



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

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GENERAL NOTICES • ALGEMENE KENNISGEWINGS**GENERAL NOTICE 20 OF 2021****Nelson Mandela Bay Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)****ERF 206, NEWTON PARK, PORT ELIZABETH, EASTERN CAPE**

Under Section 47 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013) and upon

instructions by the Local Authority, a notice is hereby given that condition/s **C.1, C.3, C.4, C.6, C.7, C.8, C.9 & C.10** in Deed of Transfer

No. **T1230/2018** and any subsequent Deed applicable to Erf **206 Newton Park** is/are hereby removed.

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS**PROVINCIAL NOTICE 75 OF 2021**

NELSON MANDELA BAY MUNICIPALITY (EC).

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013).

Erf 211, Summerstrand, Port Elizabeth, Eastern Cape.

Under section 47 of the Spatial Planning and Land use Management Act, 2013 (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that conditions D 3 (a), (b), (c) and (d) in Deed of Transfer No. T991/2011 applicable to Erf 211, Summerstrand, are hereby removed.

PROVINCIAL NOTICE 76 OF 2021**Nelson Mandela Bay Municipality (EASTERN CAPE)**

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)

PORTION 251 OF THE FARM CHELSEA NO. 25, PORT ELIZABETH, EASTERN CAPE

Under Section 47 of the Spatial Planning and Land Use Management Act, (Act 16 of 2013) and upon instructions by the Local Authority, a notice is hereby given that condition F.2 in Deed of Transfer No.

T38767/2003 applicable to Portion 251 of the Farm Chelsea No. 25, Port Elizabeth are hereby removed.

PROVINCIAL NOTICE 77 OF 2021

LOCAL AUTHORITY NOTICE 127 OF 2018

Buffalo City Metropolitan Municipality (EASTERN CAPE)

Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013) and the Buffalo City Metropolitan Municipality Spatial Planning and Land Use Management By-Law (2016).

RE: ERF 408 BEACON BAY (25 REYNOLDS VIEW)

Under Section 47 of the Spatial Planning and Land Use Management Act 2013 (Act 16 of 2013) read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning & Land Use Management Bylaw of 2016 and upon instructions of the Local Authority a notice is hereby given that condition C (C.i-iv) & D 1-3 found in Deed of Transfer No. T3554/2015, pertaining to Erf 408 Beacon Bay is hereby removed.

PROVINCIAL NOTICE 78 OF 2021

REMOVAL OF RESTRICTIVE TITLE DEED CONDITIONS AND BUILDING LINE DEPARTURE FOR ERF 907 GONUBIE: 60 – 16th AVENUE

In terms of Section 47(1) of the Spatial Planning and Land Use Management Act No.16 of 2013, read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management Bylaw of 2016, approval is hereby granted for the removal of restrictive title conditions B. (b) and C. from Deed of Transfer T21154/2019, pertaining to Erf 907 Gonubie.

Approval is also hereby granted for a Permanent Departure in terms of Section 15 of the Land Use Planning Ordinance 15 of 1985 as well as in terms of Section 64 of the By-Law pertaining the Spatial Planning and Land Use Management Act (Act 16 of 2013), in order to permit the relaxation of the street building line restriction, adjacent to 16th Avenue, from 4.5m to 1m and the relaxation of lateral building line restriction, adjacent to Erf 908, Gonubie, from 2m to 1m.

Please be advised that you will be required to place a notice of the approval in the Provincial Gazette and thereafter arrange for the endorsement of your Title Deed with the local Registrar of Deeds in King Williams Town to ensure that the conditions/ clauses are removed.

Please note that you can request a quote for the Provincial Gazette notice at www.gpwonline.co.za. Alternatively, you can contact the GPW (Government Printing Works) contact centre on 0127486200 or email info.egazette@gpw.gov.za.

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 143 OF 2021

Amahlathi Municipality



Property Rates By-Law

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Amahlathi Local Municipality, hereby, in terms of section 6 of the Local Government: Municipal Property Rates Act, 2004, has by way of resolution no 7/1/1, adopted the Municipality's Property Rates By-law set out hereunder.

AM AHLATHI LOCAL MUNICIPALITY
MUNICIPAL PROPERTY RATES BY-LAW

PREAMBLE

WHEREAS section 229(1) of the Constitution requires a municipality to impose rates on property and surcharges on fees for the services provided by or on behalf of the municipality;

AND WHEREAS section 13 of the Municipal Systems Act read with section 162 of the Constitution requires a municipality to promulgate municipal by-laws by publishing them in the gazette of the relevant province;

AND WHEREAS section 6 of the Local Government: Municipal Property Rates Act, 2004 requires a municipality to adopt by-laws to give effect to the implementation of its property rates policy; the by-laws may differentiate between the different categories of properties and different categories of owners of properties liable for the payment of rates;

NOW THEREFORE IT IS ENACTED by the Council of the Amahlathi Local Municipality, as follows:

1. Definitions

In this By-law, any word or expression to which a meaning has been assigned in the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004), shall bear the same meaning unless the context indicates otherwise-

'Municipality' means Amahlathi Local Municipality;

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

'Rates Policy' means the Amahlathi Local Municipality's property rates policy adopted by the Council *[by Resolution No. 7/1/1] in terms of section 3(1) of the Local Government: Municipal Property Rates Act, 2004.

2. Object

The object of this By-law is to give effect to the implementation of the municipality's Rates Policy as contemplated in section 6 of the Municipal Property Rates Act.

3. The Rates Policy

The municipality prepared and adopted a Rates Policy as contemplated in terms of the provisions of section 3(1) of the Municipal Property Rates Act. The Rates Policy outlines the municipality's rating practices; therefore, it is not necessary for this By-law to restate and repeat same.

The Rates Policy is hereby incorporated by reference in this By-law. All amendments to the Rates Policy as the Council may approve from time to time, shall be deemed to be likewise incorporated.

The Municipality does not levy rates other than in terms of its Rates Policy and the annually promulgated resolution levying rates which reflects the cent amount in the Rand rate for each category of rateable property.

The Rates Policy is available from the following website:

www.amahlathi.gov.za

4. Categories of Rateable Property

The Rates Policy provides for categories of rateable properties determined in terms of section 8 of the Act.

5. Categories of Properties and Categories of Owners of Properties

The Rates Policy provides for categories of properties and categories of owners of properties for the purposes of granting relief measures (exemptions, reductions and rebates) in terms of section 15 of the Act.

6. Enforcement of the Rates Policy

The Municipality's Rates Policy is enforced through the municipality's Credit Control and Debt Collection Policy and any further enforcement mechanisms stipulated in the Act and the Municipality's Rates Policy.

7. Short Title

This by-law is the rates by-law of the Amahlathi Local Municipality.

8. Commencement

Implementation Date	Council Resolution no.	Approved date
1 July 2021		31 May 2021

LOCAL AUTHORITY NOTICE 144 OF 2021

Amahlathi Local Municipality

OFFICE OF THE MUNICIPAL MANAGER
 12 Maclean Street
 Private Bag X4002, Stutterheim, 4930
 Tel: 043 683 5024 Fax: 043 683 1127
 Website: www.amahlathi.gov.za

THE AMAHLATHI LOCAL MUNICIPALITY RESOLUTION FOR LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR 1 JULY 2021 TO 30 JUNE 2022.

Notice is hereby given in terms of section 14(1) and (2) of the Local Government: Municipal Property Rates Act, 2004; that the Council resolved by way of council resolution dated 31 May 2021 to levy the rates on the property reflected in the schedule below with effect from 1 July 2021.

