



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

**Provincial Gazette
Igazethi Yephondo
Provinsiale Koerant**

Vol: 28

BISHO/KING WILLIAM'S TOWN

26 April 2021
26 April 2021

No: 4549

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GENERAL NOTICES • ALGEMENE KENNISGEWINGS**GENERAL NOTICE 14 OF 2021****NOTIFICATION: ENVIRONMENTAL AUTHORISATION APPLICATION PROCESS**

Notice is given in terms of Regulation 41 of the 2014 Environmental Impact Assessment Regulations, promulgated under Section 24(5) of the National Environmental Management Act (Act No. 107 of 1998 – NEMA), of an application for an Environmental Authorisation.

Nature of Activity:

Eastern Cape Department of Transport– hereafter referred to as ECDoT – has been granted Environmental Authorisation to upgrade a portion of the road DR08606, a gravel road in Sterkspruit, within Senqu Local Municipality in the Eastern Cape. As part of the process of sourcing material for construction, three Borrow Pits (BP's) that have been identified in proximity to the construction site. An Application for EA was submitted to the DMR on 31 March 2021. The DMR acknowledged receipt and acceptance of the Application for Environmental Authorisation on 15 April 2021. In support of this, ECDoT is required to undertake a Basic Assessment process as per the NEMA EIA Regulations, 2014 (as amended) for the proposed mining of gravel and stone aggregate. The competent authority for this application will be the Department of Mineral Resources (DMR).

Location:

The proposed activity area is located in the vicinity of Mazizini and Majuba villages in Sterkspruit, not too far from the road that will be constructed within the Joe Gqabi District Municipality in the Eastern Cape.

Site Location	GPS Coordinate
BP2	30°36'4.59"S 27°29'32.89"E
BP5A	30°34'15.66"S 27°31'24.40"E
BP5B	30°34'11.25"S 27°31'27.71"E

Name of Contact/Consultant:

Interested and Affected Parties (I&AP's) are provided an opportunity to register and comment on the proposed activity and application. The Basic Assessment process will be undertaken in accordance with the National Environmental Management Act (Act 107 of 1998) (NEMA) and associated Regulations. One (1) hard copy of the Draft BAR will be made available at the Sterkspruit Public Library from 26 April 2021 until 28 May 2021 and registered I&APs will be notified of its availability. The draft Bar will also be submitted to commenting authorities such as DWS, ECPTA and ECDEDEAT. Electronic copies will be made available upon request. To ensure that you are identified and registered as an interested and affected party (I&AP) please submit your name, contact details and the reason for your interest, in writing or telephonically, to Isipho Environmental Consultants (Pty) Ltd.

Please submit any queries, comments, concerns or issues (including the reference number 0001) to:

Isipho Environmental Consultants (Pty) Ltd)

Phone: 0814102569 / Fax: 086 685 1304

Contact: **Andisiwe Stuurman**

Email: enviro.isipho@gmail.com / andisiwe@isiphoseco.co.za

ISAZISO SO VAVANYO LWENDALO ESINGQONGILEYO NE ISICELO NGOKWEMIMISELO YE EIA

Isaziso sinikezelwa ngokoMmiselo wama 41 weSazisi sikaRhulumente Nombolo. R. 982, phantsi kwemimiselo ye—EIA ngokubhengezwa phantsi kweCandelo - 24 (5) loMyalelo weSizwejikelele woLawulo lweNdalo esingqongileyo (umYalelo 107 womnyaka ka 1998 weNEMA) ngeenjongo zokufaka isicelo sokufezekiswa kwezinkonzo zilandelayo.

Inkcazelo Ngenkqubo:

Isebe lezo Thutho lase Mpuma Koloni linikezwe isigunyaziso sokuphucula inxalenye yendlela DR08606, engase Sterkspruit. Indawo ezifanelekileyo zokomba imigodi ezakunikeza imihlabathi nelitye elilungele ukwakha indlela ziphandiwe kwaze kwafakwa isicelo semvume yemigodi kwi Sebe leMithombo yeMigodi (DMR). Ekwenzeni njalo, iSebe lezo Thutho kufuneka lithabathe inkqubo yovavanyo lwendalo esingqongileyo ngokwemimiselo ye EIA yango 2014.

Indawo:

Ulwambiwo lwe migodi liyawkwenziwa kwilali yase Mazizini nase Majuba eSterkspruit kwi Sithili iJoe Gqabi eMpuma Koloni.

Indawo	Isikhombisi sendawo
BP2	30°36'4.59"S 27°29'32.89"E
BP5A	30°34'15.66"S 27°31'24.40"E
BP5B	30°34'11.25"S 27°31'27.71"E

Iinkcukacha zoghagamshelwano:

Abanomdla okanye abachaphazelekayo banalo ithuba lokuthatha inxaxheba banikeze izimvo zabo ngale nkqubo ichaziweyo ngentla. Icwecwe elinye le ziphumo zovavanyo lwezindalo (BAR) liyakubekwa e Sterkspruit Public Library ukusukela nge 26 April 2021 ukuya nge 28 May 2021 ukuze wonke ubani afumane ithuba lokufunda acaphule. Iziphumo zovavanyo ziyawthi zinikezelwe nakuma sebe afana noDWS, ECPTA and ECDEDEAT ukuze ba phonononge bacaphule. Abathe bafaka isicelo sokuba iziphumo bazifumane nge email bayawkuthunyelelwa. Ukuqinisekisa ukuba uthatha inxaxheba kulenkqubo, nceda ubhalise njengonomdla okanye ochaphazelekayo ngokunikezela iinkcukacha zakho kwanezizathu zomdla okanye ukuchaphazeleka kwakho, ngembhalelwano okanye ngemfonomfono, kwabase Isipho Environmental Consultants (Pty) Ltd.

Imibuzo nezimvo zingathunyelwa kulengcombolo (ucaphule inombolo ye salathiso se projekthi **0001**) ku:

Isipho Environmental Consultants (Pty) Ltd

Umnxeba: 081 410 2569 / Fax: 086 685 1304

Qhagamshelana no: **Andisiwe Stuurman Xuma**

Email: enviro.isipho@gmail.com/ andisiwe@isiphoseco.co.za

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 74 OF 2021



PORT ST JOHNS
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OUR HERITAGE, OUR PEOPLE

SUPPLEMENTARY STANDING RULES AND ORDERS

SUPPLEMENTARY RULES AND ORDERS OF VIRTUAL MEETINGS OF THE PORT ST JOHNS MUNICIPAL COUNCIL AND ITS COMMITTEES

Be it enacted by the Council of the Port St Johns Municipality, in terms of section 156(2) of the Constitution of the Republic of South Africa, 1996, read with section 11(3)(m) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), as follows:

ARRANGEMENT OF RULES

Rule

1. Object
2. Definitions
3. Application and interpretation of these Rules
4. Notice of Council and Committee meetings
5. Service of notices and agenda
6. Non-receipt of notice
7. Technical Support
8. Admission of public
9. Quorum
10. Decisions by voting
11. Dissenting votes and Abstention
12. Minutes and Records
13. Attendance
14. Adjourned meeting
15. Continuation meeting
16. General Conduct
17. Misconduct and Disorderly Conduct of a Councillor or persons other than Councillor
18. Breach
19. Sanction
20. Suspension of a rule or order
21. Short title and commencement



Object

1. The purpose of these Rules is to enable the Municipal Council and its Committees to hold virtual meetings and sittings using technological platforms in terms of applicable legislation, as the current Rules do not make provision for virtual council or committee meetings, voting mechanism applicable to such matters, provision for public access to such meetings and other ancillary matters.

Definitions

2. In these Rules and Orders, unless inconsistent with the context –

“**calendar day**” means a twenty-four hour day as denoted on the calendar;

“**chairperson**” means a councillor elected in a permanent or acting capacity to control and conduct any meeting of Council or a committee of council;

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**Council**” means —

- (a) the Port St Johns Municipality, exercising its legislative and executive authority through its municipal council;
- (b) its successor-in-title;
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these Rules and Orders has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Systems Act; and
- (d) a service provider fulfilling a responsibility under these Rules and Orders;

“**contact details**” means a physical address, postal address, electronic mail address, telephone number, facsimile number, cellular phone number and any other links in terms of any form of technology.

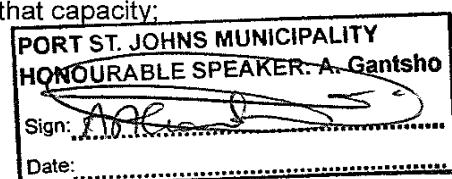
“**councillor**” means a member of the Port St Johns Municipal Council;

“**day**” means any ordinary day other than a Saturday, Sunday or Public Holiday, except where otherwise stated;

“**in-committee**” means any virtual council or committee meeting at which the public and/or identified officials of the municipality are excluded;

“**integrated development plan**” means a single, inclusive and strategic plan for the development of the municipality and applicable in terms of Chapter 5 of the Systems Act;

“**municipal manager**” means the person appointed as municipal manager in terms of applicable legislation and includes any person acting in that capacity;



“public” includes the media and means any person residing within the Republic of South Africa;

“Rules” means these Rules and Orders;

“speaker” means the chairperson of the council elected in terms of section 36 of the Structures Act and includes any acting speaker when he or she is elected to perform the functions of the speaker;

“table” means to submit a report or any official document to the council or a committee of council for consideration at a virtual meeting of the council or committee of council of which notice has been given in terms of these Rules;

“virtual meetings or sittings” mean meetings or sittings of Council or its Committees conducted by any form of technology.

Application and interpretation of these Rules

3.(1) These Rules govern all virtual meetings of the municipal council and any committee of the municipal council, as well as any other virtual meeting organised under the auspices of the municipal council.

(2) These Rules bind—

- (a) all councillors;
- (b) any member of the public while participating in such meeting;
- (c) any deputation addressing the council or a committee of the council;
- (d) any official of the municipality;
- (e) Traditional Leaders participating in Council and its committees in terms of section; and 81 of the Municipal Structures Act,

during virtual meetings convened by Council.

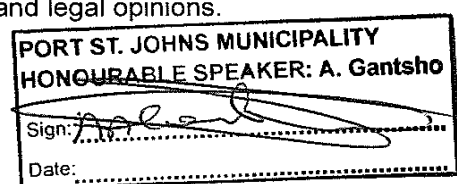
(3) The standing Main Rules and Orders already adopted by the Council before adoption the supplementary ones, shall continue to apply *mutatis mutandi*, to all proceedings of Council and its committees, subject to modifications as outlined in these Rules.

(4) Any interpretation of these Rules must be made having due regard to the supremacy of the Constitution, national, provincial and municipal legislation, the rule of law and the rules of natural justice.

(5) The ruling of the speaker or chairperson with regard to the interpretation of these Rules at a virtual meeting of the Council or a committee of the council will be final and binding, subject to further applicable Rules and legislation.

(6) The interpretation and the ruling of the speaker or chairperson on any of these Rules must be recorded in the minutes of the virtual council or committee meeting.

(7) The municipal manager must keep a register of the rulings and legal opinions.



(8) Where there is a conflict between these Rules and the Main Rules and Orders already adopted by the Council, these Rules shall prevail in all virtual meetings.

(9) These Rules shall remain in force for the period of the National State of Disaster and may be extended beyond this period by the Municipal Council for application to all virtual meetings.

Notice of Council or Committee meetings

4.(1) The council must hold an ordinary meeting of the council not less than once in every three months, subject to applicable legislation.

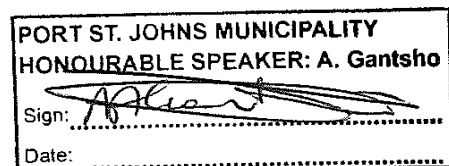
(2) The Chairperson of Council or a Committee of Council must convene all virtual meetings of the council or committee in accordance with the procedure prescribed in the Main Rules and Orders of the Council already adopted by Council, subject to the following rules:

- (a) It shall be the responsibility of the Chairperson of the virtual meeting to issue a duly signed notice, containing the agenda of the proposed virtual meeting and its annexures;
- (b) The particulars of the virtual meeting must include the date, time and form (teleconference or videoconferencing) of meeting;
- (c) All documents of the virtual meeting shall be distributed by any form of electronic communication to which members have access;
- (d) The Notice to attend a virtual meeting must be given at least –
 - (i) five (5) calendar days prior to an ordinary virtual meeting; and
 - (ii) two (2) calendar days prior to a special virtual meeting.
- (e) The speaker may call a special virtual meeting of the council for the purpose of pertinent or urgent council business or at the request of a majority of the Councillors of the municipality.
- (f) A special virtual meeting must be held no later than four days from the date of receipt of a request.
- (g) A request for the calling of a special virtual meeting, must comply with the requirements prescribed in Main Rules and Orders already adopted by the Council.

Service of notices and agenda

5.(1) The Notice to attend a virtual meeting or any other official communication from the council, must be delivered to –

- (a) an e-mail address;
- (b) by a short message service; or
- (c) by a whatsapp message;



Provided that contact details must be submitted by each Councillor to the Municipal

Manager, in writing, by electronic means, within two days of adoption of these Rules, where such details have changed.

(2) Subject to in-committee meetings, notices of virtual meetings must be displayed on the municipal website, including details of a continuation meeting.

Non-receipt of notice

6.(1) A Councillor may request an investigation regarding the non-receipt of a notice to attend a virtual meeting.

(2) The findings of the investigation must be tabled at the next council meeting.

(3) Non-receipt of a notice to attend a virtual meeting will not affect the validity of any meeting or proceedings of council or any of its committees.

Technical Support

7.(1) The Municipal Manager is responsible for providing technical support to the Municipal Council and each Committee of Council.

(2) The Municipal Manager must for this purpose designate Technical Support Teams comprising of at least one secretarial official and one ICT Official for the Municipal Council and each Committee

(3) The Technical Support Teams must perform pre-conference testing at least a day before each meeting.

(4) The Technical Support Team must be available at all times during the meetings.

(5) During meetings the system should be treated as "live" even when there are no images appearing on the screen(s).

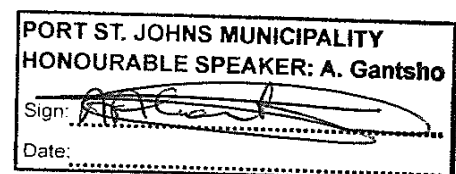
(6) The Municipal Manager must ensure that the system has the capacity to and is able to record all meetings.

Admission of the public

8.(1) The Council and Committees of Council must facilitate public involvement on matters before it by electronic means.

(2) The council or a committee of the council, may not for any reason whatsoever, exclude the public when considering, voting or noting any of the following matters –

- (a) a draft by-law tabled in the council;
- (b) a budget tabled in the council;
- (c) the municipality's integrated development plan, or any amendment of the plan, or any amendment of the plan tabled in council;
- (d) the municipality's performance management system, or any amendment of the system, tabled in council;
- (e) the decision to enter into a service delivery agreement;



- (f) any reports on an award in terms of supply chain management policy;
- (g) the disposal or acquisition of municipal capital asset; and
- (h) any other matter prescribed by legislation.

(3) Members of the public are entitled to request a link to join the proceedings of open virtual council and committee meetings.

(4) Virtual meetings may also be publicized through live streaming on social media, community radio or via video capable screens mounted outside the council chamber or any other place accessible to the public provided such places allow members of the public to observe social distance, with no more than five people watching the proceedings at any given time.

(5) Where the municipal council or committee deems it necessary to hold in-committee proceedings, the Chairperson shall declare the meeting closed to the public and command the Technical Support Team to switch off public access to the proceedings, subject to applicable legislation.

Quorum

9.(1)(a) Notwithstanding that there may be vacancies, the quorum of a council must be fifty percent plus one of the total number of Councillors determined in accordance with the municipality's establishment notice, before a vote may be taken on any matter.

