections.
- (f) The swimming-pool keeper must be fully conversant with all routine tests to be carried out and the interpretation of the results thereof.
- (g) A daily operating record of the water quality must be maintained.

4. Water Supply

- (a) No water from a source other than water from the Municipality's supply, must be used to clean, fill or maintain the level in a swimming-pool or spa-bath unless the environmental health officer has issued a certificate to the swimming-pool or spa-bath keeper, stating that such water is suitable for such use.

The environmental health officer must take samples of the swimming-pool or sp-bath water at intervals as he deems fit for the purpose of a chemical analysis or bacteriological examination, to an analyst authorised in terms of section 12 of the Foodstuffs, Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972)

5. Safety of water

Every spa-bath keeper and swimming-pool keeper must ensure that the water in the spa-bath or swimming pool complies with the following when it is in use-

- (a) The water must be free from floating, suspended or settled debris or swimming organisms and the wall, floor, access ladders or steps and gutters must be free from slime and algae;
- (b) The pH value of the water must be not less than 7 and not greater than 8;
- (c) Where chlorine based disinfectants are used, minimum free available chlorine residual of 0,5 mg/l with a maximum free available chlorine residual of 3 mg/l must be maintained
- (d) Where a disinfectant other than chlorine is used, the residual level must be equivalent in effect to the requirements of subsection (3).
- (e) The total viable bacteriological count of any sample submitted for analysis in accordance with the acceptable methods must not exceed 100 organisms per ml of water
- (f) Escherichia coli type 1 bacteria must not be present in any 100 ml of water; and
- (g) Appropriate water quality testing equipment must be available and maintained.

6. Prohibition on the use of a swimming pool or spa-bath

(a) If the water in the swimming-pool, or spa-bath when available for use, does not comply with the provisions of section 5, and if, in the opinion of the environmental health officer, the use of such swimming-pool or spa-bath is not in the interest of public health, he or she may forthwith prohibit the use of such swimming-pool or spa-bath.

(b) A prohibition in terms of subsection (1) must remain in force until written revocation thereof by the environmental health officer has been served upon the swimming pool or spa-bath keeper.

7. Right of Entry

(a) The environmental health officer may at all reasonable times, when the swimming pool or spa-bath is available for use, enter any premises for the purpose of inspection and take samples of water as he may deem necessary for chemical or bacteriological examination or analysis.

8. Order and Behaviour

No person must-

- (a) interfere with the spa-bath keeper, swimming-pool keeper or any official of Municipality in the execution of their duties;
- (b) allow any dog or other pet belonging to him or her or under his care to enter or to remain within the premises;
- (c) use any premises whilst knowingly or suspecting of suffering from any communicable or contagious disease; or
- (d) urinate, defecate, spit or blow his nose in the spa-bath or swimming-pool.

9. Penalty clause

(1) Any person who contravenes or fails to comply with any provision of these By-laws or any requirement or condition thereunder shall be guilty of an offence.

(2) Any person convicted of an offence in terms of subsection (1) shall be liable to a fine not exceeding R10 000.00 or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

10 REPEAL OF BY-LAWS

The provisions of any By-laws relating to swimming pools and spa-baths by the Municipality are repealed insofar as they relate to matters provided for in these By-laws.

11. Short title and commencement

These By-laws are called Swimming Pools and Spa Baths By-laws and will come into operation on a date fixed by the Municipal Council by notice in a Gazette.

PROVINCIAL NOTICE 97 OF 2016
MATATIELE LOCAL MUNICIPALITY



MATATIELE
LOCAL MUNICIPALITY

PUBLIC ROADS BY-LAW

Be it enacted by the Matatiele Local Municipality as follows:

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CHAPTER 1

Definitions

Section1.

In these by-laws, unless the context otherwise indicates –

"authorised official" means a person authorised by the Council to perform the functions of an authorised official in terms of these by-laws;

"Council" means Council of the Matatiele Local Municipality;

"prescribed" means determined by resolution of the Council from time to time;

"prescribed fee" means a fee determined by the Council by resolution; and

"public road" shall mean a public road as described under Section 1 of the Road Traffic Act, 1996 (Act No. 93 of 1996).

CHAPTER 2

OBSTRUCTIONS

Section2. Obstruction of public roads

No person may cause any obstruction of any public road.