No	CATEGORY	2021/22
1	Residential	0.00868
2	Public Benefit Organisation	0.00156
3	Public Service	0.00217
4	Agricultural Property	0.00156
5	Farms with Labourers Houses (Water and Electricity)	0.00156
6	Church	0.00
7	Business	0.00868
8	Farms used for Business or Commercial	0.00868
9	Monument	0.00868
10	Industrial Purpose	0.00868
11	Communal Land	0.00868
12	State Trust Land	0.00868

A copy of the complete tariff structure together with full details of the council resolution and rebates, reduction and exclusions specific to each category of owners of properties or owners of a specific category of properties as determined through criteria in the municipality's rates policy are available for inspection from the municipal offices. You can also visit www.amahlathi.gov.za

Stutterheim Office; KKH Office; Cathcart Office and Kei Road Office

Budget and Treasury Office

Cnr Brownlee and Dragoon Street, Stutterheim

Tel:- 043-492 1154

MRS IVY SIKHULU-NQWENA
MUNICIPAL MANAGER

AMAHATHI LOCAL MUNICIPALITY
"Together for Prosperity"

LOCAL AUTHORITY NOTICE 145 OF 2021



RESOLUTION LEVYING PROPERTY RATES FOR THE FINANCIAL YEAR 01 JULY 2021 TO JUNE 2022 FINANCIAL YEAR

Notice is hereby given in terms of Section 14 (1) and (2) of the Local Government Municipal Property Rates Act 2004 (Act 6 of 2004), that the Council resolved by way of council resolution number 9.3 to levy rates on the property reflected in schedule below with immediate effect 01 July 2021.

CATEGORY OF PROPERTY	CENT AMOUNT IN A RAND RATE DETERMINED FOR RELEVANT PROPERTY CATEGORY
Residential properties	0.0081
Vacant Land	0.0090
Mixed property use (Residential)	0.0081
Mixed property use (Business)	0.0160
Commercial	0.0160
Industrial	0.0160
Public Service Infrastructure/Private owned space	0.0000
Public Benefit Organisation	0.0000
Public service purpose	0.0160
Agriculture	0.0020

Full details of council resolution and rebates, reductions and exclusions specific to each category of owners of property or owners of a specific category of properties as determined through a criteria in the Municipality's rates policy are available for inspection at the Municipal offices.

MR. L.N. MAMBILA
MUNICIPAL MANAGER

Main Office | 17 Main Road | Komga | 4950 | Tel: 043 831 5700 | Fax: 043 831 1306
Postal Address | Private Bag X 02 | Komga | 4950

info@greatkeilm.gov.za | www.greatkeilm.gov.za

LOCAL AUTHORITY NOTICE 146 OF 2021
NOTICE BTO 01/05/2021



ENOCH MGIJIMA LOCAL MUNICIPALITY

**PUBLIC NOTICE CALLING FOR INSPECTION OF THE SECOND VALUATION ROLL
FOR THE PERIOD 1 JULY 2019 TO 30 JUNE 2024 AND LODGING OF OBJECTIONS**

Notice is hereby given in terms of Section 49 (1) (a) (i) read together with Section 78 (2) of the Local Government: Municipal Property Rates Act 2004 (Act No.6 of 2004) hereinafter referred to as the "Act", that the Second Supplementary Valuation Roll for the Financial Years 01 July 2019 to 30 June 2024 is open for public inspection at the Municipal Offices listed below, on Monday to Friday, during office hours 07:45 to 16:30 from **15 May 2021 to 30 June 2021**. In addition, the Supplementary Valuation Roll is available on the Municipal website www.enochmgijima.gov.za

An invitation is hereby made in terms of section 49 (1) (a) (ii) read with 78(2) of the Act that any owner of 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 lodging of objection are obtainable from Budget and Treasury Offices of the Municipality in Queenstown, Tarkastad, Hofmeyer, Molteno and Sterkstroom or Municipal website www.enochmgijima.gov.za

- | | | |
|---------------------------|---|---|
| • Queenstown Office Unit | : | Budget & Treasury Office, 25-27 Owen Street |
| • Tarkastad Office Unit | : | Budget & Treasury Office, 12 Murray Street |
| • Hofmeyer Office Unit | : | Budget & Treasury Office, 194 Molteno Street |
| • Molteno Office Unit | : | Budget & Treasury Office, 39 Smith Street |
| • Sterkstroom Office Unit | : | Budget & Treasury Office, 58 John Voster Street |

The completed forms must be returned to the following address by Registered Mail: The Municipal Manager, Enoch Mgijima Local Municipality, Private Bag X7111, Komani 5320 or hand delivered at Municipal Offices, 70 Carthcart Road, Queenstown, 5320 during Office hours 07h45-16h30 Monday to Friday.

For any queries do not hesitate to contact Ms S Richard / F Simama on 045 807 2008/33 or email to SRichard@enochmgijima.gov.za

Ms NC Zondani
Municipal Manager

LOCAL AUTHORITY NOTICE 147 OF 2021**Buffalo City Metropolitan Municipality (EASTERN CAPE)****Removal of Restrictions in terms of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013)****ERF7128, GONUBIE (GONUBIE GREEN ECO-ESTATE).**

In terms of Section 47(1) of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013), read with Section 59 of the Buffalo City Metropolitan Municipal Spatial Planning and Land Use Management ByLaw of 2016 and upon instructions of by the Local Authority, a notice is hereby given that condition/s D. (i) in Deed of Transfer T17200/2019, applicable to Erf 7128, Gonubie are hereby removed.

LOCAL AUTHORITY NOTICE 148 OF 2021**CLOSURE OF PUBLIC PLACE ERF 1748 CALA**

(Surveyor General Ref. No S/64/3/5 p10)

Notice is hereby given in terms of Section 137(1) of the Municipal Ordinance No 20 of 1974 that Public Place Erf 1748 Cala to be permanently closed.

ACTING MUNICIPAL MANAGER**S. TUNZI****LOCAL AUTHORITY NOTICE 149 OF 2021****CLOSURE OF ERF 582 AND 705 TSOMO**

(Surveyor General Ref. No S/64/3/5 p9)

Notice is hereby given in terms of Section 137(1) of the Municipal Ordinance No 20 of 1974 that a Portion of Hertzog and Wodehouse Street Adjoining Erf 2151 Queenstown to be permanently closed.

MUNICIPAL MANAGER**N. MGIJIMA**

LOCAL AUTHORITY NOTICE 150 OF 2021

67 Church Street, Mt Ayliff, 4735
Tel: +27 (0)39 254 6000
Fax: +27 (0) 39 255 0167
Web : www.umzimvubu.gov.za



813 Main Street , Mount Frere
P/ Bag 9020, Mt Frere , 5090
Tel: +27 (0)39 255 8500 /166
Fax: +27 (0) 39 255 0167

UMZIMVUBU LOCAL MUNICIPALITY**BY-LAWS RELATED TO IMPOUNDEMENT OF ANIMALS (AMENDED)****UMZIMVUBU MUNICIPALITY**

UPHULISO KUMNTU WONKE

Vision 2030



The Municipal Manager hereby publishes, in terms of section 13 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000] read with section 162 of the Constitution of the Republic of South Africa Act 1996 [Act No. 108 of 1996] the By-Laws Relating to the Impoundment of Animals that come into operation on the date of publication thereof.