(b) Subject to a quorum, the failure of any Councillor to vote will not invalidate the proceedings of the council meeting.

Decisions by voting

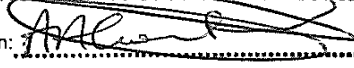
10.(1) A quorum must be present in order for a vote to be taken.

(2) All questions concerning the following matters must be determined by a decision taken by the council with a supporting vote of a majority of the number of Councillors determined in accordance with the municipality's establishment notice –

- (a) the passing of by-laws;
- (b) the approval of budgets;
- (c) the imposition of rates and other taxes, levies and duties;
- (d) the raising of loans;
- (e) the rescission of a council resolution within 6 months of the taking thereof; and
- (f) any other matter prescribed by legislation.

(3) All other questions before the council must be decided by a majority of the votes cast by the councillors present either electronically or by voice.

(4) If on any matter there is an equality of votes, the speaker or chairperson may exercise a casting vote in addition to a deliberative vote as a councillor, provided that a speaker or

PORT ST. JOHNS MUNICIPALITY	
HONOURABLE SPEAKER: A. Gants	
Sign:	
Date:

chairperson will not exercise a casting vote during the election of any office bearer of council and when Council considers matters listed in section 160(2) of the Constitution, namely:

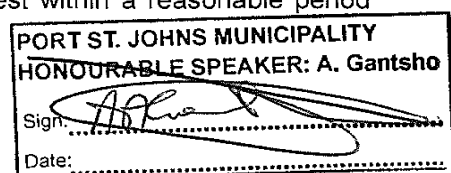
- (a) the passing of by-laws;
 - (b) the approval of budgets;
 - (c) the imposition of rates and other taxes, levies and duties;
 - (d) the raising of loans; and
 - (f) any other matter prescribed by legislation.
- (5) For the purposes of voting, the Municipal Manager must maintain a system that is capable of verifying the votes of delegates cast either electronically or by voice.
- (6) Traditional Leaders participating in Council shall be afforded with an opportunity to address the Council on a matter before a vote is undertaken.
- (7) Voting shall be in accordance with this Rule unless if the law prescribes otherwise, or the council or committee by resolution of a majority of the councillors present, resolve to proceed with a secret vote.
- (8) Where a vote is undertaken in secret, each Councillor must be contacted directly by the municipal manager or his nominee, and each vote must be recorded in writing for record purposes, provided that the breach of confidentiality shall result in disciplinary processes.
- (9) During the taking of a vote, no Councillor may leave the electronic platform used for the virtual meeting.
- (10) The municipal manager or his nominee must confirm the votes cast and record the result, but the speaker or chairperson will announce the result.
- (11) A Councillor shall be entitled to verify with the municipal manager, his/her secret vote cast.

Dissenting votes and Abstention

- 11.(1) A Councillor may request that his dissenting vote be recorded as evidence of how he or she voted on the motion.
- (2) A member may abstain from voting without leaving the virtual meeting.

Minutes and Records

- 12.(1) The proceedings of every council meeting must be accurately and electronically recorded and retained in accordance with the Archives and Record Service of South Africa Act, 43 of 1996.
- (2) The correctness of the minutes of the Council or Committee meeting must be considered at the next meeting, failing which, at the following meeting.
- (3) The approved minutes of every meeting of a council or committee other than in-committee meetings must be available to the public on request within a reasonable period



following the meeting.

(4) Where the municipal manager is of the opinion that any resolution or proceeding of a council or committee meeting may be in contravention of any law or by-law, he or she must advise the council or committee accordingly and full details of such opinion must be recorded in the minutes.

Attendance

13.(1) All Councillors must punctually attend and remain in attendance at each virtual meeting of the council or committee of which that Councillor is a member except when –

- (a) leave of absence is granted in terms of the adopted Main Rules and Orders already adopted by the Council ; and
- (b) that councillor is required to withdraw in terms of Main Rules and Orders already adopted by the Council.

(2) Applications for leave of absence must be submitted to the chairperson and the secretariat by electronic means at the disposal of each member in line with the timeframes specified in the adopted Rules and Orders adopted by the Council on the 30th October 2019.

(3) The Speaker must confirm attendance of Councillors at the beginning of the virtual meeting and prior to each adjournment.

(4) Attendance must be recorded and filed in the office of the municipal manager.

(5) Any Councillor who is entitled to leave of absence in terms of the Rules and no longer requires such leave, is entitled to attend, participate and vote in the virtual meeting from which leave of absence was granted.

(6) Leave of absence must be processed in terms of the process outlined in the Main Rules and Orders already adopted by the Council on the 30th October 2019.

(7) A Councillor will be deemed absent without leave from the virtual meeting concerned where an application for leave of absence is made at the meeting or has not been granted and he or she –

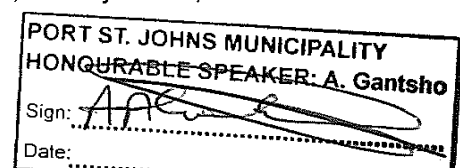
- (a) failed to attend a virtual meeting;
- (b) failed to remain in attendance at a virtual meeting; or
- (c) arrives late at the virtual meeting.

(8) Application for leave of absence for two or more consecutive virtual council or committee meetings must be sanctioned by the council.

(9) Non-attendance must be must be processed in terms of the process outlined in the Rules and Orders adopted by the Council on the 30th October 2019.

Adjourned meetings

14. A virtual council or committee meeting may, by majority vote, be adjourned, based on



good cause, to another day or hour but no later than 14 days after the original meeting.

Continuation meetings

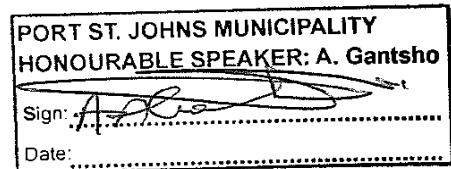
15.(1) When a virtual meeting is adjourned, the notice of the continuation meeting must be served in terms of these Rules.

(2) No other business will be transacted at a continuation meeting except such as is specified in the notice of the meeting, which was adjourned.

General conduct

16.(1) The Speaker or chairperson of a committee must:

- a) maintain order during meetings;
- b) ensure compliance with the Code of Conduct for Councillors during meetings;
- c) ensure that meetings are conducted in accordance with the Council's Rules and Orders;
- d) ensure that members conduct themselves in a dignified and orderly manner during meetings and are dressed for the dignity of the meeting when attending video conference meetings
- e) ensure that no person wears political party attire or regalia during video conference council or committee meetings;
- f) ensure that members of the public attending meetings conduct themselves in an orderly manner and obey any ruling made by the Speaker or chairperson of the meeting;
- g) direct that any councillor or member of the public refusing to comply with the ruling of the Speaker or chairperson leaves the meeting;
- h) ensure that Council conduct its business in the highest decorum and integrity that the occasion deserves; and
- i) ensure that all members do not use offensive or objectionable language.



Misconduct and Disorderly Conduct of a Councillor or persons other than Councillors

17.(1) The speaker may order a Councillor to withdraw and apologize for any word, statement, opinion or gesture made by that Councillor.

(2) If a Councillor or Councillors behaves improperly during a virtual meeting of council or any of its committees, the speaker must direct the Councillor or Councillors to conduct himself or themselves properly and, if speaking, to stop speaking.

(3) In the event of persistent disregard of the directions of the speaker, the speaker must direct such Councillor or Councillors to retire from the meeting and to remove himself until

the item under discussion has been finalized.

(4) Where a councillor refuses to retire from a meeting, the Speaker may direct that the councillor be removed from the virtual platform of the meeting.

(5) Any person, other than a councillor, who misconducts himself or herself, behaves unseemly, must, if the Speaker or chairperson so directs, be removed from the virtual platform of the meeting.

Breach

18. Any councillor who fails or refuses to obey these Rules and Orders, or any resolution of Council, may be guilty of a breach of the Rules and the Code of Conduct.

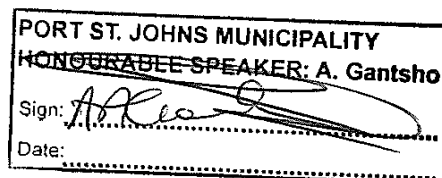
Sanction

19.(1) Where it is alleged that a councillor has breached these Rules and Orders, the council must, in terms of Item 13 and 14 of the Code of Conduct, authorise an investigation into the alleged breach and may impose a sanction in keeping with Schedule 1 of the Local Government: Municipal Systems Act, 2002.

Suspension of a rule or order

20.(1) In instances of urgency or where a council considers that adherence to a Rule would be unreasonable and would prejudice the operation of a meeting of the council, then the council may with the approval of the majority of the number of councillors of the municipality and for the duration of that meeting, temporarily relax the provisions of a Rule, provided that:

- (a) such relaxation must not be in contravention of any national or provincial legislation or any by-law of the municipality;
- (b) no Rule may be relaxed when the removal of any political office bearer is before the council.
- (b) the suspension or relaxation of the Rule relates to an item on the agenda for the meeting of the council or committee of the council;
- (d) the suspension or relaxation will not affect the matters listed in section 160(2) of the Constitution of the Republic of South Africa, 1996; and
- (e) the reasons for the suspension of the Rule are recorded in the minutes of the meeting.

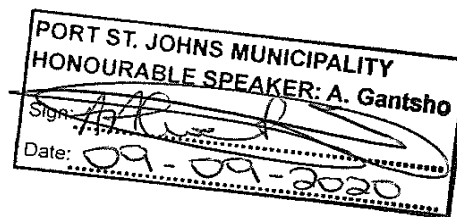


Short title and commencement

21. These Rules will be called the *Supplementary Rules and Orders of Virtual Meetings of the Port St Johns Municipal Council and its Committees* and shall become operational upon adoption by the Council.

Approved by Resolution Number.....on this 22nd day of May 2020

.....
CLLR GANTSHO
COUNCIL SPEAKER



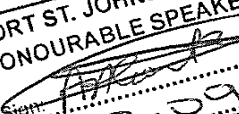


PORT ST JOHNS
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OUR HERITAGE, OUR PEOPLE

STANDING RULES AND ORDERS

Standing Rules and Orders of Port St Johns Local Municipality Council**2019****Statement of Intent:**

These Rules and Orders are formulated to provide for a free and constructive debate during Council's meetings. These Rules are intended to promote freedom of expression by allowing for orderly debate by as large a number of members of Council as is possible within reasonable time constraints. The rules acknowledge that political parties may wish to address political issues, which may not be on Council's agenda. The rules further acknowledge that the items on Council's agenda must receive preference in order to see to the speedy delivery of services, but the rules endeavour to create an opportunity for political parties and members of Council to air their views on other matters of public importance.

PORT ST. JOHNS MUNICIPALITY
HONOURABLE SPEAKER: A. Gantsho
Sign: 
Date: 09-09-2020

Standing Rules and Orders of Port St Johns Local Municipality Council

2019

Preamble

- **WHEREAS** the Constitution establishes local government as a distinctive sphere of government, interdependent, and interrelated with national and provincial spheres of government;
- **WHEREAS** there is agreement on the fundamental importance of local government to democracy, development and nation-building in our country;
- **WHEREAS** efficient co-ordination of political decision-making processes within the political structures of Council must be managed in a way that is consistent with the new mandate of a developmental **Local Municipality**.
- **WHEREAS** the ability of the institution to synchronize the decisions of its committees with the direction of Council is dependent on an effective oversight role.
- To this end, the **Port St Johns Local Municipality**, through freely elected representatives, adopt the Rules and Orders as supreme regulations, so as to govern and regulate all Council meetings, Committee Meetings and other meetings, unless otherwise stated.

PORT ST. JOHNS MUNICIPALITY
HONOURABLE SPEAKER: A. Gantsho
Sign:
Date:

Standing Rules and Orders of Port St Johns Local Municipality Council

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Definitions:

In these Rules, unless inconsistent with the context:

"Business day" means Monday to Friday excluding a public holiday

"Councillors" means a member of the Port St Johns Local Municipal Council

"Mayor" means the member elected in terms of Section 48 of the Structures Act;

"Member" means a member the Port St Johns Local Municipal Council, referred to as Councillor;

"Motion" means a matter submitted by a member in terms of these Rules and Orders;

"Motion of course" means a proposal that the order of matters before Council be changed;

"Motion of exigency" means a motion pertaining to an urgent, pressing matter;

"Point of order" means a procedure or a matter, which is not in accordance with these Rules and Orders;

"Speaker" means the Presiding Councillor in Council, elected in terms of Section 36 of the Structures Act.

"Chief Whip" means the chief whip of the majority party.

"Municipal Manager" means the person appointed in terms of Section 82 of the Structures Act.

"Recess" with reference to Council, means a period determined as a recess during which the business of Council is interrupted.

"Structures Act" means Local Government: Municipal Structures Act (117/1998)

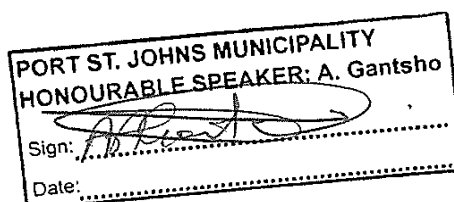
"Systems Act" means Local Government: Municipal Systems Act (32/2000)

"Council meetings" means all meetings of the Council and its Standing Committees.

"Competent motion" means a motion that is submitted by a member in terms of the Rules of Order and that is not derogatory/ offensive in nature or may prejudice the rights of the institution.

"Questions of privilege" means questions that relate to matters that are set out under Rule 13.

"Sergeant at Arms" means an officer appointed to keep order during Council and Committee meetings

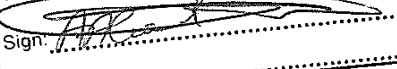


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SCOPE, FRAMING AND SUSPENSION OF RULES**1. Scope of Rules**

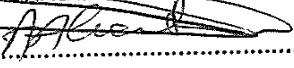
- 1.1 These Rules regulate meetings of the Council and all its committees and any formal meeting convened under the auspices of the Council or any of its committees.
- 1.2 Any reference in these Rules to the Speaker will in the case of a meeting other than a Council meeting refer to the Chairperson of that meeting; and any reference in these Rules to the Council will in the case of a meeting other than a Council meeting refer to the Committee or other structure that is meeting.
- 1.3 The rule regarding the attendance of Councillors as set out in Rule 17 shall be applicable to meetings of Council or any of its Standing Committees.
- 1.4 The rules of order are applicable to:
 - 1.4.1 All councillors;
 - 1.4.2 Traditional Leaders participating in Council and its committees in terms of section 81 of the Municipal Structures Act;
 - 1.4.3 Any municipal official of the municipality; and
 - 1.4.4. Any member of the public while present in the council chamber and precincts.

2. Framing of Rules

- 2.1 The Speaker may give a ruling, or frame a rule, in respect of any eventuality for which these Rules do not provide, but such a ruling or framed rule may not be in conflict with any legislation or the Constitution of the Republic of South Africa.
- 2.2 Any rule framed by the Speaker will remain in force pending submission to and a decision by the Rules Committee, which decision shall in return be submitted to a forthcoming Council sitting for consideration.
- 2.3 The Rules Committee must decide on any rule framed by the Speaker within 14 business days of the date on which such rule was framed and the rule shall fall away if the sitting of the aforementioned Committee has not taken place within the said period, except if the 14 business days fall within a Council recess period.
- 2.4 The Speaker may at any time submit a proposed addition or amendment to these Rules to the Rules Committee for its consideration.