Section3. Removal of obstructions

(1) If any person causes an obstruction on any public road, an authorised officer, may order such person to refrain from causing or to remove the obstruction.

(2) Where the person causing an obstruction cannot be found, or fails to remove or to cease causing such obstruction, an authorised officer may take such steps as may be necessary to remove the obstruction and the Council may recover the cost of the removal of the obstruction from that person.

CHAPTER 3

ENCROACHMENTS

Section4. Excavations

(1) No person may make or cause to be made any hole, trench, pit, tunnel or other excavation on or under any public road or remove any soil, tar, stone or other materials from any public road without the prior written consent of the Council.

- (2) Any person who requires the consent referred to in subsection (1) must -
- (a) comply with any requirements prescribed by the Council; and
 - (b) pay the prescribed fee.

Section5. Hoardings

(1) Any person who erects, removes, alters repairs or paints any building or structure or carries out any excavation within 2 m of a public road must, before commencing any such work, enclose or cause to be enclosed a space in front of such part of the building or structure.

- (2) If the enclosure referred to in subsection (1) will project onto any portion of a public road, the person must –
- (a) obtain prior approval from the Council;
 - (b) pay the prescribed fee; and
 - (c) if the person making the application is not the owner of the building or land on which the work is done or is to be done, the owner must countersign the application.
- (3) The Council may grant a permit in writing specifying –
- (a) the area and position at which the enclosure is permitted; and
 - (b) the period for which the enclosure is permitted.

CHAPTER 4

DANGEROUS FENCING

Section6. Barbed wire, dangerous and electrical fencing

No owner or occupier of land -

- (1) other than an owner or occupier of agricultural land, may along any public road erect or cause or permit to be erected, any barbed-wire fence or any railing, paling, wall or other barrier which, by reason of spikes or other sharp or pointed protrusions or otherwise by reason of the nature of its construction or design, is or may become a danger to any member of the public using such public road; and
- (2) including an owner or occupier of an agricultural holding or farm land, may along any public road erect or cause or permit to be erected along such public road any electrified fence, railing or other electrified barrier unless –

- (a) the fence, railing or other barrier is erected on top of a wall built of brick, cement, concrete or similar material, which wall may not be less than two meters high; or
- (b) the fence, railing, or other barrier is separated from the public road by another, non-electrified fence.

CHAPTER 5

PROTECTION AND CLEANLINESS OF PUBLIC ROADS

Section 7. Protection of public road

No person may place upon or off-load on a public road any materials or goods which are likely to cause damage to the road or any lawful user thereof.

Section 8. Cleanliness of public roads

(1) No person may spill, drop or place or permit to be spilled, dropped or placed, on any public road any matter or substance that may interfere with the cleanliness of the public road, or cause or is likely to cause annoyance, danger or accident to persons, animals, vehicles or other traffic using such public road, without removing it or causing it to be removed from such public road immediately.

(2) If the person mentioned in subsection (1) fails to remove the matter or substance, the Council may remove such matter or substance and recover the cost of removal from that person.

Section 9. Marking or painting public roads

No person may in any way deface, mark or paint any public road or part of the public road without the prior written consent of the Council.

CHAPTER 6

RACES, SPORTS EVENTS AND GAMES

Section 10. Races and sports events

(1) An application for consent to hold a race or sports event on any public road must be submitted in writing to the Council on the prescribed form at least 60 days prior to the event.

(2) The applicant must pay the prescribed fee and deposit to the Council at the time of making application for consent.

Section 11. Prohibition of games on public roads

No person may –

- (a) play cricket, football or any other game; or
- (b) by any means discharge any missile, on a public road.

CHAPTER 7

GENERAL

Section 12. Offences

Any person who contravenes any provision of these by-laws shall be guilty of an offence and shall be liable on conviction to a fine not exceeding R5 000 or imprisonment for a period not exceeding 6 months or both.

Section 13. Repeal of existing By-laws

The Council's existing By-laws are hereby repealed; provided that the repeal of such By-laws shall not affect anything done in terms of or any right, obligation or liability acquired or incurred under those By-laws.

Section 14. Short title and commencement

These by-laws shall be called the Public Roads By-laws, 2016 and shall come into operation on the date specified in the government gazette.

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