BY-LAWS RELATING TO THE IMPOUNDMENT OF ANIMALS

PREAMBLE

WHEREAS the Council of the Municipality is vested with legislative authority in terms of the Constitution of the Republic of South Africa, 1996 [Act No. 108 of 1996];

WHEREAS the Council of the Municipality in the exercise of its functions has the right to establish and maintain facilities for the impoundment of animals within the area of jurisdiction of the Municipality;

AND WHEREAS there are stray animals and animals in disputes, this Policy seeks to regulate the functioning and process of impounding animals;

NOW THEREFORE be it enacted by the Council as follows:

Related Legislation/Applicable Section of Legislation

Municipal Systems Act, 2000 (Act No 32 of 2000)

Municipal Structures Act, 1998 (Act No 117 of 1998)

Animal Identification Act, 2002 (Act No 6 of 2002)

Traditional Leadership and governance framework act, 2003 (Act No 41 of 2003)

National Road Traffic Act of 1996 (Act No 93 of 1996) National Animal Pound Bill of South Africa, 2010

OBJECTIVES:

- a) To ensure that the by-laws of the municipality are adhered to;
- b) Formalise the procedural steps that have to be complied with before impounding of animals take place;
- c) To keep stray and trespassing animals safe;
- d) To maintain a healthy and safe environment
- e) To promote the enforcement of stray animals; and animals in dispute;

- f) Reduction of accident in public roads;
- g) To contribute towards the Revenue income generation
- h) To provide for any matters connected therewith

COLLECTION OF TRESPASSING ANIMALS

There are three kinds of instances that lead to impoundment of animals:

- a) Stray animals (animals trespassing in town and on Provincial and National Roads);
- b) Animals in disputes (animals have trespassed into Millie fields and gardens);
- c) Stock Theft (animals impounded by South African Police Services while the cases are not concluded)

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- [31] Schedules 1 and 2 form part of these by-laws

[1] DEFINITIONS

In these by-laws, any word or expression importing any gender or the neuter includes both genders and the neuter, the singular includes the plural and vice versa and, unless the context otherwise, indicates:-

"animal" includes a horse, bovine, camel, donkey, sheep, goat, pig, ostrich, small bird, dog, cat or the hybrid of any such animal;

"authorised official" means —

- [a] an official who has been authorized by the Council to administer, implement and enforce the provisions of these by-laws;
- [b] a traffic officer appointed in terms of section 3A of the National Road Traffic Act, 1996;
- [c] a member of the police service, as defined in terms of section 1 of the South African Police Service Act, 1995; or
- [d] a peace officer contemplated in section 334 of the Criminal Procedure Act, 1977.

"Court" means a Magistrate's Court as referred to in section 166[d] of the Constitution, 1996, having jurisdiction in the area in which the pound is situated;

"Gazette" means the official Provincial Gazette of Eastern Cape;

"Municipality" means the Municipality of Umzimvubu and includes the Council of the Municipality and any other duly authorized political structure, political office bearer or official thereof and, where the text so requires, also a pound keeper employed by the Municipality;

"owner" includes an owner who is known, or whose identity, with the exercise of reasonable diligence, can be ascertained and in relation to any -

- [a] animal, includes the agent of the owner or other person having the lawful custody or possession of

such animal; or

[b] land, includes the owner, lessee or lawful occupier of such land or his agent;

"pound" means a pound established as contemplated in section 3;

"pound keeper" means the person appointed from time to time as contemplated in section 4 and includes any person acting for or on behalf of the appointed pound keeper;

"public place" means any place to which the public has access including, without limiting the generality of the aforesaid, any —

- [a] square;
- [b] park;
- [c] recreation ground;
- [d] sports ground;
- [f] shopping centre on municipal land;
- [g] unused or vacant municipal land; or cemetery;

"public road" means a public road as contemplated in section 1 of the Road Traffic Act, 1996 [Act No. 93 of 1996]; and

"service delivery agreement" means a service delivery agreement as defined in section 1 of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000].

4 APPLICATION

These by-laws apply to the area of jurisdiction of the municipality; provided that nothing prevents any animal detained in terms of these by-laws from being impounded in a pound or any similar facility established by any person or body with whom the Municipality has concluded a service level agreement, another Municipality or duly authorized institution.

There are three kinds of instances that lead to impoundment of animals:

- a) Stray animals (animals trespassing in town and on Provincial and National Roads);
- b) Animals in disputes (animals have trespassed into Millie fields and gardens);
- c) Stock Theft (animals impounded by South African Police Services while the cases are not concluded)

5 ESTABLISHMENT OF POUND

These by-laws must be applied subject to any provincial legislation authorizing a Municipality to establish a pound or regulating a pound and in the event of conflict between these by-laws and such

legislation, the provisions of such provincial legislation will apply.

APPOINTMENT OF POUND KEEPER

Subject to subsection [2], the Municipality —

- [a] must appoint a suitably skilled and experienced person as a pound keeper; and
- [b] may appoint an authorized official to administer the implementation and enforcement of these by-laws.

2 a pound is operated by a person or body in terms of a service delivery agreement concluded with the Municipality, the relevant contracting party is obliged to appoint a suitably skilled and experienced person as a pound keeper for each pound for which such party is responsible in terms of the relevant service delivery agreement;

3 The provisions of these by-laws will, with the necessary changes, apply to a pound established in terms of a service delivery agreement concluded by the Municipality.

4 GENERAL DUTIES OF THE POUND KEEPER

- [1] The pound keeper must take all reasonable measures to ensure that a public health hazard or a public health nuisance does not occur on, or rise or emanate and he must take all reasonable measures to ensure that the public health hazard or a public health nuisance is eliminated or reduced as far as possible.
- [2] For the purpose of subsection [1] the following measures must be taken:
 - [a] Fly-traps must be installed to catch or kill flies;
 - [b] accumulated water must be covered with oil and drained regularly;
 - [c] containers in which mosquitoes may breed, must be disposed of or kept in such a manner to prevent breeding of mosquitoes;
 - [d] ditches, gutters and pipes must be cleaned regularly so as to prevent the collection of water; and
 - [e] appropriately humane method of vermin control must be adopted.

5 TRESPASSING OR STRAYING ANIMALS MAY BE IMPOUNDED

- 1** The owner of land upon which any animal is found trespassing may seize such animal; provided that, if the identity of the owner of such animal is known to the owner of land upon which it is found trespassing, such animal may not be removed to a pound before notice is given to the owner thereof in writing no less than 48 [forty-eight] hours prior to its removal to a pound.

2 Any animal found straying unattended upon any public road or public place may be seized for impounding by —

- [a] an authorized official; or
- [b] the owner of any land through or alongside which such road passes or which abuts on such public place.

- [3]** No person may keep an animal, seized for purposes of impounding in terms of in subsections [1] and [2], for a period longer than 6 [six] hours without supplying such animal with adequate food and water.

- 4** Any person who has seized an animal for purposes of impounding must comply with the provisions of the

Code of Good Practice on the Handling and Transportation of Impounded Animals contained in **SCHEDULE 1** to these by-laws.

[7] ANIMALS TOO VICIOUS, INTRACTABLE OR WILD TO BE IMPOUNDED

If a state veterinarian or official contemplated in section 6[2] [a] to [e] is satisfied that an animal found trespassing on any land, or straying untended upon any public road or public place, is too vicious, intractable or wild to be impounded, he may authorize the humane destruction or other disposal of the animal, after giving written reasons and written notice thereof to the owner of the animal concerned.

[8] RELEASE OF ANIMALS BEFORE REMOVAL TO POUND

- [1] The owner of an animal, seized in terms of section 6[1] may apply to the owner of land contemplated in such section for the release of the animal concerned prior to its removal to a pound.
- [2] The owner of land referred to in section 6[1] may —
- [a] release such animal forthwith; or
 - [b] refuse the release of the animal; and
 - [c] in the event that such owner refuses to release the animal as contemplated in subsection [b], apply to Court for authority to:
 - [i] impound the animal; or
 - [ii] claim any damages he may have suffered, in which event the Court may make such order, including an order as to costs that it deems just and equitable.
- [3] The owner of an animal seized in terms of section 6[2] may apply to the relevant person referred to in section 6[2] for the release of such animal prior to its removal to the pound.
- [4] In the event that the person referred to in section 6[2] permits the release of the animal, it must be released without undue delay.

[9] CARE OF TRESPASSING ANIMALS

A person may not work, use or ill-treat an animal found trespassing on any land or whilst it is in the process of being removed to a pound.