3. Suspension

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- 3.1 The Council may by resolution suspend any provision of these Rules relating to the proceedings or business at a meeting of the Council or any meeting to which these Rules apply.
- 3.2 Such suspension of any provision of these Rules may not be in conflict with the Constitution or any legislation. After the purpose for which the suspension has been approved, has been served, the suspension must immediately lapse.
- 3.3 Any motion to suspend any provision of these Rules be subject to the provision dealing with motions without notice
- 3.4 A majority of the members of the Council must be present before a decision may be taken to suspend any provision of these Rules.

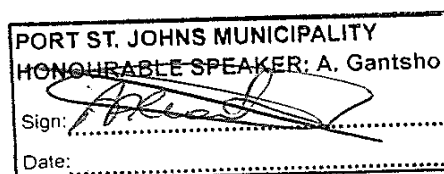
4. Interpretation of rules

- 4.1. The ruling of the Speaker or the chairperson in the event of a meeting other than a council meeting, with regard to the application and interpretation of the rules as well as other procedural matters not dealt with in the rules shall be final and binding: Provided that the Speaker / chairperson may be required to provide reasons for a ruling.
- 4.2. Any ruling made by the Speaker or the chairperson must be made having due regard to the provisions of the Constitution, national and provincial legislation, municipal by-laws and policies, the rule of law and the rules of natural justice.
- 4.3. Any interpretation and ruling made by the Speaker should be registered by the Municipal Manager in such register kept for this purpose by the Municipal Manager and kept for safekeeping similar to the agendas and minutes of all meetings.

TIME OF SITTINGS, SUSPENSION AND ADJOURNMENT

4.3 Sitting Days of Council

- 4.4 The Council must meet at least quarterly on a business day at the date, time and venue (Municipal Council Chamber) or any other venue as may be determined by the Speaker for scheduled Council meetings and it may not exceed five hours including lunch. The Speaker may at his/ her discretion extend Council Meeting but not to exceed **one hour**.
- 4.5 If a majority of the Councillors request the Speaker in writing to convene an Ordinary / Special Council meeting, the Speaker must convene a meeting at a time set out in the request. Such meeting shall not take place before the expiry of 5 business days of receipt of the request.
- 4.6 Council is in recess during the period of December of each year to January of the ensuing year, the specific dates to be determined by the Speaker, as well as at any other period determined by the Speaker.



Standing Rules and Orders of Port St Johns Local Municipality Council**2019****5. Open Council**

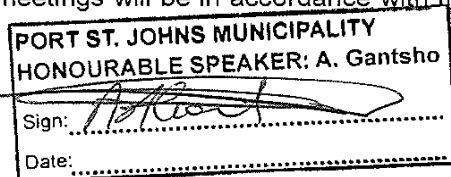
- 5.1 An Open Council function shall be held annually at a date, time and venue determined by the Speaker to enhance community participation.
- 5.2. The Open Council shall be a Council meeting.

6. Sitting Days of Committees

A Committee of the Council must meet at least quarterly on a business day on a date, time and at an appropriate venue determined by the Chairperson in line with the approved calendar of meetings.

7. Meetings of Council

- 7.1 The Municipal Manager must call the first meeting of the Council within 14 days after the Council has been declared elected.
- 7.2 At the commencement of the proceedings of the Council at the first meeting, and after the notice convening the Council has been read, the Councillors must swear or affirm faithfulness to the Republic and obedience to the Constitution.
- 7.3 At its first sitting after its election, the Municipal Council must elect a Speaker as set out in Rules 8 hereunder.
- 7.4 The Municipal Manager must give Councillors at least 7 business days' written notice for ordinary Council and Committee meetings at the registered address of each political party and Councillor represented in Council, but the Speaker may convene an emergency meeting at shorter notice.
- 7.5 If one or more Councillors fail to receive such notice, such failure does not render the convening of such meeting invalid, provided that each Political party has been given notice, proof whereof shall be furnished by the Speaker's office.
- 7.6 Where the composition of a Council has been changed as a result of the provisions of Item 1 of Schedule 6B of the Constitution, the Speaker must convene a Council meeting for the purpose of dealing, amongst other matters, with the consequences of such a change, the first of which meeting must, take place within 7 days after the expiry of a period referred to in Item 4(1) (a) of Schedule 6A of the Constitution.
- 7.7 Insofar as meetings of task teams, working groups and subcommittees established by Council or its Standing Committees are concerned, the conduct of such meetings will be in accordance with these Rules and Orders,



having due regard to the nature of the debate at such meetings and the purpose for which that structure was established.

8. Election of Speaker / Chairpersons of Committees

- 8.1 At its first sitting after its election, or when necessary to fill a vacancy, a Municipal Council must elect its speaker from among the Councillors under the Chairmanship of the Municipal Manager.
- 8.2 The elected Speaker thereafter presides over the remainder of the first meeting of the Council.
- 8.3 The Council shall upon establishment of a Committee in terms of Section 79 of the Structures Act appoint a Chairperson for that Committee.

8.4 Election of Mayor

- 8.4.1 At its first meeting after its election, the council must elect its Mayor
- 8.4.2 The procedure set out in Schedule 3 of the Municipal Structures Act No 117 of 1998 applies to the election of the Mayor

9. Interruption, Suspension or Adjournment of Proceedings

- 9.1 If a meeting of Council has commenced, it must continue uninterrupted until it has completed its business unless it is interrupted, suspended or adjourned as provided for in these Rules.
- 9.2 Only the Speaker may interrupt, suspend or adjourn proceedings of the Council for such period or until such date and time as may be determined by the Speaker. At the discretion of the Speaker, he/she may discuss an adjournment of the meeting with the Whips of Parties.
- 9.3 The proceedings of an interrupted, suspended or adjourned meeting must immediately recommence on the termination of the period of interruption or suspension or at the date and time to which it was adjourned. No additional business to that submitted to it in terms of these Rules may then be considered.
- 9.4 The leader or whip of a party may request an adjournment of a meeting to go into caucus. The Speaker subject to the provisions of Rule 10.5 below may either grant or refuse such request, but may not refuse the request unreasonably.
- 9.5 Parties have the right to caucus before Council deals with any items that had not been included or amended in the agenda that was circulated in terms of Rule 7.4. The caucus venues for parties will be discussed by the Chief Whip with other party Whips. The granting of caucus will be limited to two times and 15 minutes each.

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9.6 The Speaker or the Chairperson of a Committee as the case may be, may have regard to the following guidelines in considering whether to postpone or adjourn a meeting of a committee:

9.6.1 If it is apparent from the number of apologies received that the committee will not achieve a quorum, or if there is no quorum at the commencement of or during the meeting.

9.6.2 If agendas have not been circulated to members of the Committee (or of Council) within any time provided for in these rules (7 days).

9.6.3 A visit of the President, the Premier, or any other event which in the discretion of the Speaker is of sufficient importance to warrant postponement of the Council or Committee meetings, are scheduled to clash with such meeting.

9.6.4 The Speaker upon request by the majority of the councillors decides to postpone or adjourn Council.

9.6.5 If a disaster or other emergency situation occurs that in the discretion of the Speaker requires postponement or adjournment of a meeting.

No activities will ordinarily be arranged during Recess Periods (i.e. subcommittee, task team meetings, workshops, etc. which will require attendance by Councillors.)

The non-attendance of events/meetings by Councillors must be reported by the Convener of same to the Chief Whip/relevant Party Whip and the Speaker, to enable appropriate action to be taken.

VENUE OF THE COUNCIL**10. Sittings**


10.1.1 The Council ordinarily sits at its declared precincts, but may through the Speaker resolve to sit beyond the declared precincts. The precinct commonly known as the Port St Johns Council Chamber shall not under any circumstances be used for purpose other than for meeting of the Council and/or any other venue as approved by Council within its area of jurisdiction.

10.2 No equipment shall be removed from the Council meeting venue.

10.3 Keys for the Council Chamber to be kept safely at all material times.

10.4 The Council may sit at a place other than the seat of Council on the basis of public interest, security or convenience, provided the Council, by resolution

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- 10.4.1 Identifies the public interest, security or convenience that is the basis for the change of venue;
 - 10.4.2 Approves the change of venue to a specified place and for a specified period; and
 - 10.4.3 Specifies the estimated costs of effecting the change of venue and maintaining it for the specified period.
- 10.5 The notice of meetings may be done through e-mail and short message service (sms) facilities provided that all the councillors who are required to attend the meeting concerned have access to the required facilities, whereas the package for Council and Committee meetings should be sent through email and also be made available in a hard copy for filling purposes.

AGENDA OF COUNCIL MEETINGS**11. Compiling and Approval of Agenda for Council Meetings**

- 11.1 The Agenda of a meeting of the Council must be prepared by the Municipal Manager in conjunction with the Speaker and the Chief Whip of the Council. The Speaker is a custodian of the agenda of the Council.
- 11.2 The Speaker may amend the Agenda after Consultation with the multi-party Whips Committee.

12. Service of notices

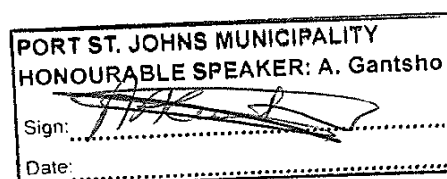
At least 7 (seven) days before any ordinary meeting of the Council , 3 (three) days for the special council meeting and at least 48 (forty eight) hours before any extraordinary meeting of the Council, a notice to attend the meeting, specifying the business proposed to be transacted thereat, and signed by the Speaker, shall be left or delivered to an accessible distribution point within the municipality as determined by the Council from time to time or be sent by electronic mail to an address provided by councillor as his or her official email address.

Agendas are delivered prior to Council and Committee meetings to enable Councillors to prepare for the debate of items appearing therein. Councillors and/or political parties represented in Council may not anticipate such debate by issuing statements or comments to the media on the content of such reports, prior to the meeting in question

13. Non-service of notices

Accidental omission to serve on any Councillor or Traditional Leader a notice of meeting shall not invalidate the proceedings of that meeting, provided that the Speaker has ascertained the following:

- (a) the reasons for the failure to serve the notice on that Councillor/ Traditional Leader
- (b) the implications of the Councillor/ Traditional Leader not receiving the notice; and

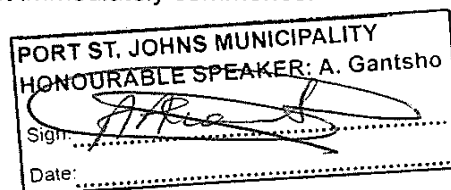


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- (c) the attempts made by the aggrieved councillor to ensure that she or he receives the notice

14. Matters for consideration In-Committee

- 14.1 The Council may resolve in accordance with Section 20(1) (a) of the Systems Act, that a meeting or a part of a meeting shall be held in the absence of the public and the media, if the Council considers that it is reasonable to do so having regard to the nature of the business being transacted.
- 14.2 An item or report in an agenda shall be printed on colour paper in the following circumstances:
- 14.2.1 where litigation is contemplated or is underway in relation to the matters reported in the item or report in question;
- 14.2.2 where the item or report deals with matters relating to the conditions of service or other personal affairs of an official or Councillor and in the discretion of the Speaker and/or the Municipal Manager, the official or Councillor in question would have an expectation of privacy in relation to the matter.
- 14.2.3 where the nature of the matter reported upon, is in the discretion of the Speaker and/or the Municipal Manager a matter which impacts upon the rights of any person where such person would have an expectation of privacy or which is otherwise of such a nature as to suggest that it would be reasonable in the circumstances for the matter to be heard In-Committee.
- 14.3 Any item or report appearing on colour paper in the agenda shall be heard In-Committee (in the absence of the public and the media) unless the Council resolves to the contrary upon the motion of any Councillor.
- 14.4 Items/reports placed on colour paper in accordance with Rule 12.1, shall remain confidential until these matters have been dealt with to a point of finality.
- 15. Commencement of Meeting and Formalities**
- 15.1 At each meeting of the Council, the Members must take their seats at least 15 minutes before the time stipulated for the commencement of the meeting.
- 15.2 As soon as the Members have taken their seats, the Municipal Manager or his/her nominee must call the meeting to Order and announce the entrance of the Speaker.
- 15.3 Members shall stand, and remain quiet until the Speaker is seated.
- 15.4 The Speaker must take the chair no later than ten minutes after the time stipulated for the start of the meeting, and the business of the meeting must immediately commence.



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15.5 If the Speaker does not take the Chair timeously, the Municipal Manager shall implement the procedure for the election of an Acting Speaker.

16. Prayer and meditation

A moment of silence must be observed at the commencement of business of each meeting of Council, to allow for individual prayer or contemplation.

PUBLIC ACCESS**17. Admission of Public**

17.1 All sittings of Council and its Committees must be held with due regard to the safety and security of the members in the relevant venue.

17.2 Meetings of the municipal Council and those of its Standing Committees are open to the public, including the media, and the council or such committee may not exclude the public, including the media, from a meeting, except when:

- (a) it is reasonable to do so, having regard to the nature of the business being transacted after giving reasons for the decision;
- (b) a By-law or a resolution of the Council specifying the circumstance in which the Council or such Committee may close a meeting and which complies with paragraph (a), authorises the Council or such Committee to close the meeting to the public.

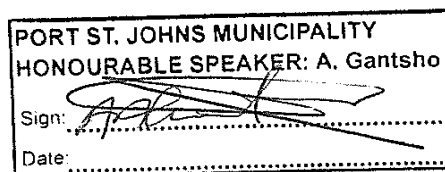
17.3 Subject to Rule 15.2 above, the Speaker has the power to take reasonable measures in the interests of the safety of Councillors, Council employees and members of the public and good order, in order to regulate public access, including the media to Council meetings. This may include providing for the search of any person and where appropriate the refusal of entry or the removal of any person who fails to comply with these Rules, direction from the Speaker, or any other applicable legislation.

17.4 Persons attending sittings of the Council must observe the directions of the Speaker and conform to such rules that may be laid down by the Speaker pursuant to Rules 15.2 and 15.3 above.

ABSENCE OF COUNCILLORS AND QUORUM**18. Attendance of meetings**

18.1 Each Councillor is required to attend the following –


- (a) each meeting of the Council;
- (b) each meeting of the Committees of which that Councillor is a member;



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- (c) official seminars, training sessions, workshops and task teams approved by the Speaker and/or Programmes Committee;
 - (d) Meetings of other structures or bodies as determined by the Speaker, unless an application for leave of absence has been submitted in the manner provided in Rule 16.2 hereunder, to the Speaker.
- 18.2 A Councillor who will be absent from sittings or meeting referred to in Rule 16.1 must submit a written application for leave of absence stating the reasons for such intended absence to the Speaker by no later than 48 hours prior to the scheduled time of the meeting, and the Speaker must provide the Chairperson of the meeting in question with a copy of such application. The party whips must assist the Speaker in ensuring that the aforementioned time stipulation is met.
- 18.3 In exceptional circumstances, including but not limited to death in the family, illness, injury or other incapacity, the Councillor may upon written application to the Speaker, within three (3) days after the Council meeting, apply for condonation of his/her failure to comply with Rule 16.2.
- 18.4 That, in the event of an emergency arising less than 48 hours prior to a meeting, a Councillor be permitted to submit an apology by any means, including telephone, fax or SMS, stating the nature of the emergency and the full reason/s for the intended absence, to the Speaker, who in turn will submit the application to the relevant Committee for consideration of whether or not the penalty should apply.
- 18.5 The Speaker shall submit applications for leave of absence received for Council's approval. If an application for leave of absence is not approved, the Speaker must inform the applicant and the Chief Whip of the affected political party. A Councillor has the right to appeal to the Rules Committee of Council in the event that an application for leave is not approved.
- 18.6 An official of the Council must keep an attendance register of Members at the commencement of the meeting, and each hour thereafter;
- 18.7 A Councillor who wishes to leave before the meeting is over; must inform the Speaker before the meeting starts.
- 18.8 A Councillor who is absent without leave of absence from three or more consecutive meetings of a Municipal Council, or from three or more consecutive meetings of a Committee, which that Councillor is required to attend in terms of item 3, Schedule 1 (Code of Conduct, Municipal Systems Act No. 32 of 2000), must be removed from office as a councillor in accordance with Item 4, Schedule 1 of the Municipal Systems Act, No. 32 of 2000.
- 18.9 A Municipal Council shall impose the following fines upon a Councillor who fails to attend a meeting which that Councillor is required to attend in terms of Rule 16.1 or who fails to remain in attendance at such a meeting.

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- (a) absence from one meeting - a fine of R250 (to be deducted from the Councillor's allowance)
 - (b) absence from two consecutive meetings – a fine of R500 (to be deducted from the Councillor's allowance)
- 18.10 Late arrival: a Councillor who arrives after the scheduled starting time will be considered late. A fine of R50.00 or an amount as determined by Council from time to time shall be imposed, the fine to be deducted from the Councillor's allowance. A procedure for the deduction of such fines and mechanisms of appeal shall be determined by the Speaker. A Councillor who arrived later than fifteen minutes of the scheduled time shall not be allowed to sign an attendance register and such Councillor shall be ordered to sit in the Gallery.
- 18.11 Proceedings for the imposition of a fine or the removal of a Councillor must be conducted in accordance with the uniform standing procedure in Rule 16.12.
- 18.12
- (a) For the purpose of Item 4(3) of the Councillor's Code of Conduct, the Council shall appoint a Review Panel consisting of the Speaker, Chief Whip and four other Councillors.
 - (b) The Municipal Manager shall ensure that a record is maintained of the attendance of Councillors at meetings of Council and its Committees (i.e. committees established in terms of Sections 79 of the Structures Act).
 - (c) In the event that it appears from the said record that a Councillor may have contravened the provisions of Items 4(1) and 4(2) of the Code, the Municipal Manager shall report the fact to the Speaker and provide him/her with such information as he/she may require in that regard.
 - (d) The Speaker shall advise the Councillor in question of the alleged contravention and afford him/her an opportunity to submit written representations on the alleged facts to the Review Panel and/or to appear before the Review Panel (and to be represented thereafter), and the Review Panel will consider such representations.
 - (e) The Speaker shall convene the Review Panel at the earliest opportunity to hear any oral representations from the Councillor concerned and any evidence from any person as it may require, in order for the Review Panel to consider such representations or evidence together with the information provided by the Municipal Manager, and thereafter make a finding as to whether the Councillor in question did contravene the said section. The Review Panel shall inform the Council of its findings and make a recommendation to it regarding the penalty to be imposed in terms of Rules 16.9 and 16.10.

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- (f) Should the Review Panel find that such contravention did not occur, it shall report accordingly to the Council for its information.
- (g) The proceedings of the Review Panel shall be conducted in accordance with the rules of natural justice.
- (h) A timeframe of 30 working days must be allowed to deal with an appeal.

19. Quorum requirements

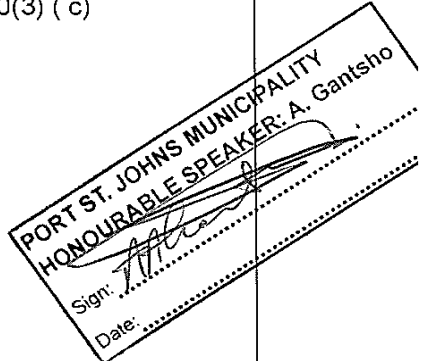
- 19.1 A quorum of the Council or a Committee of the Council will constitute a majority (**50% + 1%**) of all Councillors or Councillors who are members of that Committee, as the case may be.
- 19.2 Notwithstanding Rule 17.1 above, and subject to Section 30(1) of the Structures Act, at least a majority of Councillors, or of the members of the Committee in question, must be present before a vote on any matter may be taken.
- 19.3 All questions, motions or items before the Council or a Committee of the Council shall be decided by a majority of the votes cast, save for the following matters:
- 17.3.1 the passing of By-laws;
 - 17.3.2 the approval of budgets and amendments;
 - 17.3.3 the imposition of rates and other taxes, levies and duties; and
 - 17.3.4 the raising of loans; and
 - 17.3.5 those matters referred to in Rule 17.7 hereunder.
- 19.4 In the case of the matters specified above, questions, motions and/or items thereon shall be decided by a majority vote of all elected Councillors.
- 19.5 A Municipal Council may dissolve itself at a meeting called specifically for this purpose, by adopting a resolution dissolving the Council with a supporting vote of at least two-thirds of the Councillors.
- 19.6 No By-law may be passed by the Council unless-
- (a) all the members of the Council have been given reasonable notice thereof; and
 - (b) the proposed by-law has been published for public comment.

Table of Majorities

Question	Majority	Legal Reason
The dissolution of Council.	The supporting vote of at least two-thirds of Councillors. Note: Two thirds of all the elected Councillors must	Local Government Municipal Structures Act, No. 117 of 1998, Section 34(1)

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	agree. If there is a split a deliberative vote, will not create the required two-thirds.	
The passing of a by-laws The approval of budgets The imposition of rates and other taxes, levies and duties	The majority vote of a majority of all elected members of Council (fifty percent plus one) Note: The majority of members must agree. If there is a split a casting vote will not create a majority of members.	The Constitution of the Republic of South Africa, Act 108 of 1996, Section 160(3)(b)
All questions other than the two above.	The majority of votes cast . Here a casting vote can operate as the Constitutional requirement relates to votes not Councillors. The Speaker has no deliberative vote, but – If on any question there is an equality of votes, the Councillor presiding must exercise a casting vote in addition to that Councillor's vote as Councillor.	Constitution, Act 108 of 1996, Section 160(3) (c)  PORT ST. JOHNS MUNICIPALITY HONOURABLE SPEAKER: A. Gantsho Sign: Date:

19.7 Before the Council takes a decision on any of the following matters it must first require the speaker, to submit to it a report and recommendation on the matter –

- (a) any matter mentioned in Section 160 (2) of the Constitution;
- (b) the approval of an integrated development plan for the municipality, and any amendment to that plan; and
- (c) the appointment and conditions of service of the municipal manager and a head of a department of the municipality.

20. Absence of quorum

- 20.1 If there is no quorum at the time appointed for the commencement of the meeting of the Council, the meeting may not commence until a quorum is present, at which stage the Speaker must take the Chair.
- 20.2 If a quorum is still not present at the expiration of a period of ten minutes of the time appointed for the meeting, the Speaker must take the Chair and adjourn the meeting.

Standing Rules and Orders of Port St Johns Local Municipality Council**2019**

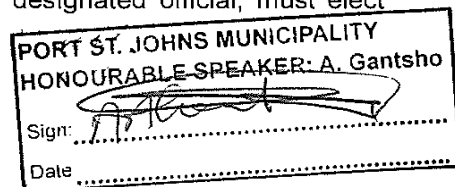
- 20.3 Such adjournment shall be for a period not exceeding a further 20 minutes, after which if a quorum is still not present the meeting must be adjourned by the Speaker to a future date and time.
- 20.4 If, during the course of a meeting of the Council, the Speaker becomes aware of the absence of a quorum, the Speaker must act in accordance with Rule 18.3 above must adjourn the meeting.
- 20.5 Whenever a meeting of the Council is adjourned owing to the absence of a quorum, the time of such adjournment, as well as the names of those Councillors present, must be recorded in the minutes of the proceedings of the Council.

21. Acting Speaker

If the Speaker of a Municipal Council is absent or not available to perform the functions of Speaker, or during a vacancy, the Council under the chairpersonship of the Municipal Manager or designated official, must elect another Councillor to act as Speaker.

ORDER OF BUSINESS IN COUNCIL MEETINGS**22. Order of Business**

- 22.1 The business at meetings of Council must proceed in the following order:
- 22.1.1 Election of Chairperson, if necessary.
 - 22.1.2 Apologies.
 - 22.1.3 Applications for leave of absence in terms of paragraph 3 of the Code of Conduct (Schedule 1 of the Systems Act).
 - 22.1.4 Disclosure of interest in terms of paragraph 5 of the Code of Conduct (Schedule 1 Systems Act).
 - 22.1.5 Disclosure of interest by Officials.
 - 22.1.6 Adoption of unapproved minutes of any prior meeting of the Council.
 - 22.1.7 Reports, statements or communications by the Speaker.
 - 22.1.8 Interviews with deputations.
 - 22.1.9 Statements by the Speaker (Political Parties to be afforded an opportunity to respond to the statements made).



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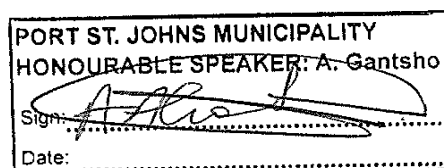
- 22.1.10 Reports by the Speaker in terms of Section 30(5) of the Structures Act and any other matter referred by the Speaker to the Council for its consideration.
- 22.1.11 Reports of the Speaker in terms of Section 56(5) of the Structures Act.
- 22.1.12 Reports of Committees of the Council (subject to review of Delegation of Powers to Committees).
- 22.1.13 Reports submitted by the Municipal Manager for the consideration of Council in terms of these Rules.
- 22.1.14 Notices of motions and questions, which must appear in the agenda in the order in which the Municipal Manager has received them.
- 22.1.15 Matters of Public Importance.
- 22.2 Notwithstanding the aforementioned, the Speaker may give precedence to any matter appearing on the agenda after consideration of a motion of course by any Councillor or on her own volition.
- 22.3 At any meeting, the Speaker may without notice make any statement or read any communication.

23. Recording of proceedings and Minutes of meetings

- 23.1 The proceedings of a meeting of the Council must be mechanically recorded, minutes transcribed, published and maintained in accordance with the Archives Act.
- 23.2 Minutes of the decisions of a meeting of the Council will be compiled and circulated within 21 business days by the Council & Committee Support Division.
- 23.3 The minutes must be taken as read and confirmed and no motion or discussion will be allowed upon the minutes, except discussion/motion relating to the accuracy thereof.
- 23.4 A motion to amend the minutes will be permissible and, if carried, the minutes must be corrected immediately and signed by the Speaker.

24. Deputations

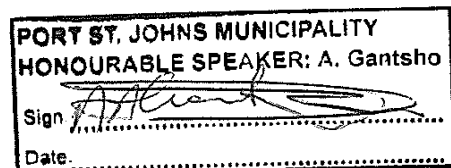
- 24.1 A deputation wishing to bring a matter before the Council must submit a request in writing giving reasons and a brief summary of its presentations to the Municipal Manager at least 10 business days prior to the meeting in question.



Standing Rules and Orders of Port St Johns Local Municipality Council

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- 24.2 The Municipal Manager must submit such request to the Speaker who in her/his sole discretion may refer the matter to a Committee of the Council or Council itself and the deputation must be notified to attend that meeting.
- 24.3 The deputation makes presentations to the Committee or Council and the Committee or Council may ask questions from the members of the deputation, any presentation not to last longer than 15 minutes.
- 24.4 The Committee must submit a report with findings and recommendations to the council for consideration.

MOTIONS**25. Notices of Motions and Questions to Council**

- 25.1 Every notice of intention to introduce a motion or question must be submitted in writing, signed and dated by the Councillor submitting it and must contain in full the motion or question to be submitted and must be delivered to the Speaker at least ten clear business days before the date of the meeting at which it is intended to be introduced or asked.
- 25.2 The motion/s must be with the Speaker ten clear business days before the meeting.
- 25.3 No motion, except a motion of exigency, or a motion of course, may be considered by the Council, which is not before the meeting in question, unless notice thereof has been given in terms of Rule 23.1 above.
- 25.4 Notwithstanding the aforementioned, any amendment to a motion introduced in terms of this rule, that has the effect of increasing expenditure or reducing revenue must first be referred to the Speaker or a Committee of Council, before it may be considered by the Council.
- 25.5 The adoption by Council of a recommendation contained in a report submitted by the Speaker or a Committee to the Council will be deemed to have been moved pro forma by the Speaker, and no such pro forma needs to be seconded.
- 25.6 If a Councillor does not move a motion standing in his name in the Agenda, such motion lapses unless moved by another Councillor, provided that it has been authorized by such Councillor.

26. Motion without Notice/Exigency

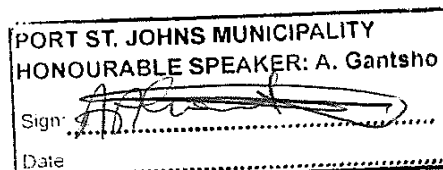
- 26.1 A Councillor may direct the attention of the Council to any matter which does not appear on the Agenda and of which no previous notice has been given, by stating briefly the subject of the matter and without comment thereon, moving that notice be dispensed with and that it be considered forthwith as a matter of exigency.

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- 26.2 Unless the majority of Councillors object that the notice of the motion be dispensed with, the Councillor may move the motion as if notice has been given in terms of Rule 24.
- 26.3 A motion without notice may be introduced (in terms of which precedence may be given to the consideration of any matter in the Agenda) that the Council sit In-Committee, or that action be taken in regard to any item, document or report in the manner specified in the motion referring to it.

27. Withdrawal of motion

A Councillor who moved a motion, with or without notice, may withdraw the motion standing in his or her name.

MATTERS OF PUBLIC IMPORTANCE**28. Matter of public importance**

- 28.1 A Councillor may request the Speaker to place a matter of public importance on the Agenda by giving notice of such request to the Speaker in writing at least 48 hours prior to the meeting of the Council.
- 28.2 In submitting the request, the member must motivate why the matter is of so urgent a nature that it should be dealt with in terms of this Rule. The Speaker in her/his reasonable discretion may accede to such request.
- 28.3 In granting such a request, depending on the urgency of the matter the Speaker may at his or her discretion if, on a sitting day, the request is received at least four hours before the appointed time of the sitting, schedule the discussion for the same day;
- 28.4 If the Council is not programmed to meet at an early date that will accommodate the urgency of the matter, convene a special sitting of the Council for the discussion; or schedule the matter for discussion at the earliest opportunity;
- 28.5 If the Speaker grants the request, he or she must without delay inform the Mayor, the Municipal Manager and the responsible Director of the date and time set for the discussion;
- 28.6 A discussion on a matter of public importance may not exceed the time allocated for it by the Speaker, after consultation with the Chief Whip of Council.
- 28.7 Questions of privilege may not be discussed under this Rule.
- 28.8 Matters already discussed by the Council during the preceding four months may not be discussed under this Rule.

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- 28.9 There may only be one discussion in terms of this Rule on a sitting day, and if the Speaker receives more than one request, he or she must decide which matter is more urgent or important;
- 28.10 In exercising his or her discretion the Speaker must apply the following criteria:
- (a) Matters already discussed by the Council may not be discussed under this Rule;
 - (b) The matter must be raised at the earliest opportunity;
 - (c) The matter must be -
 - (i) of so serious a nature that it requires urgent attention, or
 - (ii) of sufficient immediate public importance to warrant it taking precedence over other programmed business;
 - (d) The request must deal with a matter of district importance for which the municipality can be held responsible;
 - (e) The subject must relate to a specific matter of recent occurrence, and not to a general state of affairs or to a matter of policy;
 - (f) The matter must be defined and specific;
 - (g) The request must deal with only one substantive matter;
 - (h) The request will not be granted if the matter can be considered by some other means in the near future; and
 - (i) The *sub judice* rule applies to such a discussion.