[10] POUND TO WHICH ANIMALS MUST BE TAKEN

An animal seized for the purposes of impounding as contemplated in section 6, must be removed to the nearest accessible pound by and within the shortest practical route and within the shortest practical time; provided that animals of different species must be separated at all times according to their species.

[11] INFORMATION TO BE SUPPLIED TO POUND KEEPER

Any person sending animals to a pound must advise the pound keeper thereof in writing of

- [a] the number and descriptions of the animals;
- [b] the land upon which they were found trespassing; and
- [c] the distance in kilometres, by the shortest practical route, between the place on such land where they were seized and the pound.

[12] ACCEPTANCE AT POUND OF ANIMALS TO BE IMPOUNDED

The pound keeper may not refuse to accept an animal for impounding.

[13] POUND REGISTER

The pound keeper must -

- [a] maintain a pound register containing the information contemplated in **SCHEDULE 2**, which register must be available for public inspection at all reasonable times; and
- [b] complete the pound register immediately upon the acceptance into the pound of any animal.

[14] NOTICE TO OWNERS OF ANIMALS

[1] The owner of an animal contemplated in section 6[1], 7, 15[4], 16[c], 18[b], 22[1] [b] and 24[a], must be notified by -

- [a] addressing a written notice to him; or
- [b] placing a copy of the notice to the owner on the official notice board of the Municipality ; and
- [c] publishing a copy of the notice on at least two consecutive days in a newspaper of general circulation in the Municipality.

[2] A notice, order or other document is to be regarded as having been properly served if —

- [a] it has been delivered to that person personally;
- [b] sent by registered post to the person to whom it is addressed at his, her or their last known address;
- [c] it is served on a person apparently not less than 16 years of age and apparently in charge of the premises at the addressee's last known address;
- [d] if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided for in subsections [1][a], [b] or [c]; or
- [e] if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the premises to which it relates.

[3] A notice, order or other document that may in terms of these by-laws be served on the owner or occupier of premises —

- [a] may be addressed to the owner or occupier of the specified premises and need not name the owner or occupier; and
- [b] if the Municipality does not know the address of the owner or occupier of the premises and cannot easily obtain it, the notice, order or other document is to be regarded as having been properly served if it

is affixed to a conspicuous place on the premises.

[15] CARE OF IMPOUNDED ANIMALS

[1] The pound keeper —

- [a] is responsible for the proper care of all impounded animals;
- [b] must ensure that fresh water and sufficient food is available to impounded animals at all times; and
- [c] is liable to the owner of an impounded animal for any damage caused by his wilful or negligent acts or omissions.

[2] A pound keeper must apply to the Court if he is of the opinion that an impounded animal is dangerously vicious, permanently disabled or terminally ill.

[3] A Court considering an application contemplated in subsection [2] may, if the Court is satisfied that its condition warrants its destruction or disposal, authorize the destruction or other disposal of such animal.

[4] Where the Court authorizes the destruction or disposal of an animal on application by the pound keeper, the pound keeper must immediately notify the owner in writing of the order of Court and the destruction or disposal of the animal concerned.

[16] ISOLATION OF INFECTED ANIMALS

If the pound keeper suspects, or is aware, that an impounded animal, or an animal to be impounded, is infected with any disease contemplated in the Animal Diseases Act, 1984 [Act No. 35 of 1984], he must -

- [a] provide separate accommodation for such animal;
- [b] immediately isolate the animal and report the disease to the nearest state veterinarian; and
- [c] immediately notify the owner of the animal of such disease in writing.

[17] TREATMENT OF IMPOUNDED ANIMALS

The pound keeper —

- [a] may not work or in any way make use of an impounded animal or permit any such animal to be worked or made use of by any other person; and
- [b] must ensure that all impounded male animals are at all times kept apart from female animals.

[18] DEATH OF OR INJURY TO IMPOUNDED ANIMALS

Any pound keeper must, upon discovering that an impounded animal is injured or has died —

- [a] record the injury or cause of death in the pound register referred to in section 13; and
- [b] notify the owner of the animal in writing of its injury or death.

[19] COPIES OF BY-LAWS

The pound keeper must ensure that legible copies of these by-laws in the languages determined by the Municipality are available at the pound for perusal by interested parties.

[20] FEES AND COSTS PAYABLE

The pound keeper must —

- [a] charge the owner of an impounded animal the fees as set by the Municipality from time to time

as contemplated in section 75A of the Local Government: Municipal Systems Act, 2000 [Act No. 32 of 2000]; and

- [b] recover from the owner the cost of any dipping, medical treatment, inoculation or other treatment that may be necessary or required in terms of these by-laws or in accordance with any other law.

[21] RELEASE OF IMPOUNDED ANIMALS

- [1] The pound keeper must immediately release an impounded animal and give the owner thereof a receipt, upon such owner -

- [a] providing proof of ownership of such animal; and
- [b] paying the fees and costs contemplated in section 20.

- 2 The pound keeper may retain an animal contemplated in subsection [1] in order to recover such fees or costs as may be due and payable in the event that the owner of an impounded animal is unable to pay the fees or costs contemplated in section 20.

[22] SALE OF IMPOUNDED ANIMALS

- 1 The pound keeper must —

- [a] within 14 days of the impounding of an animal, apply to the Court for authority to sell the impounded animal; and
- [b] in the application contemplated in paragraph [a], provide the Court with proof that he lodged a statement as contemplated in subsection [2] with the owner.

- 2 The statement contemplated in subsection [1] [b] must include —

- [a] the fees and costs due in terms of these by-laws; and
- [b] the amount of any damages that the owner of the land on which the impounded animal trespassed, may have suffered.

- [3] The Court, whether the amounts set forth in the statement contemplated in sub-section [1]

- [b] are disputed or not, must —

- [a] summarily enquire into the matter;
- [b] enquire whether notice was given to the owner of the animal by the pound keeper; and

- [c] make such order as it considers just and equitable, including an order —

- [i] as to costs; and

- [ii] on the process to be followed by the pound keeper in the sale of the animal.

[23] COUNCILLORS OR EMPLOYEES OF THE COUNCIL MAY NOT PURCHASE IMPOUNDED ANIMALS

- [a] The councillors or employees of the council, or their family members, or close associates of such councillors or employees, may not purchase an animal offered for sale at a pound sale, either personally or through any other person or either directly or indirectly.

- [b] A councillor or employee who contravenes subsection [a] is guilty of an offence.

[24] ANIMALS UNSUCCESSFULLY OFFERED FOR SALE

In the event that any animal is not sold in the manner contemplated in section 23 —

- [a] the pound keeper must immediately advise the Court and the owner of its estimated value and the fees and costs incurred; and
- [b] the Court may make such order as it may deem just and equitable in the circumstances.

[25] PROCEEDS

- [1] All proceeds from the collection of fees and costs contemplated in section 22 must be paid into the municipal revenue fund; provided that the revenue from the sale of any impounded animal that is in excess of the fees and costs incurred and any damages awarded in terms of section 22[3] [c] must be paid to the owner of the sold animal within 30 days of the sale.
- [2] The excess must be paid into the municipal revenue fund if the owner of an animal contemplated in subsection [1] cannot be established.

[26] ACTION FOR RECOVERY OF DAMAGES

Nothing in these by-laws prevents the owner of land or any other person from instituting action against the owner of a trespassing animal, in any Court with jurisdiction, for the recovery of damages suffered by reason of such trespassing animal.

[27] PROCEDURE TO BE FOLLOWED IN APPLICATION TO COURT

- [1] An application to Court for the impoundment of an animal in terms of these by-laws must comply with the following procedure contemplated in Rule 55 of the Rules of Court; and
- [2] An application to Court for the sale of an impounded animal in terms of these by-laws must comply with the following procedures:
- [a] Section 66 of the Magistrates' Courts Act, 1944 [Act No. 32 of 1944]; and
- [b] Rule 41 of the Rules of Court made by the Rules Board for Courts of Law in terms of section 6 of the Rules Board for Courts of Law Act, 1985 [Act No. 107 of 1985] and published under Government Notice No. R.1108 in Regulation Gazette No. 980 of 21 June 1968, as amended from time to time, read with the necessary changes.