PORT ST. JOHNS MUNICIPALITY
HONOURABLE SPEAKER: A. Gants
Sign: _____
Date: _____

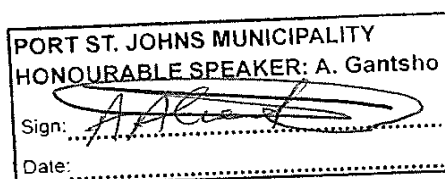
- 28.11 The member who requested the discussion may request the Speaker to withdraw the scheduled discussion, provided that sufficient notice of such withdrawal is given.

MEETINGS OF THE COUNCIL**29. Order in meetings**

- 29.1 All proceedings during Council meetings must be conducted in a formal manner.
- 29.2 Every Councillor must be appropriately addressed, and no Councillor may pass between the Chair and any Councillor who is speaking nor stand in any of the passages or gangways in the chamber.

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- 29.3 Cellular phone usage is prohibited when Council or Committee meetings are in session as well as any other formal meetings convened under the auspices of the Council. A fine of R50 shall be imposed for failure to comply.
- 29.4 No Councillor may converse aloud during debate.
- 29.5 No Councillor may interrupt another Councillor who is speaking, except to call attention to a point of order.
- 29.6 A Councillor who rises on a point of order will not be given a hearing unless he/she stipulates the applicable rule. If, in the opinion of the Speaker the rule is not applicable, the Speaker must overrule the point of order.
- 29.7 When the Council adjourns, Councillors must rise and remain standing in their places until the Speaker has left the Chamber.
- 29.8 Order in a Council meeting must be maintained by the Speaker, and when the Speaker rises during a debate or commences to speak, any Councillor then speaking or offering to speak must sit and be silent, and the Speaker must be heard without interruption, failing which a sanction will be imposed.
- 29.9 After having called attention to irrelevance or repetition of arguments in a Councillor's speech, the Speaker may direct such Councillor to discontinue his or her speech if such Councillor persists in such irrelevance or repetition.
- 29.10 Whenever in the opinion of the Speaker a charge has been made against a Councillor, the Speaker must provide such Councillor with an opportunity to respond to such charge, which response may not exceed three minutes. No debate on such response will be allowed.
- 29.11 In the event of grave disorder at a meeting, the Speaker may adjourn the meeting or may suspend the proceedings for a stated period.
- 29.12 If the Speaker is of the opinion that a member is deliberately contravening a provision of these rules or the Constitution, or that a member's conduct is disruptive, the Speaker may order the member to withdraw immediately from the Chamber for a period specified by the Speaker, which may not exceed the current day's sitting.
- 29.13 Councillors must address the Chair at all times when speaking; Councillors must at all times address the chair, not fellow Councillors.
- 29.14 When entering or leaving the Chamber, moves to any other part of the Chamber during a debate, must bow to the Speaker in passing to or from his seat.
- 30. Committee of the Council (In-committee)**
- 30.1 When the Council has agreed to a motion setting up a Committee of Council, or whenever it appears on the Agenda for the Council to go into, or resume In-Committee, the whole Council constitutes a committee of the Council.



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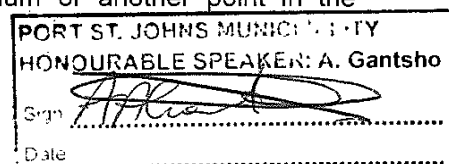
- 30.2 Except where otherwise provided, the rules of procedure that apply when the Speaker is in the Chair, apply In-Committee of the whole House, except that no speaking times are allocated by the Speaker.

31. Allocation of time and the Speaker's List

- 31.1 Each Political Party shall submit a Speaker's list or a list of items to the Speaker 48 hours before the time of the scheduled Council meeting, specifying the matters to be debated as contained in the report in terms of Section 30(5) of the Structures Act, and the Municipal Manager's report.
- 31.2 The Speaker in consultation with the multi party whips must determine the time allocated to a Party on each matter for consideration on the Agenda.
- 31.3 Time allocated to a Party must be calculated using the proportionate representation of each political party as a guide.
- 31.4 Unless otherwise provided in the Rules, Councillors are restricted to the times allocated to them by the Whip to speak on the business before the Council, and if, times have not been allocated, this will not exceed three (3) minutes on each item.

32. Rules of debate

- 32.1 The Speaker must call a Councillor to speak on a question, motion or item before the Council.
- 32.2 A Councillor, after being called to speak by the Speaker, must address the Chair from his or her seat, but the Speaker may require a Councillor to rise or authorize a Councillor to speak from the podium or another point in the Chamber.
- 32.3 A Councillor may speak to
- 31.3.1 the item before the Council;
 - 31.3.2 any amendments proposed to an item;
 - 31.3.3 a question or an amendment proposed or to be proposed by him or herself; or
 - 31.3.4 a point of order.
- 32.4 Except as provided for in these Rules, no Councillor may speak twice to a question, provided that this restriction will not apply:
- 31.4.1 to Portfolio and Standing Committee meetings
 - 31.4.2 A Councillor who has spoken on a motion may also speak on the amendment of that motion and on the amendment of that amendment. A Councillor may not speak more than three times on any item.



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- 32.5 No Councillor may call another Councillor by his or her first name; but must use the title ***"Honourable Councillor"*** followed by the surname when referring to another Councillor. Reference to the Speaker shall be referred as ***"Honourable Speaker"***. Reference to the Traditional Leaders shall be ***"Honourable Traditional Leaders"***
- 32.6 No Councillor may use language which in the opinion of the Speaker is offensive or unbecoming or which offends the Constitution. A member may, with the prior consent of the Speaker, explain issues of language and cultural preference which may have given offence to Councillors belonging to other cultural/language groups, which explanation may not exceed three minutes and may not be debated.
- 32.7 A Councillor must direct his or her speech strictly to the motion or matter under discussion and may not repeat him or herself.
- 32.8 The Speaker may allow a Councillor who has spoken on a question before the Council, to offer an explanation when, in the opinion of the Speaker, a material part of that Councillor's speech has been misquoted or misunderstood. However, such Councillor will not be permitted to introduce any new matter, and no debate will be allowed on such explanation.
- 32.9 A Councillor introducing a motion or an amendment to a motion will be entitled to reply to the debate on such motion or amendment prior to the matter being put by the Speaker for consideration of the Council. Any reply to a debate by a mover will close the debate.

DECISION ON MATTERS BEFORE COUNCIL**33. Competent Motions**

PORT ST. JOHNS MUNICIPALITY	
HONOURABLE SPEAKER: A. Gantsho	
Sign: _____	_____
Date: _____	_____

When a motion is under debate at any meeting of the Council, no further motion may be considered, except –

33.1 That the motion be amended

- 33.1.1 Every amendment must be relevant to the motion on which it is moved and must, if required by the Speaker, be put in writing and submitted to the Speaker.
- 33.1.2 An amendment must be clearly stated, to the satisfaction of the Speaker, before being moved and may not be discussed or put to the Council until it has been seconded.
- 33.1.3 If more than one amendment to a motion has been proposed, the last amendment proposed must be put to the vote first.

33.2 That consideration of the motion be postponed

- 33.2.1 A Councillor may, at the conclusion of a speech, move that the consideration of the motion be postponed to a fixed date or indefinitely and may speak in motivation of such motion.

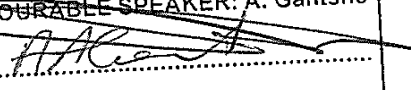
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- 33.2.2 The mover of the motion that consideration be postponed may be heard in reply, after which the motion to postpone must be put without further debate.
- 33.2.3 No more than one motion to postpone may be considered during the course of a debate on a motion, except with the consent of the mover of the motion.
- 33.3 That the debate be adjourned
- 33.3.1 A Councillor who has a right to speak on the matter may, at the conclusion of any speech, move that the debate be adjourned until a later point on the agenda and may, after being seconded, speak to such motion.
- 33.3.2 The mover of the motion that the debate be adjourned, must be given an opportunity to reply, after which the motion must be put without further debate.
- 33.3.3 On resumption of the adjourned debate, the Councillor who moved the adjournment will be entitled to speak first.
- 33.3.4 No more than one motion for the adjournment of a debate may be considered during the course of that debate.
- 33.4 That the question now be put
- 33.4.1 A Councillor may at the conclusion of a speech move without debate that the question now be put and that motion, if seconded, must be put immediately. Should the motion be carried, the motion or amendment under debate must be put immediately, subject to the following conditions:
- 33.4.1.1 the Speaker, prior to allowing the matter to be put, must determine that all parties present have had the opportunity to speak on the matter at least once;
- 33.4.1.2 the Parties not afforded the opportunity to speak previously on the matter at hand, will be granted the right to speak, or abstain, after which the matter must be put;
- 33.4.1.3 in the event that more than one Councillor of a particular party indicates that he or she wishes to be granted the opportunity to speak, the Whip of that party will appoint a Councillor to speak on that party's behalf.
- 33.4.1.4 If not carried, a further motion that the question now be put may not be moved within 20 minutes.

34. Resolutions of Council

Except as may be otherwise directed by the Speaker or as provided in these Rules, or in any other appropriate law, the decision of the Council on any matter before it require a seconder.

35 Review

PORT ST. JOHNS MUNICIPALITY
HONOURABLE SPEAKER: A. Gantsho
Sign: 
Date:

Standing Rules and Orders of Port St Johns Local Municipality Council**2019**

- 35.1 The following provision of Section 59(3) of the Systems Act shall form part of these Rules:

"The Municipal Council -

- (a) In accordance with procedures in its rules and order, may, or at the request in writing of at least one quarter (25%) of the Councillors, must, review any decision taken by a political structure, political office bearer, Councillor or staff member in consequence of a delegation or instruction, and either confirm, vary or revoke the decision subject to any vested rights that may have been accrued to a person, and
- (b) May require the Speaker/ council to review any decision taken by such political structure, political office bearer, Councillor or staff member in consequence of a delegation or instruction."

- 35.2 A request for a review in terms of Rule 33.1 must be submitted to the office of the Municipal Manager at least 48 hours' prior the stipulated time, for the meeting in question provided that agendas were distributed at least five working days before the meeting in question, and such request must state whether it is sought to revoke the decision under review or to vary it, and if the latter, precisely in what terms, and must contain a brief motivation.

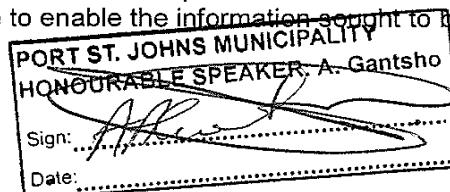
- 35.3 When the item being reviewed is called, a representative of those Councillors calling for the review will be entitled to move the variation or revocation as the case may be, and the motion so moved will then be open for debate in the usual way, provided that the Speaker may thereafter move a further amendment to the motion.

36. Language and Newspaper of record

- 36.1 English will be the language officially used in Council and Committee proceedings. A Councillor may express him/ herself in his/ her mother tongue, provided that this is one of the three major local languages, namely English, Afrikaans and isiXhosa.
- 36.2 The Daily Dispatch newspaper shall be the council's newspaper of record.
- 36.3 The community radio station as well as notice boards in all units shall also be used for notification of the local communities.

37. Request for information

- 37.1 Any Councillor may request information in regard to any item appearing in an agenda pursuant to the provisions of Section 56(5) of the Structures Act and/or Section 63 of the Systems Act, for the purposes only of obtaining details of the report considered by the council or other reporting delegatee, as the case may be, and/or the reasons for the decision taken.
- 37.2 The request must state the specific information required and must be sufficiently precise to enable the information sought to be identified.



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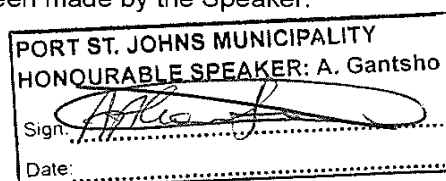
- 37.3 A request under Rule 35 must be submitted in writing to the Municipal Manager at least 48 hours prior to the stipulated time for the meeting (or if Agendas had not been delivered to Councillors by that time, by no later than close of business on the day prior to the meeting).
- 37.4 If the question relates to a decision delegated to the Mayor, she/he or her/his nominated representative must respond to the request orally or in writing when the matter is called, failing which it should stand over for oral reply at the next Council meeting.
- 37.5 If the responsible person has not furnished a reply to the question within 3 business days of the Council's meeting of the day for which a question has been set down for written reply, the Municipal Manager must, (if the Councillor in whose name the question stands so requests), place the question on the Question Paper for oral reply at the next meeting of the Council.
- 37.6 Once the council has in the opinion of the Speaker responded fully, there will be no further debate on the decision.
- 37.7 Should the Councillor who posed the original question ask for further clarity, such request shall be entertained by the Speaker at his/ her discretion.

38. Points of Order and Clarity/Explanation**A. For the purpose of this Section**

- i) any point of order or clarity/explanation shall not constitute a speech and therefore not affect the right of any member to speak on a particular item, provided that a member who addresses the Speaker on a point of order or clarity/explanation shall not be permitted to address the Speaker for longer than two (2) minutes on such point of order or clarity/explanation;
- ii) "a point of order" means a procedure or a matter which is not in accordance with these Rules of Order;
- iii) "a point of clarity/explanation" means the explanation of some material part of a member's speech that has been misunderstood.

B. Any member, whether he/she addressed the Council on the matter under debate or not; may:

- i) raise his/her hand to a point of order;
- ii) raise his/her hand on a point of clarity/explanation at the end of the debate.

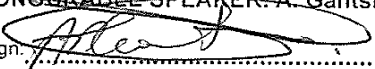
C. A member contemplated in (B) above, must briefly state the nature of the point of order or clarity/explanation, and after the Speaker has ruled on the admissibility thereof, shall be entitled to be heard forthwith. Any other Councillor who was speaking at the time shall remain silent and be seated, until a ruling has been made by the Speaker.

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- D. The ruling of the Speaker on a point of order or on the admissibility of a clarity/explanation shall be final and shall not be open to discussion.

39. Disorderly conduct of a councillor and the duty of the Speaker or Chairperson

- 39.1 If at any meeting of the council or committee a councillor conducts himself or herself persistently obstructs business to be carried out or challenges the ruling of the Speaker or chairperson on any point of order or declines to withdraw an expression when required to do so by the chairperson or indulges in tedious repetition or unbecoming language or commits any breach of these rules, the chairperson shall direct such councillor to conduct himself or herself properly and, if speaking, to discontinue his or her speech and resume his or her seat, is he or she was standing herself in an improper fashion, behaves in an unseemly manner or
- 39.2 In the event of persistent disregard of the directions of the Speaker or chairperson, the Speaker or chairperson shall direct such councillor to retire from the venue where the meeting is being held for the remainder of the meeting, and shall, if necessary, cause him/her to be ejected there from.
- 39.3 The Speaker or a chairperson may exclude from a meeting, for such period of time during the meeting as he or she may deem fit, any member who has so committed an act of misconduct or behaved in an unseemly manner or persistently obstructed the business of the meeting or disregarded the authority of the Speaker or chairperson, provided that a formal process will be initiated after the conclusion of the meeting.
- 39.4 Where a councillor refuses to retire or in the event of more than one councillor having to be ejected from the meeting, and such councillor/s refuse/s to leave the meeting, the Speaker shall request Securities to facilitate the removal of such councillor/s from the chamber by the Council Protection Services.
- 39.5 If this cannot be done orderly, the Speaker or chairperson of a meeting may adjourn proceedings for a period not exceeding 15 (fifteen) minutes, in order for the relevant councillors to retire or to be ejected from the venue of the meeting. If, at the resumption of proceedings, the councillor/s have not left / been ejected, the meeting may be adjourned for another 10 (ten) minutes to address the situation.
- 39.6. The Speaker or chairperson may rule that after the second adjournment the meeting shall re-convene at another venue and any councillor/s ordered to retire or so evicted or ordered to be evicted shall be refused entry to the alternative venue. The Securities of the Council and/ or Council Protection Services shall ensure that such councillor/s do/es not enter such an alternative venue.
- 39.8 A member ordered to leave the Chamber may not participate in any Council activities during that day.

PORT ST. JOHNS MUNICIPALITY
HONOURABLE SPEAKER: A. Gantsho
 Sign: 
 Date:

Standing Rules and Orders of Port St Johns Local Municipality Council**2019****40. Disorderly conduct by persons other than councillors**

- 40.1 Any person, other than a councillor, who misconducts himself or herself, behaves in an unseemly manner or interrupts the proceedings of the council or any committee at any meeting shall, if the Speaker or chairperson so directs, be removed from the chamber or the venue where the meeting is being held. If the person refuses to leave, the Securities and/ or Council Protection Services shall be responsible to remove such person from the meeting.
- 40.2 The Speaker may, at a sitting of the Council, order a member of the public to leave the Chamber when it is necessary to give effect to any measures taken by the Speaker.
- 40.3 The Speaker may, at a sitting of the Council, order the Securities and/ or the Council Protection Services to remove a member of the public by who, without permission, is present in that part of the Chamber designated for members only or in another place which is out of bounds for that person.
- 40.5 The Speaker or chairperson may exclude such person from further admittance to the Council chamber or the meeting venue for such period as it may be deemed fit.

41. Grave disorder

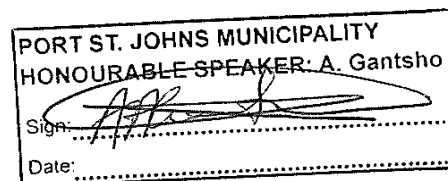
In the event of grave disorder at a sitting of the Council, the Speaker may suspend the proceedings or adjourn the sitting.

42. Speaker may refer matters for legal advice

The Speaker shall be entitled, within the framework of the approved operational budget of the municipality and subject to the supply chain management policy, to refer any matter pertaining to the council and its proceedings, for legal opinion to the council's legal advisors.

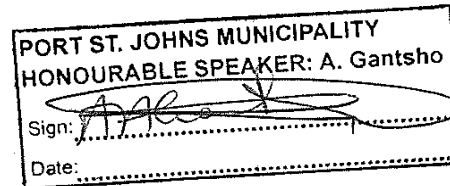
43. Committees**Publication of evidence, and documentation**

Documentation and evidence taken by a committee of the council, or a summary of such evidence must be accessible to the public, subject to the constraints provided for in an act of parliament.

44. Rules Committee**Constitution of Rules Committee**

Standing Rules and Orders of Port St Johns Local Municipality Council**2019**

- 44.1 The council must appoint a Rules Committee consisting of not fewer than 5 or not more than 20 Councillors
- 44.2 The Council shall appoint Chairperson of the Rules Committee, and if the Chairperson is unable to be present at a meeting of the Committee, the meeting elects chairperson for that meeting.
- 44.3 The Rules Committee considers amendment to the Rules of the Council, performs the functions entrusted by these rule or by Resolutions of the Council.

ADHOC AND STANDING COMMITTEES**45. Ad hoc committees**

- 45.1 The Council may, by way of resolution, appoint a committee to carry out a particular assignment specified in the resolution.
- 45.2 A committee so appointed, continues until it has completed, or has been discharged from its assignment, and may conduct its business while the Council is prorogued or not in session.
- 45.3 A committee so appointed has all the powers and privileges of a standing committee of the council.

46. Establishment of Standing Committees

- 46.1 There are Standing Committees as determined by Council (in these Rules referred to as Standing Committees), each in respect of matters referred to it by the Council as legislated by section 79 of the Structures Act.
- 46.2 Each Standing Committee is known by the name determined by the Council.
- 46.3 Standing Committees must, in accordance with these Rules or its other terms of reference deal with matters referred to it and have the power to hear oral evidence and call for papers which oral evidence may, by resolution of the committee, be recorded and transcribed.

47. Duration and number of Councillors of Standing Committees

- 47.1 A Standing Committee continues for the duration of the council, and may conduct its business while the Council is prorogued or not in session.
- 47.2 A Standing Committee consists of the number of Councillors determined by the Council, but which may not be fewer than 5 more than 20, unless these Rules provides otherwise, or the Council directs otherwise in any particular case.

48. Appointment of Councillors of Standing Committee

Standing Rules and Orders of Port St Johns Local Municipality Council**2019**

- 48.1 The Councillors of a Standing Committee are appointed by Council for the duration of the Council.
- 48.2 Appointment of Councillors must provide for the fair participation of all other parties and interests represented in the Council.
- 48.3 The leaders of minority parties must state on which committees such party wishes to be represented.

49. Chairperson of Standing Committee

In the absence of the chairperson, the committee must elect one of its Councillors to act as chairperson at that meeting.

50. Quorum of Standing Committee

- 50.1 All committees of Council shall have a quorum.

- 50.2 A majority of Councillors of a Standing Committee constitute a quorum.

- 50.3 No business at a meeting of a Standing may be proceeded without a quorum.

- 50.4 In the absence of a quorum, the chairperson/ acting chairperson must delay the commencement of the Committee Meeting for a maximum of 30 minutes from the scheduled time. Should there be no quorum at the lapse of the 30 minutes delay period; the chairperson/ acting chairperson must cancel the meeting.

51. Meeting of Standing Committees

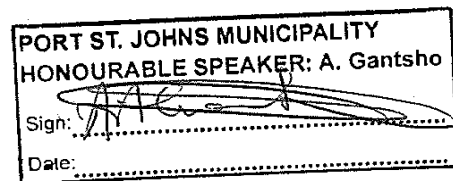
- 51.1 The first meeting of the Rules Committee and Standing Committee on internal arrangements must, unless it is convened otherwise, be convened by the Municipal Manager within 5 working days of the Council after the appointment of Councillors to serve on the committee.

- 51.2 The first meeting of other Standing Committees must, unless it is convened otherwise, be convened by the Municipal Manager as soon as it is necessary after the appointment of Councillors to serve on the committee.

- 51.3 A Standing Committee may meet when necessary to consider a matter referred to it.

- 51.4 Subject to sub-rule 44.5, a meeting of a Standing Committee may not be held unless Councillors of the Committee have received at least 4 working days notice.

- 51.5 A special meeting of a Standing Committee may be held on shorter notice, if an urgent matter must be considered by the Standing Committee-



- (a) Before a specified time;
- (b) Only that matter is considered by the Standing Committee; and
- (c) Councilors received prior notice of the matter to be considered;

52. Venue of meetings of Standing Committees

Subject to the Speaker's approval, a Standing Committee may meet at a venue beyond the seat of the Council.

53. Charge against Councillor

If any information charging any councillor of the Council comes before a Standing Committee, the Committee may not proceed upon such information, but must report it to the Speaker without delay.

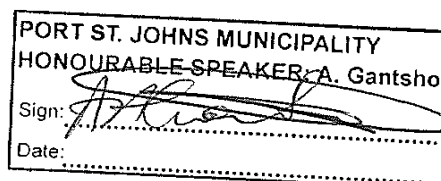
54. Report of Standing Committee

A report of a Standing Committee will be presented to the Council as part of a consolidated report and presented by the Speaker or the Chairperson of the Standing Committee, but the chairperson of the committee may be requested by the Speaker to amplify or answer questions.

55. Dress code

- 55.1 All Councillors must dress formally when attending meetings of Council, Standing Committee or any statutory meetings of the Council
- 55.2 Informal wear may be permissible when attending workshops; seminar and/ or training sessions provided such wear is descent.
- 55.3 No councillor may wear party political attire during statutory meetings of the Council or Standing
- 55.4 Members are required to dress in a manner befitting the dignity and must conform to the decorum of the Council, as may further be provided for in guidelines approved by the Rules and Ethics Committee and provided that no party symbols may be displayed. All Councillors and officials attending Council meetings, Mayoral Committee meetings and sub-committees of Council, must dress appropriately to portray the professional and corporate image of Council. They must dress neatly in formal or traditional attire. In this regard formal excludes smart casual. Members, except lady members and members in traditional, cultural and/or religious headdress, shall have their heads uncovered.

Furthermore proper shoes/footwear shall be worn, unless that is not possible due to a medical condition, provided that a letter or certificate from a medical examiner or registered traditional healer is submitted to the Office of the Speake in such case.



Standing Rules and Orders of Port St Johns Local Municipality Council**2019**

Informal clothes such as T-shirts, jeans, track suits and takkies will be considered as inappropriate dress code for Council meetings. Non-compliance to the stipulated dress code will be addressed directly with the Councillor/s and official/s concerned.

56. Record Keeping

The Municipal Manager must ensure that-

- (a) Accurate minutes of all meetings are kept;
- (b) Council's meetings are recorded and transcribed verbatim
- (c) All records and documentation are stored and archived.

57. Application of these Rules

- The rules of order are applicable to:
- All councillors;
- Traditional Leaders participating in Council and its committees in terms of section 81 of the Municipal Structures Act;
- Any municipal official of the municipality; and
- Any member of the public while present in the council chamber and precinct.

58. STANDING RULES**RESOLVED**

- (a) That the Standing Rules of Council be adopted.
- (b) That the effective date of implementation of the Standing Rules be the _____ 2019, after adoption.
- (c) That the fine for late arrival at meetings (see Rule 16.10) be **R50** per meeting.
- (d) That the fine for absenteeism without apology/ apology not accepted (see Rule 16.9) be **R250.00** per meeting.



Standing Rules and Orders of Port St Johns Local Municipality Council

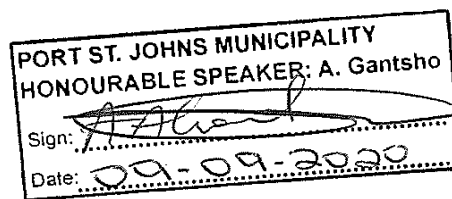
2019

59. ADOPTION OF RULES AND ORDERS BY PORT ST JOHNS MUNICIPAL COUNCIL

The rules and orders are adopted and approved by the full Council of Port St Johns Local Municipality for implementation.

Approved by Resolution Number.....on this 30th day of October 2019

.....
CLLR GANTSHO
COUNCIL SPEAKER



LOCAL AUTHORITY NOTICE 75 OF 2021

BUILDING REGULATION BY-LAW



PORT ST JOHNS
• MUNICIPALITY •
OUR HERITAGE, OUR PEOPLE

PORT ST JOHNS MUNICIPALITY BUILDING REGULATIONS BY-LAW

The Municipal Manager of Port St Johns Municipality hereby, in terms of section 13(a) in conjunction with section 75(1) of the Municipal Systems Act, 2000 (Act No. 32 of 2000) publishes the Building Regulations By-Law (supplementary to the Spatial Planning and Land Use Management Act 16 of 2013) and regulations made under the Act for Port St Johns Municipality, as approved by its council as set out hereunder.

PART A**DEFINITIONS**

1. Definitions

PART B**SCOPE OF BY-LAW**

2. Scope of By-Law

PART C**STREETS AND PAVEMENTS**

3. Catheads, cranes and platforms
4. Slab footways and pavements
5. Plants on street verges
6. Street gutter bridges

BUILDINGS

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8. Restriction of the erection of buildings within the one-in-fifty-year flood line
9. Building activities that need approval from the municipality
10. Construction of Unapproved Building Plans
11. Exemptions from Requiring Building Approval
12. Building Approval Requirements
13. Certificate of occupancy
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15. Penalties for Altering of existing Structure before Approval
16. Construction of shacks on proclaimed Areas and Procedure Relating to the termination of Unauthorized Informal Settlement.
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22. Stormwater not to enter sewers
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28. Notices

PART E

OFFENCES AND PENALTIES

29. Offences and penalties

PART F

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31. Temporal Shelter
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PART A

DEFINITIONS

1. Definitions

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

"Anti siphonage pipe" means a pipe or a portion of a pipe provided to protect, by ventilation a water seal or trap against unsealing through siphonage or back pressure;

"Approved" means approved by the municipality regarding had in all cases to all circumstances of a particular case and to the accepted principles of drainage installation and in the case of any appliance fitting or other object, to the purpose such appliance , fitting or object is intended to serve;

"Cleaning Eye" means an access opening to the interior of a discharge pipe or trap which is provided for the purpose of internal draining and which remains permanently accessible after completion of a drainage installation;

"Communication Pipe" means a pipe leading from a main to the premises of a consumer as far as that street boundary of the premises which is situated nearest to the main or, where a meter is installed inside the premises, as far as the inlet of the meter;

"Connecting Sewer" means that part of a sewerage system which is vested in the Municipality and by means of which a drain is connected to the Municipality's sewer;

"Connection" means the point at which a drain is connected to a connecting sewer;

"Conservancy Tank" means a tank which is used for the retention or temporary retention of the discharge from a drainage installation and which is emptied at intervals;

"Drain" means that portion of a drainage installation on any premises, other than a soil-water pipe, waste-water pipe, ventilation pipe or anti-siphonage pipe, which is vested in the owner of the premises and which has been laid in the ground and is used or intended to be used for

conveying sewage to a connecting sewer, a common drain, a conservancy tank or a septic tank situated on the premises;

"Drainage Installation" means an installation vested in the owner of premises and includes a drain, soilwater pipe, stack, waste-water pipe, ventilation pipe, anti-siphonage pipe, soil-water fitting, wastewater fitting, mechanical appliance or any other appliance or fitting or combination thereof for collecting and conveying sewage;

"Drainage Work" means the construction or reconstruction of a drainage installation or the alteration of or addition to a drainage installation, or any work done in connection with a drainage installation, but does not include any work undertaken solely for repair or maintenance purposes;

"Industrial Effluent" means any liquid, whether or not containing matter in solution or suspension, which is emitted in the course of or as a result of any trade or industrial operation, including a mining operation, and includes any liquid besides soil water or waste water or stormwater;

"Main" means a pipe, aqueduct or other work which is under the exclusive control of the Municipality and which is used by the Municipality for the purpose of conveying water to consumers, but does not include a communication pipe;

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

"Owner" means

(a) the person who receives the rent or profits of land or property from a tenant or occupier of the land or property or who would receive a rent or profits if the land or property were leased, whether for his or her own account or as an agent for a person entitled to the rent or profit.

(b) where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of the premises vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative and;

(c) in relation to.

(i) A piece of land delineated on a sectional plan registered in terms of the Sectional Title Act, 1986 (Act 95 of 1986) the developer or the body corporate in respect of the common property

or (ii) a section as defined in the Sectional Title Act, 1986 the person in whose name the section is registered under a sectional title deed and includes the lawfully appointed agent of such person; "Piece of Land" means —

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

"Premises" means a piece of land, the external surface boundaries of which are delineated on -

(a) a general plan or diagram registered in terms of the Land Survey Act, 1997 (Act 8 of 1997), or in terms of the Deeds Registries Act, 1937 (Act 47 of 1937); or (b) a sectional plan registered in terms of the Sectional Titles Act, 1986

"Sewage" means soil water, waste water or industrial effluent, whether separately or together;

"Sewer" means a pipe with fittings which is vested in the Municipality and is used or designed or intended to be used for or in connection with the conveyance of sewage;

"Soil Water" means a liquid containing human or animal excreta;

PART B**SCOPE OF BY-LAW****2. Scope of By-Law**

(1) These By-Laws are supplementary to the Port St Johns Municipal Spatial planning and Land use management bylaw and are applicable to every building, sewerage and water installation and in relation to any sewerage installation or water installation in particular, to the operation and maintenance of such installation in any new building or existing building, with or without any alteration of or addition to the existing installation whether or not such alteration or addition to the existing installation, whether or not such alteration or addition is required by the municipality in terms of this By-Law.

(2) Any building, sewerage installation or water installation may at any time after its completion and commissioning be subject to such inspection, approval, tests and control as the municipality may deem fit or require.