[28] APPEAL

- [1] A person whose rights are affected by a decision of an official may appeal against that decision by giving written notice of the appeal and reasons to the Community Safety Assistant Manager within seven (7) days of the date of the notification of the decision of the official.

[2] Assistant Managers Reduction Procedure

The procedure to reduce pound fees by Assistant Manager: Community Safety is as follows: consideration to reduce pound fees must only be done for pound fees exceeding R3500.00. Reduction of pound fees may not be reduced lower than R3500.00 in any given instance.

- a) for pensioners receiving government grant, pound fees reduction shall be limited to 30% of the pound fee charged. A pensioner must fill the standard form to request pound fees reduction, attach stock card copy, certificate of ownership from Department of Agriculture, a letter from the local chief proving ownership of the impounded animal/s, certified copy of pension grant card, certified ID copy.
- b) for other people who are not pensioners, pound fees reduction shall be limited to 20% of the pound fee charged. Standard form to request pound fees reduction must be filled, attach stock card or certificate of ownership from Department of Agriculture, a letter from the local chief proving ownership of the impounded animal/s and that the individual person is unemployed, certified ID copy.

[3] When the appeal is against a decision taken by —

- [a] the Community Safety Assistant Manager, the Municipal Manager is the appeal authority;
- [b] When not satisfied by the decision of the Municipal Manager, the Executive Committee is the appeal authority; or
- [c] if the decision of the executive committee is not satisfying, the Council is the appeal authority and is the final authority.

[4] The final appeal authority must commence with an appeal within twenty one (21) days and decide the appeal within a reasonable time.

[5] The appeal authorities must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decisions.

[6] That appeal can only be considered once within three (3) months period

[29] OFFENCES AND PENALTIES

[1] A person is guilty of an offence who contravenes any provision of these by-laws or unlawfully —

- [a] releases an animal that was lawfully seized for the purpose of being impounded or which has been lawfully impounded;
- [b] seizes an animal for the purpose of impounding it;
- [c] impounds an animal;
- [d] makes a false entry in the pound register;
- [e] destroys or erases any previous entry in the pound register;
- [f] delivers a false copy or extract from the pound register to any person;
- [g] hinders or interferes with an authorized official in the execution of his duties in terms of these by-laws;
- [h] falsely professes to be an authorized official;
- [i] furnishes false or misleading information when complying with a request of an authorized official; or
- [j] fails to comply with a request of an authorized official.

- [a]** A person convicted of an offence under these by-laws is liable —
- [a]** to a fine, or to imprisonment for a period not exceeding one year; and
- [b]** in the case of a continuing offence —
- [i]** to an additional fine; or
- [ii]** to an additional period of imprisonment of 10 days; or
- [iii]** to such additional imprisonment without the option of a fine; or
- [iv]** to both such additional fine and imprisonment for each day on which such offence is continued; and
- [v]** to a further amount equal to any costs and expenses found by the court to have been incurred by the Municipality as a result of such contravention or failure.

[30] REPEAL OF BY-LAW

- [1]** Any by-law adopted by the Municipality or a municipality now forming an administrative unit of the Municipality and relating to any matter regulated by these by-laws are, from date of promulgation of these by-laws, hereby repealed.
- [2]** Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, is deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision [if any] of these by-laws, as the case may be.

Duty of care for animals

- 1) The owner of an animal must exercise care and control over his or her animal so as to avoid damage and potential danger to another person's property
- 2) The owner of an animal is responsible for the damage caused by the animal and expenses associated with the impounding of the animal.
- 3) Where there is a dispute with regard to the damages or any other matter, such disputes must be directed to the Council for resolution.
- 4) It is encouraged that the owner of the animals should brand their cattle for easily identification

[31] The impoundment of animals in rural areas

The impoundment of animals in Rural Areas should be administered by Traditional Leaders in their respective areas, but when the request is made for the municipality to assist in terms of taking some of the livestock that should be done as requested and the livestock will be administered as per municipal by Law.

[32] SCHEDULES 1 AND 2 FORM PART OF THESE BY-LAWS

Schedules 1 and 2 to these by-laws form part thereof for all purposes.

SCHEDULE 1

CODE OF GOOD PRACTICE ON THE HANDLING AND TRANSPORTATION OF IMPOUNDED ANIMALS

PART I: PADDOCK REQUIREMENTS

- [1]** Different species of animals must be kept in separate paddocks.

- [2] Animals may not be penned in overcrowded paddocks and penning space provided for in each paddock must be sufficient to permit all animals to lie down at the same time and must not be less than 1, 5 square metres of floor area for each animal.
- [3] Fractious animals may not be kept with other animals.
- [4] Young, weaned juvenile animals may not be penned with adult animals, except in the case of mother and offspring.
- [5] Provision must be made in paddocks for -
 - [a] facilities such as racks, mangers or other suitable feed containers that are easy to clean, which will allow the feeding of an animal off the floor and which can be serviced without disturbing the animals;
 - [b] water troughs with an adequate supply of suitable fresh water at all times;
 - [c] sufficient facilities for the adequate cleaning of paddocks; and
 - [d] facilities for the safe handling of animals.
- [6] The paddocks must at all times be maintained in a good state of repair.
- [7] Sharp points such as wire ends, broken boards, jagged ends or protruding hinges or bolts, which could cause injury to animals, must be removed or otherwise suitably covered.
- [8] The floor of the entire paddock, including the off-loading banks, races and passages, must be so constructed as to provide adequate non-slip surfaces that can be efficiently and suitably cleaned and kept dry and in a condition fit for the holding of animals.

PART II: HANDLING OF ANIMALS

- [1] Animals must at all times be handled humanely and with patience and tolerance.
- [2] The following must be observed when handling animals -
 - [a] animals respond more readily to being driven when the driver stands behind the animal but within its field of vision; and
 - [b] herd animals respond more readily to being driven when in a group rather than singly.
- [3] Animals may not be dragged by their legs or carried by their head, ears or tail.
- [4] Young calves must be carried if they cannot walk with ease, by lifting the calf around the chest and hindquarters, alternatively they must be guided with one hand on the hindquarters and the other near shoulder or neck and walked in the required direction at an appropriate and comfortable pace.
- [5] Only sticks with canvas or belting flaps may be used when driving animals and it is preferable to strike the ground behind the animal rather than to hit the animal.
- [6] Electric prodders, sticks or goads may not be used on young calves.
Electric prodders may not be used excessively or indiscriminately or applied to the face, anal or genital areas of animals.

PART III: MOVEMENT OF ANIMALS

- [1] Animals driven on the hoof must at all times be under proper and competent supervision.
- [2] Animals on the hoof must be driven in a calm manner at a gait that is relaxed and comfortable, natural to that animal and not faster than the pace of the slowest animal.
- [3] Animals may not be driven for periods in excess of 10 hours without being given rest of at least one hour and provided with sufficient suitable fresh water that is available to all the animals.
- [4] No animal on the hoof may be moved in excess of the following distances —

- [a] during a journey of not more than one day's duration -
 - [i] 20 kilometres for sheep and goats; and
 - [ii] 30 kilometres for cattle; and
- [b] during a journey of more than one day's duration -
 - [i] 20 kilometres during the first day and 15 kilometres during each subsequent day for sheep and goats; and
 - [ii] 25 kilometres during the first day and 20 kilometres during each subsequent day for cattle.
- [5] Animals must be watered and fed immediately on reaching their night camp or final destination, with sufficient food of a quality and of a type compatible with the species.
- [6] Animals may not be moved in the dark.
No sick, injured or disabled animal may be moved on the hoof.

PART IV: VEHICLES USED IN TRANSPORTING ANIMALS

- [1] Vehicles and all trailers used in the transport of hooved animals must be suitable for the transport of such animals and in a roadworthy condition.
- [2] All vehicles and trailers referred to in item 1 must have —
 - [a] a suitable non-slip floor which may not impede the cleaning of the floor of the vehicle, with hinged or removable battens or steel grids being permissible;
 - [b] adequate ventilation and light whilst in motion as well as when stationary, with no vehicle being totally enclosed;
 - [c] adequate protection from exhaust gasses, as exposure fumes could interfere with the respiration of the animal or cause distress;
 - [d] sidewalls high enough to prevent animals from escaping or falling out of the vehicle; provided that —
 - [i] the sides and partitions, when used in a vehicle to separate animals carried therein, must be of a height not lower than the shoulder joint of the largest animal being transported;
 - [ii] in the case of cattle other than calves, the minimum height must be 1 800 millimetres; and
 - [iii] the minimum height must be 750 millimetres in the case of any smaller animals;
 - [e] in multi-tier vehicles, heights between decks must be adequate, and in case of sheep and pigs not less than 1 000 millimetres, to enable the larger animals to stand naturally, freely and fully erect and to allow adequate space for the free flow of air above the animals;
 - [f] floors that are solid and impervious;
- [g] loading and off-loading openings at the rear of the vehicle that are the full width of the vehicle or, if at the sides, a width not less than 2 400 millimetres; and
- [h] gates, with or without partitions

of a design and construction strong enough and suitable for the conveyance of the intended consignment; and that open and close freely and are able to be well-secured.

- [3] The density of animals packed into any given space must be such as to ensure the safety and comfort of the animals during transport and the recommended floor space per animal is —

- [a] 1,4 square metres per large animal; and
- [b] 0,5 square metres per small animal.

PART V: WATERING AND FEEDING OF LIVE ANIMALS PRIOR TO LOADING

- [1] Animals must be provided with sufficient and suitable food and fresh water until the commencement of the journey.

PART VI: LOADING AND OFF-LOADING PROCEDURE

- [1] Loading and off-loading into or out of a vehicle must be accomplished as quietly and calmly as possible, with patience and tolerance and without undue harassment, terrifying of the animals, bruising, injury, suffering or undue stress.
- [2] No animal may be loaded or off-loaded by lifting by the head, fleece, skin, ears, tails, horns or legs.
- [3] No animals may be loaded or off-loaded otherwise than —
 - [a] by means of a ramp with a non-slip surface, sturdy enough to support the weight of the species of animals being handled, with side panels or bars adequate to prevent animals escaping or falling off the ramp and of an incline not steeper than 25 degrees; or
 - [b] at a loading bank equal to the height of the floor of the vehicle or, at off-loading, not more than 310 millimetres below the level of the off-loading vehicle and with an incline not exceeding 25 degrees.
- [4] Where a truck is equipped with an on board removable loading ramp, it must have a nonslip surface and be of a sufficient length when lowered, that the inclination is no steeper than the inclines referred to in item 28, with the distance from the ground to the heel of the ramp not exceeding 120 millimetres.
- [5] Ramps must be correctly adjusted to the exact height of the vehicle's floor.
- [6] Journeys must commence as soon as possible after the live animals have been loaded and the animals must be promptly off-loaded upon arrival at the destination.
- [7] Unless adequate provision has been made for effective separation, different species of animals may not be loaded and transported in the same vehicle.
- [8] Animals of different ages, sizes and sexes may not be loaded and transported in the same vehicle unless adequate provision has been made for the effective separation of such animals.
- [9] Adult horned cattle may not be transported with polled cattle and they must also be penned separately.
- [10] When there is reason to believe that an animal is likely to give birth in the course of a proposed journey, the animal may not be loaded onto a vehicle.
- [11] In the case of an animal giving birth during transport, the necessary measures must be taken to ensure the protection of the mother and offspring from being trampled or otherwise injured or harassed by other animals.
- [12] In the event of —

- [a] a breakdown of the transport vehicle;
- [b] an accident or collision in which the transport vehicle is involved; or
- [c] injury to, or death of, any animal in transit, the carrier must immediately report the details to, and request assistance from —
 - [i] in the case of paragraph [a], a breakdown service;
 - [ii] in the case of paragraph [b], the South African Police and the traffic authorities; or
 - [iii] in the case of paragraph [c], a veterinarian.

PART VII: RESTRAINING OF ANIMALS DURING TRANSPORTATION

Where the transport of any animal may cause injury to itself or any other animal, it must be restrained in such a manner as to prevent such injury.

No animals may be kept in restraint for more than 4 hours in any 24-hour period. No wire or bailing twine may be used for tying the animal's legs or feet.

To avoid strangulation or neck-break, a slipknot may not be used where animals are secured to the vehicle by horns or neck, and the rope must be attached to the vehicle at the level of the animal's knees so that in the event of the animal falling, the possibility of serious injury or death is reduced, with the rope being long enough to allow the animal to lie comfortably in a natural position with its head upright.

SCHEDULE 1

POUND REGISTER INFORMATION

A pound register must, at least, contain the following information:

- [1] Name of pound
- [2] Date of receipt of animal
- [3] Number and description of animals
- [4] Brands or markings on animal
- [5] Ear tag number assigned by the pound keeper
- [6] Name and address of person who seized the animal
- [7] Name and address of person who delivered the animal to the pound
- [8] Name and address of owner of land
- [9] Name and address of owner of animal
- [10] Name and address or description of place where animal was found
- [11] Distance from location where animal was seized to pound
- [12] Particulars of damage caused by the animal
- [13] Transport fees payable
- [14] Details of destruction or disposal of animal
- [15] Cause of death or injury of impounded animal
- [16] Description and amount of pound fees

- [17] Damages awarded by Court
- [18] Date of release of animal
- [19] Date of sale of animal
- [20] Proceeds of sale of animal
- [21] Name and address of purchaser
- [22] Excess amount [if any] paid to owner or municipality
- [23] Receipt number
- [24] Details of Order of Court with regard to animal not sold in execution.

LOCAL AUTHORITY NOTICE 151 OF 2021

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UMZIMVUBU LOCAL MUNICIPALITY

STANDARD BY-LAWS RELATING TO NOISE CONTROL

UMZIMVUBU LOCAL MUNICIPALITY

UPHULISO KUMNTU WONKE

Vision 2030



Noise Control By laws

The Municipal Manager wishes to publish in terms of sec 13 of Local Government: Municipal Systems Act 32 of 2000 read with section 162 of the Constitution of the Republic of South Africa 108 of 1996, the By laws relating to Noise Control will come into operation once they have been adopted, approved by the Council and are published in the Eastern Cape Provincial Gazette.

PREAMBLE

WHEREAS the Council of the Municipality with the Legislative Power in terms of the Constitution of the Republic of South Africa 108 of 1996 and **WHEREAS** the Council of the Municipality in the execution of its functions has the right to control noise in the Municipal Area for the benefit of the Citizens or Visitors of the Municipality, therefore be it promulgated by the Council as follows;

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1. Definitions

In these by laws any word or expression to which a meaning has been assigned in the Regulations of the Act shall have the same meaning so assigned to it and unless the context otherwise indicates.

REGULATIONS shall mean the Noise Control Regulations in terms of section 25 of the ENVIRONMENT CONSERVATION ACT 73 OF 1989.

The Act means the Environment Conservation Act, 1989 (Act No 73 of 1989)

Authorized official means:

- (a) An official who has been authorized by the Council to administer, implement and enforce the provisions of these by laws.
- (b) A peace officer contemplated in section 334 of the Criminal Procedure Act 51 of 1977.