PART C**STREETS AND PAVEMENTS****3. Catheads, cranes and platforms**

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

4. Slab footways and pavements

(1) the owner or occupier of a piece of land adjoining a street may lay or construct a slab footway or pavement on that portion of the verge of the street which is intended for exclusive use as a street sidewalk.

(2) the paving or slabs for a slab footway or pavement referred to in subsection (1) must be laid to the grade, line and crossfall determined by the municipality and must meet the following further requirements:

- (a) for ordinary paving or slabs the minimum crossfall: 1:100 and the maximum crossfall is 1:25,
- (b) Non-skid paving or non-skid slabs of a type to be approved by the municipality must be used when the crossfall is between 1:25 and 1:15, provided that the crossfall does not exceed 1:15.
- (c) Longitudinal grades may not be steeper than 1:25 for ordinary paving or ordinary slabs, non-skid paving slabs must be for longitudinal grades of between 1:25 and 1:15 provided that the longitudinal grade does not exceed 1:15
- (d) if in respect of a slab footway or pavement referred to in subsection(i), a vehicular opening is formed in a kerb or an intersecting footway or pavement, the opening must be paved or slabbed.
- (e) the municipality may be impose such conditions as it deems necessary in respect of a slab footway or pavement referred to in subsection(i) with due regard to public safety, the preservation of municipal property and all other relevant circumstances.

5. Plants on street verges

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

6. Street gutter bridges

No person may without the express permission of the municipality construct a street gutter bridge.

BUILDINGS**7. Encroachments**

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

8. Restriction on the erection of buildings

- (1) no building may without the express permission of the municipality shall be erected
- (2) no building at its nearest point to a natural watercourse, nearer to the center of the natural watercourse than to a line indicating the maximum level likely to be reached every fifty years on average by flood water in water course shall be erected without the express permission of the municipality.
- (3) for the purpose of subsection(2) the municipality is the sole judge as to the position of the line and the center of the natural watercourse.
- (4) for the purpose of this section, a natural watercourse means a topographic land depression that collects and conveys surface storm water in a definite direction and includes any clearly defined natural channel that conveys water in a definite course along a bed between visible banks, whether or not the channel's conformation has been changed by artificial means and whether or not the channel is dry during any period of the year.

9. Building activities that need approval of the municipality

- (1.) Generally building activity that needs approval of the municipality includes the following:
 - a) Constructing a new building or other structures such as sheds, towers, temporary structures.
 - b) Extending existing buildings.
 - c) Undertaking alterations to an existing building including structural alterations, altering internal walls and partitions.
 - d) Installing new or altering existing services such as electrical or hydraulic works.
 - e) Demolishing or removing buildings, engineering works or services.
 - f) Installing signs, antennas, some fences and Boundary walls

10. Construction of building(s)

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

(2.) The municipality is responsible for the following in accordance to the Building Regulations By-Law:

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

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

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

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

(7.) Subject to municipality adoption of the recommendation, a planning permit and/or approval will be issued for the development. Once the municipality has granted planning approval, a building approval is required to be obtained from the municipality. The municipality is required

to make an assessment of the development against the Building Regulations By-Law and any other relevant legislation. Importantly the Building Regulations By-Laws presents the municipal officials from issuing any approval which is not consistent with the approved Master Plan.

(8.) The disposal of excessive rubble, rubbish, surplus excavated material other debris from any construction site must be done on a designated area approved in writing by the municipality.

11. Exemptions from requiring building approval

(1.) There are numerous minor works that may not require formal approval. The applicant must notify the municipality in writing after assessment has been done an approval may be granted if it complies. Examples are:

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

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

12. Building approval requirements

(1.) An application for building approval is required to be lodged with the Planning and Development Department and the Building Plan Advisory Committee will sit and give the recommendations on that particular Building Plan Application. For submission requirements refer to ANNEXURE 'A'.

(2.) Parking bays for each building development must at all times have comply with parking bays as per the Municipal Town Planning Scheme and Department of Transport Parking Standards.

(3.) Building occupant/owner must not change the building use without the approval by the municipality. Prior to the change of the building use from the current use, application in writing must be submitted to the municipality for approval.

13. Certificate of occupancy

(1.) Before a building may be occupied or used, a certificate of compliance for Occupancy / Use is required to be obtained from the Municipality. This allows individual to legally occupy or use the building or works you have just completed. Failure to do so, the municipality will issue a fine of non-compliance not exceeding R100 per day until such occupancy certificate has been legal issued.

14. Penalties for construction of unapproved building plans

(1.) This Building Regulations By-Law gives authority to the responsible Municipality official to issue on-the-spot fines for building activity undertaken without formal building approval and for new buildings occupied or used without a Certificate of Compliance. The municipality will issue a fine not exceeding R500 per day from the day the owner was engaged.

(a) a person(s) found to have contravened a provision of this By Law, they shall be guilty of an offence and be liable on conviction to a fine or imprisonment for a period of one (1) year or to such an imprisonment without the option of a fine or to both such a fine and imprisonment

(b) In the case of a continuing offence, an additional fine or an additional period of imprisonment or either such additional fine or such imprisonment or both such additional imprisonment for each day on which the offence continued

15. Penalties for altering of existing structure before approval

(1) It should be noted that heavy penalties exist for noncompliance with the Building Regulations By-Law

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

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

(1.) As soon as a determination of the status of an unauthorized informal settlement has been made and within a reasonable period, the Director for Planning and Development must, personally or through a subordinate official designated by him or her for that purpose, visit the informal settlement and notify the residents of the status of the unauthorized informal settlement by means of a written notice hand-delivered to each shack in the informal settlement.

(2.) The written notice contemplated in subsection (1) must-

(a) notify the residents of a shack in the unauthorized informal settlement that their occupation of the shack and the site or stand on which it is situated is illegally; and

(b) request the residents of the shack to vacate the shack and remove any building materials and other personal property from the unauthorized informal settlement within a period of 24 hours after receipt of the written notice.

(3.) If the residents notified in terms of subsection (1), cooperate and vacate their shacks and remove building materials and other personal property from the site or stand in the unauthorized informal settlement, the municipality must take such steps as he or she may deem appropriate to prevent a recurrence of any incident of land invasion or illegal land occupation on that site, stand or unauthorized informal settlement and must regularly monitor the situation to ensure the non-recurrence of such land invasion or illegal land occupation.

(4.) If the residents notified in terms of subsection (1) fail to cooperate and vacate their shacks and remove their building materials and other personal property from the site or stand in the unauthorized informal settlement, the municipality must immediately institute the necessary legal procedures to obtain an eviction order contemplated in subsection (5)

(5.) Within a period of 24 hours after the expiry of the period stipulated in the written notice contemplated in subsection (1), the municipality must lodge an application in a competent court to obtain an eviction order contemplated in section 4, 5 or 6 of the Prevention of Illegal Eviction from an Unlawful Occupation of Land Act, 1998 (Act 19 of 1998), against any person or persons, jointly or severally, occupying or residing in a shack or on a site or stand in the unauthorized informal settlement.

(6) The municipality must, within a period of 24 hours after obtaining the eviction order referred to in subsection (5), execute the eviction order and to terminate the unauthorized informal settlement by —

- (a) evicting the residents of the unauthorized informal settlement;
- (b) demolishing and removing all shacks and removing all building materials and other personal property from the unauthorized informal settlement; and
- (c) disposing of the building materials and other personal property in accordance with the provisions of these bylaws.

(7) Any costs incurred by the municipality for the purpose of executing the provisions of this By-Law must be borne by the Municipality in accordance with its approved budget.

17. Disposal of building materials and personal property

(1) In the execution of the provisions of section 16 (6), any building materials and other personal property belonging to a resident or occupier of a shack in an unauthorized informal settlement must be removed and stored in a safe place by the municipality.

(2) If the building materials and other personal property contemplated in subsection (1) are not claimed by their owner within a period of three months after the date of the removal and storage, the building materials and personal property must be sold to the best advantage by the municipality, or a person designated by him or her, who must, after deducting the amount of any charges due or any expenses incurred, deposit the net proceeds into the Municipality's Revenue Account, provided that-

- a) subject to the laws governing the administration and distribution of estates, nothing in this subsection contained may deprive the heir of any deceased person of his or her right to the balance of the proceeds of the property; and
- b) any building materials or other personal property which is, in the opinion of the municipality, valueless and unable to realize any meaningful amount may be destroyed, abandoned, dumped or otherwise disposed of by the municipality.

(3) The municipality must compile and maintain a register in which is recorded and appears-

- a) particulars of all building materials or other personal property removed and stored in terms of this By-Law;
 - b) the date of the removal and storage of building materials or other personal property in terms of subsection (1) and the name and site or stand number of the owner of the building materials or personal property ; and
- (4) the signature or left thumb print of the person who is claiming ownership and to whom delivery of building materials or other personal property has been made; or
- (a) full details of the amount realized on the sale of the building materials or other personal property in terms of subsection (2) and the date of the sale; and
 - (b) if building materials or other personal property has been destroyed , abandoned ,dumped or otherwise disposed of in terms of subsection (2), a certificate by the municipality to the effect that the building materials or personal property was valueless.
- (5) Neither the Municipality nor any of its officials acting within the reasonable scope of their authority are liable for any loss of or damage to property or injury to any resident or occupier of a shack in an unauthorized informal settlement or any other person for any reason whatsoever.

18. Relay of stormwater from high-lying to lower lying erven

if, in the opinion of the Municipality, it is impracticable for stormwater to be drained from a high-lying erf direct to a public street, the owner of a lower-lying erf is obliged to accept and permit the passage of such stormwater over the lower-lying erf. The owner of such high-lying erf from stormwater is discharged over the lower-lying erf is liable for proportionate share cost of any pipe-line or drain that the owner of the lower-lying erf may find necessary to construct for the purpose of conducting the stormwater so discharge.

19. Enclosures

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

20. Roofs

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

Prevention of water pollution**21. sewage and other pollutants not to enter stormwater drains**

- (1) the owner or occupier of any piece of land on which steam or any liquid other than potable water is stored, processed or generated must provide all the facilities necessary to prevent any discharge, leakage or escape of such liquid into any street, stormwater drain or watercourse, except where, in the case of steam, the Municipality has specifically permitted such discharge.
- (2) where the hosing down or the flushing by rainwater of an open area on any private premises is in the opinion of the Municipality likely to-

- (a) cause the discharge of objectionable matter into a street gutter, stormwater drain, river, stream or other watercourse, whether natural or artificial; or

- b) contribute to the pollution of any watercourse, the Municipality may instruct the owner of the premises to take at his or her own cost such measures by way of the owner's alteration of the drain installation or roofing of the open area, as it may consider necessary to prevent or minimize the discharge or pollution

22. stormwater not to enter sewers

No person may discharge or cause or permit to be discharged any stormwater or any substance other sewage into a drainage installation.

23. Discharge from fountains, boreholes, wells, reservoirs and swimming pools

Water from a fountain, borehole, well, reservoir or swimming pool situated on private premises may only be discharged into a drainage installation with the prior consent of the Municipality and subject to such conditions relating to place, time, rate of discharge and total discharge as the Municipality may impose.

24. Permission to discharge industrial effluent

(1) no person may discharge or cause or permit to be discharged into any sewer any industrial effluent or other liquid or substance other than soil water or waste water without the prior written permission of the Municipality (water services authority) and, if such permission has been obtained, such discharge must be in strict compliance with all conditions of the permission.

(2) every person must, before discharging any industrial effluent into a sewer, make application in writing to the District Municipality (water services authority) for permission to discharge the industrial effluent, and, after the application is made, he or she must furnish such additional information and submit such samples as the Municipality (water services authority) may require.

(3) the Municipality (water services authority) may, at its discretion, grant permission for the discharge of industrial effluent from any premises into a sewer, having regard to the capacity of the sewer or any mechanical appliance used for the sewage or any water care works, whether or not vested in the Municipality, provided that such conditions as the Municipality may deem fit to impose are complied with, including the payment of any charge prescribed in the tariff.

(4) Any person to whom permission has been granted in terms of subsection (3) to discharge industrial effluent into sewer must, before doing or causing or permitting to be done anything that results in a change in the quality or discharge or nature of the industrial effluent, notify the Municipality (water services authority) in writing of the date of the proposed change and of the nature of the proposed change.

(5) Any person who discharges or causes or permits to be discharged any industrial effluent into a sewer without having first obtained permission to do so in terms of subsection (3) is guilty of an offence and is

(a) liable to such charge prescribed in the tariff as the Municipality may determine for the conveyance and treatment of the effluent so discharged; and

(b) liable for any damage caused as a result of the unauthorized discharge.

(6) If any person discharges into a drain or sewer any industrial effluent or any substance which is prohibited or restricted in terms of section 27 or which has been the subject of an order issued in terms of section 27(2), the Municipality is, without prejudice to its rights in terms of subsection

(5) or section 27(2)(c), entitled to recover from such person the full cost of expenses or charges incurred or to be incurred by the Municipality and the full cost of losses suffered or to be suffered by the Municipality as a result of any or all of the following:

(a) Injury to people or damage to any sewer, any water care works, any mechanical appliance or any property whatsoever, which injury or damage is as a result of the breakdown, either partial or complete, of a sewer or water care works or mechanical appliance, whether under the control of the Municipality or not; or

(b) a prosecution in terms of the Water Act, 1956 (Act 54 of 1956), or any action against the Municipality consequent on a partial or complete breakdown of a sewer, water care works or mechanical appliance caused directly or indirectly by the discharge, including any fine or damages which may be imposed or awarded against the Municipality.

(7) Owing to a change in circumstances arising from a change in the sewage treatment process or the introduction of new or revised or stricter or other standards by the Municipality or in terms of the Water Act, 1956, or as a result of any amendment to this By-Law or for any other reason, the Municipality may from time to time or at any time –

(a) review, amend, modify or revoke any permission given or any conditions attached to such permission; (b) impose new conditions for the acceptance of industrial effluent into a sewer; or

(b) prohibit the discharge of any or all industrial effluent into a sewer, provided that –

(i) the Municipality gives adequate written notice in advance of its intention to take the measures contemplated in paragraph (a), (b) or (c); and

(ii) on expiry of such period of notice, the previous permission or conditions, as the case may be, are regarded as having lapsed and the new or amended conditions, if any, as the case may be, apply immediately.

25. Control of industrial effluent

(1) The owner or occupier of any premises from which industrial effluent is discharged into a sewer must provide adequate facilities such as overflow level detection devices, standby equipment, overflow catch-pits or other appropriate means effectively to prevent the accidental discharge into a sewer of any substance that is prohibited or restricted or has properties outside

the limits imposed by this ByLaw, irrespective of whether such accidental discharge is owing to the negligence of an operator, power failure, failure of equipment or control gear, overloading of facilities, spillage during loading or unloading or any other similar reason.

(2) If the owner or occupier of any premises on which industrial effluent originated intends treating such industrial effluent before discharging it, he or she must obtain prior written permission from the Municipality

(3) The Municipality may, by notice served on the owner or occupier of any premises from which industrial effluent is discharged, require him or her to, without prejudice to any provision of the National Building Regulations or any other provision of this By-Law, do all or any of the following:

(a) The owner or occupier must subject the industrial effluent, before it is discharged into the sewer, to such pretreatment as to ensure that the industrial effluent will at all times conform in all respects with the requirements of section 27(1), or the owner or occupier must modify the effluent cycle of the industrial process to such extent and in such manner as in the opinion of the Municipality is necessary to enable any water care works receiving the industrial effluent, whether the water care works is under the control of the Municipality or not, to produce treated effluent complying with any standards which may be laid down in respect of such water care works in terms of the Water Act, 1956.