Ambient sound level means the reading on an integrating impulse sound level meter taken at a measuring point in the absence of any alleged disturbing noise at the end of a total period of at least 10 minutes, after such meter has been put into operation;

Animal also include bovine, birds and poultry;

Controlled area means a piece of land designated by a local authority where, in the case of-

- (a) Road transport noise in the vicinity of a road-
 - (i) The reading on an integrating impulse sound level meter, taken outdoors at the end of a period extending from 06:00 to 24:00 while such meter is in operation, exceeds 65 Dba; or
 - (ii) The equivalent continuous W- weighted sound pressure level at a height of at least 1.2 meters but not more than 1.4 meters, above the ground for a period extending from 06:00 to 24:00 as calculated in accordance with SABS 0210 -1986, titled 'Code of Practice for calculating and predicting road traffic noise published under Government Notice NO 358 OF 20 February 1987 and projected for a period of 15 years following the date on which the Local Authority has made such designation, exceeds 65 Dba;
- (b) Aircraft noise in the vicinity of airfield , the calculated noisiness index, projected for a period of 15 years following the date on which the Local Authority has made such designation, exceeds 65 Dba or;
- (c) Industrial noise in the vicinity of an industry-
 - (i) The reading on an integrating impulse sound level meter, taken outdoors at the end of a period of 24 hours whilst such meter is in operation, exceeds 61 Dba;
Or
 - (ii) The calculated outdoor equivalent continuous W-weighted sound pressure level at height of at least 1.2 meters, but not more than 1.4 meters, above the ground for a period of 24 hours, exceeds 61 Dba;

Dba means the value of the sound pressure level in decibels, determined using a frequency weighting network.

Disturbing noise means a noise level which exceeds the zone sound level or, if no zone sound level has been designated, a noise level which exceeds the ambient sound level at the same measuring point by 7 Dba or more;

Erect means alter, convert, extend or re-elect;

Integrating impulse sound meter means a device which integrates a function of the root mean square value of sound pressure over a period of time while it is set on L- time weighting and indicates the result in Dba;

Measuring point, relating to-

- (a) **A piece of land from which an alleged disturbing noise emanates**, means a point outside the property projection plane where an alleged disturbing noise, in the opinion of a local authority shall be measured in accordance with the provisions of section 6;
- (b) **A building with more than one occupant**, means a point in or outside the building where an alleged disturbing noise, in the opinion of local authority, shall be measured in accordance with the provisions of regulation 6 and
- (c) **A stationary vehicle** means a point as described in SABS 0181-1981, titled Code of Practice for the measurement of noise emitted by road vehicles when stationary published under General Notice 463 of 9 July 1982 where a measuring microphone shall be placed;

Noise Level means the reading on an integrating impulse sound level meter taken at a measuring point in the presence of any alleged disturbing noise at the end of a total period of at least 10minutes after such meter had been put into operation, and if the alleged disturbing noise has a discernible pitch, to which 5 Dba has been added;

Noise Nuisance means any sound which disturbs or impairs or may disturb or impair the convenience or peace of any person;

Noisiness Index means a number expressed in DbA defined in SABS 0117-1974, titled: Code of Practice for the determination and limitation of disturbance around an aerodrome due to noise from aeroplanes published under Government Notice 151 of February 1985;

Plant means refrigeration machine, air conditioners, fan system, compressor, power generator or pump;

Property projection plane means a vertical plane on, and including the boundary line of a piece of land defining the boundaries of such piece of land in space;

Recreational Vehicle also means-

- (a) An off-road vehicle, scrambler, dune buggy or ultra- light aircraft;
- (b) A model aircraft, vessel or vehicle;
- (c) An aircraft or helicopter used for sport or recreational purposes; or
- (d) Any other conveyance or model which in the opinion of a local authority is a recreational vehicle;

Sound level means the reading on a sound level meter taken at a measuring point.

Sound level meter means a device measuring sound pressure while it is set on W- time weighting and indicates the result in DbA;

Zone Sound Level means a derived DbA value determined indirectly by means of a series of measurements, calculations or table readings and designated by local authority for an area.

2. Application of these by laws

1. These by laws are applicable on fixed objects, buildings and or mobile instruments including vehicles where there are allegations about noise disturbance.
2. A local authority may;
 - (a) For the purpose of applying and enforcing these by laws, at any reasonable time enter any premises without prior notice;
 - (i) To conduct any appropriate examination, enquiry or inspection as it may deem expedient thereon, and
 - (ii) To take any steps it may deem necessary;
 - (b) In order to determine whether a vehicle using any road in the area of jurisdiction of the local authority, including a private, provincial or national road crossing its area of jurisdiction, complies with the provisions of these by laws, command the owner or person in control of the vehicle-
 - (i) To have any appropriate inspection or test as such authority may deem necessary conducted on the vehicle on a date and at a time and place determined by the local authority in writing;
 - (ii) To stop the vehicle or cause it to be stopped
 - (iii) To have any appropriate inspection or test as such authority may deem necessary conducted on the vehicle.
 - (c) If a noise emanating from a building, premises, vehicle, recreational vehicle or street is a disturbing noise or noise nuisance, or may in the opinion of the local authority concerned be a disturbing noise or noise nuisance, instruct the person causing such noise or who is responsible therefor, or the owner or occupant of such of such building or premises from which or from

where such noise emanates or may emanate, or all such persons, to discontinue or caused to be discontinued such noise, or to take steps to lower the level of the noise to a level conforming to the requirements of these by laws within the period stipulated in the instruction: Provided that the provisions of this paragraph shall not apply in respect of a disturbing noise or noise nuisance caused by rail vehicles or aircraft which are not used as recreational vehicles.

- (d) Before changes are made to existing facilities or existing uses of land or buildings, or before new buildings are erected, in writing require that noise impact assessments or tests are conducted to the satisfaction of that local authority by the owner, developer, tenant or occupant of the facilities, land or buildings, or that, for the purposes of these bylaws, reports or certificates in relation to the noise impact to the satisfaction of that local authority are submitted by the owner, developer, tenant or occupant to the local authority on written demand.
- (e) If excavation work, earthmoving work, pumping work, drilling, construction or demolition work or any similar activity, power generation or music causes a noise nuisance or a disturbing noise, instruct in writing that such work, activity, generation or music be discontinued until such conditions as the local authority may deem necessary have been complied with ;
- (f) Designate a controlled area in its area of jurisdiction or amend or cancel an existing controlled area by notice in the Official Gazette concerned;
- (g) If the owner or person in charge of an animal fails to comply with an instruction referred to in paragraph (c) subject to the relevant provisions of any other law, impound or caused to be impounded such animal;
- (h) Subject to the provisions of section 7 and the appropriate provisions of any other law, attach a vehicle if the sound level of such vehicle exceeds the sound level referred to in section 3 (j) by more than 5Dba;
- (i) In writing request the owner or the person in control of a plant referred to in section 3 (k) to furnish proof to its satisfaction that the plant shall not cause a disturbing noise;
- (j) Impose such conditions as it may deem fit when granting any permission or exemption in terms of these bylaws;
- (k) Incorporate conditions in relation to noise control with the establishment of a new township, in order to implement the objectives of the Act.
- (l) Subject to the appropriate provisions of any other law, place or cause to be placed measuring instruments or similar devices, road traffic signs or notices at any place within its area of jurisdiction for the enforcement of the provisions of these by laws: Provided that road traffic signs and notices be placed on private property only with the permission of the owner;
- (m) Designate zone sound levels for specific areas and for specific times by notice in the Official Gazette concerned.