(b) The owner or occupier must –

(i) restrict the discharge of industrial effluent to certain specified hours and restrict the rate of discharge to a specified maximum; and (ii) install, at his or her own expense, such tanks, appliances and other equipment as in the opinion of the Municipality may be necessary or adequate for compliance with the restrictions contemplated in subparagraph (i).

(c) The owner or occupier must install a separate drainage installation for the conveyance of industrial effluent and must discharge the industrial effluent into the sewer through a separate connection, as directed by the Municipality, and the owner or occupier must refrain from –

(i) discharging any industrial effluent through a drainage installation intended or used for the conveyance of domestic sewage; or

(ii) discharging any domestic sewage through the separate installation for industrial effluent.

(d) The owner or occupier must construct at his or her own expense in any drainage installation conveying industrial effluent to the sewer one or more inspection, sampling or metering chambers of such dimensions and materials and in such positions as the Municipality may prescribe.

(e) The owner or occupier must pay, in respect of the industrial effluent discharged from the premises, such charge as may be determined in the tariff, provided that, where, owing to the particular circumstances of a case, the actual chemical oxygen demand (COD) or permanganate value (PV) and the concentration of metals in the industrial effluent cannot be assessed by means of the method of assessment prescribed by the South African Bureau of Standards (SABS), the Municipality may use such alternative method of assessment as it may deem expedient, and the charge to be levied must be assessed accordingly.

(f) The owner or occupier must provide all such information as may be required by the Municipality to enable it to assess the charges payable in terms of the tariff.

(g) For the purposes of paragraph (f), the owner or occupier must provide and maintain at his or her own expense a meter or meters to measure the total quantity of water which is drawn from any borehole, spring or other source of water, excluding that of the Municipality, used on the premises and which is discharged as industrial effluent into the sewer.

26. Metering and assessment of the volume and composition of industrial effluent

(1) The Municipality may incorporate, in such position as it may determine, in any drainage installation conveying industrial effluent to a sewer any meter or gauge or other device for the purpose of ascertaining the volume and composition of the industrial effluent, and it is an offence for any person to bypass, open, break into or otherwise interfere with or do damage to any such meter, gauge or other device, provided that the Municipality may at its discretion enter into an agreement with any person discharging industrial effluent into a sewer to establish an alternative method of assessing the quantity of industrial effluent so discharged.

(2) The Municipality is entitled to install and maintain a meter, gauge or device referred to in subsection (1) at the expense of the owner of the premises on which it is installed.

(3) The owner of any premises on which is situated a borehole or well used for a water supply for trade or industrial purposes must –

- (a) register the borehole or well with the Municipality;
- (b) give the Municipality full particulars of the discharge capacity of the borehole or well; and
- (c) if the Municipality has reason to doubt the reliability of the particulars given in terms of paragraph (b), carry out, at the expense of the owner, such tests on the discharge capacity of the borehole or well as may, in the opinion of the Municipality, be necessary for the purpose of this By-Law.

27. Prohibited discharges

(1) No person may discharge or cause or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance which –

- (a) in the opinion of the Municipality, may be offensive to the public or cause a nuisance to the public;
- (b) is in the form of steam or vapour or has a temperature exceeding 44 °C at the point at which it enters the sewer;
- (c) has a pH value less than 6, 0 or greater than 10, 0;
- (d) contains any substance whatsoever that is likely to produce or emit explosive, flammable, poisonous or offensive gases or vapours in the sewer;
- (e) contains a substance having a flashpoint of less than 93 °C or which emits a poisonous vapour at a temperature below 93 °C;
- (f) contains any material whatsoever, including oil, grease, fat or a detergent, which is capable of causing interference with the proper operation of any water care works;
- (g) shows any visible signs of tar or associated products or distillates, bitumens or asphalts;

- (h) contains a substance in such concentration as is likely in the final treated effluent from any water care works to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam;
- (i) contains any substance specified in Schedule II in such concentration as to exceed the limit of concentration specified in Schedule II, provided that –
 - (i) the Municipality may approve a greater limit of concentration for such period or on such conditions as it may specify on consideration of the effect of dilution in the sewer and of the effect of the substance on the sewer or on any sewage treatment process; and
 - (ii) the Municipality is satisfied that the discharge or entry of the substance into the sewer will not –
 - (aa) damage the sewer or any mechanical appliance, water care works or equipment;
 - (bb) prejudice the use of sewage for re-use; or
 - (cc) adversely affect any waters into which purified sewage effluent is discharged, or any land or crops irrigated with the sewage; and
- (j) contains any substance whatsoever which, in the opinion of the Municipality –
 - (i) is not amenable to treatment at any water care works, or which causes or may cause a breakdown or inhibition of the normal sewage treatment processes;
 - (ii) is or may be amenable to treatment only to such degree as to prevent the final treated effluent from any water care works from satisfactorily complying in all respects with any requirement imposed in terms of the Water Act, 1956; or (iii) whether listed in Schedule II or not, either alone or in combination with other matter may –
 - (aa) generate or constitute a toxic substance detrimental to the health of persons employed at the water care works or persons entering the Municipality's sewers or manholes in the course of their duties;
 - (bb) be harmful to sewers, water care works or land used for the disposal of purified sewage effluent; or
 - (cc) adversely affect any of the processes whereby sewage is purified or purified sewage effluent is used.

(2) Any person who receives from an officer duly authorised thereto by the Municipality a written order instructing such person to stop the discharge into a sewer of any substance referred to in subsection

(a) must immediately stop such discharge.

(b) Any person who contravenes the provisions of subsection (1) or who fails to comply with an order issued in terms of paragraph (a) is guilty of an offence.

(c) Notwithstanding the provisions of paragraph (b), if any person fails to comply with the terms of an order served on him or her in terms of paragraph (a) and if the discharge is likely, in the opinion of the Municipality, to cause damage to any sewer or mechanical or other appliance or to seriously prejudice the efficient operation of any water care works, the Municipality may, after further written notice, refuse to permit the discharge of any industrial effluent into the sewer until the industrial effluent complies in all respects with the Municipality's requirements as prescribed in terms of this By-Law. Any person who has been refused such permission to discharge industrial effluent into a sewer must immediately stop discharging industrial effluent and, if he or she fails to do so, the Municipality may prevent him or her from proceeding with the discharge

PART D**NOTICES****28. Notices**

- (1.) Every notice, order or other document issued or served by the municipality in terms of this By-Law is valid if signed by an officer of the municipality who is duly authorised thereto.
- (2.) any notice, order or other document, or a true copy thereof, must be delivered personally to the person to whom it is addressed or must be delivered at his or her last-known residence or place of business; or
- (3.) any notice, order or other document, or a true copy thereof, must be posted to the person to whom it is addressed at his or her own last known residence or place of business, in which case it will be deemed to have been served five days after it was posted.
- (4.) in every notice, order or other document issued or served in terms of this By-Law, the premises to which the notice, order or document relates must be specified, but the person for whom it is intended may be referred to as "the owner" or "the occupier" if his or her name is not known.
- (5) If any notice served and ignored, the municipality in due process will seek a legal advice and open a case against such person that contravened with the municipal Bylaws.

PART E**OFFENCES & PENALTIES, COMMENCEMENT DATE, SHORT TITLE****29. Offences and Penalties**

(1) Notwithstanding any provision of this By-Law in which an offence is explicitly specified, any person who contravenes or fails to comply with any provision of this By-Law commits an offence and is on conviction liable to a penalty not exceeding the fine and imprisonment in terms of Port St Johns Municipality approved tariffs.

(2) a person commits an offence if he or she fails any way to comply with a notice which has been served on him or her by the municipality and in which he or she is ordered to do or not to do something and where such failure continues and is, with regard to every offence, on conviction liable to a penalty not exceeding the fine as prescribed on the municipal's approved tariffs.

PART F**TIMEFRAME FOR ERECTION/CONSTRUCTION AFTER PURCHASING A STAND****30. Timeframe for erection/construction after purchasing a stand**

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

(2.) Upon approval of building plan, the 'owner' shall be given a 12 months to commence the construction.

31. TEMPORAL SHELTER

A temporal building or shelter means any building declared by the local authority which is used or to be used for storage facility and or construction site offices.

(1) No corrugated Iron shack of whatsoever be erected on any site that is regulated by this Bylaw other than the specific purposes outlined on the definition above.

(2.) no storage containers and/or shipment containers shall be placed on any site without approval from the municipality

(3) the approval shall only be granted for a period not exceeding a month after a certificate of occupancy has been issued.

(4.) Not withstanding subsection (2) storage containers and/or shipment containers that are required on a permanent basis may be applied for, however they must meet the minimum standards as outlined by the building regulations by-law and health and safety standards.

(5) approval in terms of this subsection must comply with the Spatial Planning and Land Use Management by-law and the town planning scheme

(6) the municipality, may after a fourteen (14) day notification period withdraw approval issued in terms of this subsection.

(7) the storage container shall not be placed in an area that in the opinion of the Municipality or its Official is slightly to the general public or the neighbours

(8) the municipality reserves the right to remove storage containers that are placed in areas where no approval has been granted and/or where permission has been withdrawn.

32. Commencement Date; date of publication in the Provincial Gazette.**33. Short Title**

This By-Law shall be called Building Regulations By-Law

APPROVAL

Initial & Surname:	
Designation:	
Council Date:	
Signature:	

ANNEXURE 'A'**BUILDING PALN SUBMISSION CHECKLIST**

No.	DESCRIPTION	YES	NO
1	APPLICATION FORMS TO BE COMPLETED IN BLANK INK		
2	APPLICATION FORMS SIGNED BY OWNER/ BODY CORPORATE		
3	PLANS SIGNED BY OWNER IN BLACK INK		

4	COPY OF TITLE DEED		
5	4 COPIES OF PLANS PROVIDED:		
	-1 COPY FULLY COLOURED (Site Layout, Building Plan, Cross-section, Elevations)		
	-3 UNCOLOURED DRAWINGS OF THE ABOVE		
6	DRAWING COPIES CLEAR (BLACK INK ON WHITE PAPER)		
7	FULL DESCRIPTION OF PROPOSAL PROVIDED		
8	PROPERTY DESCRIPTION CORRECT		
9	SCHEDULE OF AREAS PROVIDED:		
	AREA OF SITE		
	AREA OF EXISTING BUILDING		
	PROPOSED FLOOR AREA		
	TOTAL FLOOR AREA		
	COVERAGE %.....		
10	ALL SCALES SHOWN CORRECTLY		
11	100mm CLEAR STRIP ON RIGHT HAND SIDE FOR STAMPS/ ENDORSEMENT		
12	ENGINEER'S APPOINTMENT FORM COMPLETED & SIGNED (WHERE APPLICABLE)		
13	ELECTRICAL'S APPOINTMENT FORM COMPLETED & SIGNED (WHERE APPLICABLE)		

14	ELECTRICAL LAYOUT & LEGEND PROVIDED		
15	FIRE PLAN PROVIDED		
16	SEPTIC TANK DETAIL DRAWING (i.e. plan, elevation and cross section) WITH DIMENSIONS		
17	SEWER CONNECTION/ SEPTIC TANK CONNECTION PROVIDED (WHERE APPLICABLE)		
18	Power of attorney if act on behalf of the owner		
19	RAIN WATER HARVESTING METHODOLOGY		

The above by law is approved by the following:

Recommended By;

.....

Mr. HT Hlazo

Municipal Manager

.....

Date

Approved By:

.....
Councilor N Mlombile-Cingo
Mayor

.....
Date

LOCAL AUTHORITY NOTICE 76 OF 2021**AMAHLATHI LOCAL MUNICIPALITY****ADVERTISEMENT OF NOTICE CALLING FOR THE INSPECTION OF SECOND
SUPPLEMENTARY VALUATION ROLL FOR 2020 TO 2025 FINANCIAL YEARS**

Notice is hereby given in terms of Section 49 (1) (a)(i)(ii) read together with Section 78(2) of the Local Government Municipality Property Rate Act 2004 (Act No.6 of 2004), herein after referred to as "Act", that the first supplementary Valuation Roll for the Financial years 2020-2025 is open for public inspection at the Municipal Offices as listed below from 8h00 to 16h00 during office hours from **15th February 2021 to 31st March 2021**

Municipal Office in Cathcart

Municipal Office in Keiskammahoek

Municipal Office in Kei Road

Engineering Department in Stutterheim

An invitation is hereby made in terms of Section 49(1) (a)(ii), read with 78 (2) of the Act, that any owner of the property or other person who so desires should lodge an objection with the Municipal Manager in respect of any matter including the category, reflected in or omitted from the valuation roll within the above mentioned period. Attention is specifically drawn to the fact that in terms of Section 50(2) of the Act an objection must be in relation to a specific individual property and not against the valuation roll as such.

The forms for the lodging of objection are obtainable from the Municipal Offices mentioned.

The completed forms must be returned to the following address by **Registered mail** to

The Municipal Manager

29 Dragon Street

Private Bag X4002

Stutterheim,4930

or hand delivered at Municipal Offices mentioned above, during office hours from 08h00-16h30 Monday to Thursday and from 08h00-16h00 Fridays.

For any queries please contact Andisa Mnyakama on 043 492 1164, 073 557 7942 or email to amnyakama@amahlathi.gov.za.

Ivy Sikhulu-Nqwena

Municipal Manager

UMASIPALA WASE-AM AHLATHI

**UBIZO LOKUHLOLA UMQULU WOKUBHATALISA IMIHLABA UKUSUSELA KU 2020
UKUYA KU 2025**

Abahlali bayaziswa ngokugunyaziswa ngumthetho-sisekelo 49(1) (i)(ii) nakwisigaba 78(2) somthetho iLocal Government Municipality Property Rates Act 2004 (Act No.6 of 2004), ophathelene nokukalwa kweemali zerhafu ezihlawulelwa imizi, obizwange Municipal Property Rates Act 2004 okokuba abo banqwenela ukuhlola uluhlu lonyakamali oqala kunyaka 2020 July ukuya kunyaka 2025 June noqulathe amanani erhafu yezindlu, izakhiwo nemihlaba **(General)** bangakwenza oku ngokuhambela amasebe kamasipala iAmahlathi Local Municipality ukusukela ngomhla **we 15 February 2021 ukuya kumhla we 31 March 2021** kwiofisi zakwamasipala ngamaxesha omsebenzi.

Municipal Office in Cathcart

Municipal Office in Keiskammahoek

Municipal Office in Kei Road

Engineering Department in Stutterheim

Kuyamenywa bonke abanikazi bemihlaba, izakhiwo kunye nabanina ofuna ukufaka isikhalazo ngoko mthetho sisekelo kwisigaba 49(i)(ii) nakwisigaba 78(2) salomthetho ukuba bazokufaka izikhalazo ezimayelana nomhlaba, isakhiwo okanye indlu eqondene nawe, okanye eqondene nothile hayi uluhlu lwamanani erhafu yezindlu nezakhiwo zonke.

Ifomu yokufaka isikhalazo ifumaneka kwiofisi enkulu kamasipala Revenue Section. Le fomu iyagcwaliswa ibuyiselwe ngesandla kuledilesi: The Municipal Manager, Amahlathi Local Municipality, 29 Dragoon Street, STUTTERHEIM. 4930 ngamaxesha omsebenzi ukusukela ngo 08h00-16h00 ngoMvulo ukuya kuLwesihlanu.

Izikhalazo ezifike sele udlulile umhla obekelwe izikhalazo azisayi kwamkelwa.

Eminye imibuzo neenkukacha mayelana noluhlu olu angaqhakamshelana noAndisa Mnyakama kule nombolo 043 4921164 okanye 073 557 7942 okanye email ku amnyakama@amahlathi.gov.za.

Ivy Sikhulu-Nqwena

Municipal Manager