3. Powers of Local Authority

- (1) A Local Authority may-
 - (a) For the purpose of applying these by laws at any reasonable time enter a premises without prior notice-
 - (i) To conduct any appropriate examination, enquiry or inspection as it may deem expedient thereon; and
 - (ii) To take any steps it may deem necessary;
 - (b) In order to determine whether vehicle using any road in the area of jurisdiction of that local authority , including a private, provincial, national road crossing its area of jurisdiction, complies with the provisions of these by laws, instruct the owner or person in control of the vehicle-
 - (i) To have any appropriate inspection or test as such authority may deem necessary conducted on the vehicle on a date and at a time and place determined by the local authority in writing;
 - (ii) To stop the vehicle or cause it to be stopped;

- (iii) To have any appropriate inspection or test as such authority may deem necessary conducted on the vehicle;
- (c) If a noise emanating from a building, premises, vehicle, recreational vehicle or street is a disturbing noise or noise nuisance, or may in the opinion of a local authority concerned be a disturbing noise or noise nuisance, instruct in writing the person causing such noise or who is responsible therefor, or the owner or occupant of such building or premises from which or from where such noise emanates or may emanate, or such persons, to discontinue or cause to be discontinued such noise, or to take steps to lower the level of the noise to a level conforming to the requirements of these by laws within the period stipulated in the instruction: Provided that the provisions of this paragraph shall not apply in respect of a disturbing noise or noise nuisance caused by rail vehicles or aircraft which are not used as recreational vehicles;
- (d) Before changes are made to existing facilities or existing uses of land or buildings, or before new buildings are erected, in writing require that noise impact assessments or test are conducted to the satisfaction of that local authority by the owner, developer, tenant or occupant of facilities, land or buildings or that for the purposes of regulation 3 (b) or (c), reports or certificates in relation to the noise impact to the satisfaction of that local authority are submitted by the owner, developer, tenant or occupant to the local authority on written demand.
- (e) If excavation work, earthmoving work, pumping work, drilling work, construction work or demolition work or any similar activity, power generation or music causes a noise nuisance or disturbing noise, instruct in writing that such work, activity, generation or music be forthwith discontinued until such conditions as the local authority may deem necessary have been complied with;
- (f) Designate a controlled area in its area of jurisdiction or amend or cancel an existing controlled area by notice in the Official Gazette concerned;
- (g) If the owner or person in charge of an animal fails to comply with an instruction referred to in paragraph (c) subject to the appropriate provisions of any other law, impound or cause to be impounded such animal;
- (h) Subject by more than 5DbA;
- (i) In writing request the owner or the person in control of a plant referred in the by-laws to furnish proof to its satisfaction that the plan shall not cause a disturbing noise;
- (j) Impose such conditions as it may deem fit when granting any permission or exemption in terms of these by laws;
- (k) Subject to the appropriate provisions of any other law, place or cause to be placed measuring instruments or similar devices, road traffic signs or notices at any place within its area of jurisdiction for the enforcement of provisions of these by laws: Provided that road traffic signs and notices be placed on private property only with the permission of the owner;
- (l) Designate zone sound levels for specific areas and for specific times by Notice in the Official Gazette concerned.

4. Prohibition of Noise Nuisance

- (1) No person shall-
 - (a) Cause a noise nuisance, or allow to be caused, by operating or play any radio, television set, drum, musical instrument, sound amplifier, loud speaker system or similar device producing or amplifying sound;
 - (b) Offer any article for sale by shouting or ringing a bell, in a manner which may cause a noise nuisance;
 - (c) Allow an animal owned or controlled by him to cause a noise nuisance;
 - (d) Build, repair, rebuild, modify, operate or test a vehicle, vessel or aircraft on residential premises, or allow it to be built, repaired, rebuilt, modified, operated or tested, if it may cause a noise nuisance;

- (e) Use or discharge any explosive, firearm or similar device which emits impulsive sound, or allow it to be used or discharged, if it may cause a noise nuisance, except with the prior consent in writing of the local authority concerned and subject to such conditions as the local authority may deem necessary;
- (f) On a piece of land designated by a local authority by means of a notice on that piece of land and in the press in both official languages, or in the air- space above that piece of land-
 - (i) Move
 - (ii) about on or in recreational vehicle
 - (iii) Exercise control over recreational vehicle; or
 - (iv) As owner or person in control of the piece of land concerned, allow that on that piece of land, or in the air space above that piece of land-
 - (aa) is being moved about on or in a recreational vehicle; or
 - (bb) control is being exercised over a recreational vehicle, if it may cause a noise nuisance;
- (g) Except in an emergency, emit a sound, or allow a sound to be emitted, by means of a bell, carillon, siren, hooter, static alarm, whistle, loudspeaker or similar device, if it may cause a noise nuisance
- (h) Operate any machinery, saw, sander, drill, grinder, lawnmower, power garden implement or similar device in a residential area, or allow it to be operated, if it may cause a noise nuisance;
- (i) Load, unload, open, shut or in any other way handle a crate, box, container, building material, rubbish container or similar article, or allow it to be loaded, unloaded, opened, shut or handled, if it may cause a noise nuisance;
- (j) Drive a vehicle on a public road in such a manner that it may cause a noise nuisance.

5. Use of measuring instruments

- (1) The measurement of DbA in respect of controlled areas, ambient sound levels or noise levels in terms of these by laws shall be done as follows:
 - (a) Outdoor measurements on a piece of land: By placing the microphone of an integrating impulse sound level meter at least 1.2 meters but not more than 1.4 meters, above the ground and at least 3.5 away from walls, buildings or other sound reflecting surfaces and;
 - (b) Indoor measurements in a room or enclosed space, which is not ventilated mechanically: placing the microphone of an integrating impulse sound level meter at least 1.2 meters but not more than 1.4 meters, above the floor and at least 1.2 meters away from the wall, with all the windows and outer doors of the room or enclosed space entirely open: Provided that the windows and doors are closed for indoor measurements rooms and enclosed space which are mechanically ventilated.
- (2) Any person taking readings shall ensure that-
 - (a) The microphone of an integrating impulse sound level meter is at all times provided with a windshield;
 - (b) The measuring instruments are operated strictly in accordance with the manufacturer's instructions and
 - (c) Sound measuring instruments are checked annually by the South African Bureau of Standards or a calibration laboratory approved by the minister in order to comply with the appropriate specifications for accuracy.

6. Exemptions

- (1) The provisions of these by laws shall not apply if-
 - (a) The emission of sound is for the purpose of warning people of a dangerous situation; or
 - (b) The emission of sound takes place during an emergency.
- (2) Any person may by means of a written application, in which the reasons are given in full, apply to Umzimvubu local municipality for exemption from any provisions of these by laws.
- (3) An exemption shall, if approved, be granted by a local authority in writing, and the conditions under which and the period for which such exemption is granted, shall be stipulated in such exemption.
- (4) An exemption shall not take effect before the applicant has undertaken in writing to comply with all conditions imposed by a local authority under subsection 3 above: Provided that if activities are commenced before such undertaking has been submitted to Umzimvubu local authority, the exemption shall lapse.
- (5) If any condition of exemption is not complied with, the exemption shall lapse forthwith.

7. Attachment

- (1) A vehicle attached under section 2(h) shall be kept in safe place by ULM.
- (2) ULM may lift the attachment contemplated in section 2(h) If the owner or person in control of the vehicle concerned has been instructed in writing by the municipality-
 - (a) To repair or to modify the vehicle concerned or cause it to be repaired or to be modified; and
 - (b) To have any inspection or test that the municipality deems necessary conducted on the vehicle on a date and at a time and place mentioned in the instruction.

8. Penalties

Any person who contravenes or fails to comply with provision of section 3,4 or 5 shall be guilty of an offence and liable on conviction to a fine not exceeding R20 000 or to an imprisonment for a period not exceeding two years, or both such fine and imprisonment, and, in the event of continuing contravention, to a fine not exceeding R250, or to imprisonment for a period not exceeding twenty days, or both such fine and imprisonment, for each day on which such contravention continues.

9. Commencement

These by laws shall come into operation once approved and promulgated.