



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

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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

GENERAL NOTICE 28 OF 2021



NOTICE OF PUBLIC HEARINGS

Notice is hereby given, in terms of section 21(4)(b) of the National Nuclear Regulator Act, Act No 47 of 1999 (The Act) for holding public hearings relating to the Nuclear Installation Site Licence (NISL) application received from Eskom Holdings SOC Limited for the Thyspunt site located in the Eastern Cape Province.

Background

The NISL application received by the National Nuclear Regulator (NNR) is limited to the evaluation of the suitability of the Thyspunt site for a new nuclear installation in accordance with the Regulation on Licencing of Sites for New Nuclear Power Plants issued in terms of the Act. The applicant is therefore not applying for a nuclear installation licence to construct and operate a nuclear installation.

Due to increasing concerns around the COVID-19 pandemic and in accordance with National Government regulations around this changing situation, the NNR will hold hybrid public hearings to enable in-person and virtual participation from stakeholders. The public hearings will be held over two days in different venues.

Details for the public hearings

Date: 25 August 2021

Venue: Cape St Francis Resort Conference Centre, St Francis Bay.

Time: 13:00 - 17:00

Date: 26 August 2021

Venue: Mentors Conference Venue, Jeffreys Bay.

Time: 13:00 - 17:00

To note: The virtual participation link will be sent to registered parties closer to the day of the public hearings. There will also be a live broadcast of the public hearings. The link to view the live broadcast will be available on the NNR website a day before the hearings.

Availability of public information for the Thyspunt NISL

The applicant Eskom (Pty) SOC has prepared a Public Information Document (PID) to enable public to participate in the public hearing.

1. The PID may be downloaded from -

- a. The NNR website –
 - English: <https://nnr.co.za/wp-content/uploads/2021/06/English-Nuclear-Installation-Site-Licence-Public-Information-Documents.pdf>
 - Afrikaans: <https://nnr.co.za/wp-content/uploads/2021/06/Afrikaans-Nuclear-Installation-Site-Licence-Public-Information-Documents.pdf>
 - isiXhosa: <https://nnr.co.za/wp-content/uploads/2021/06/isiXhosa-Nuclear-Installation-Site-Licence-Public-Information-Documents.pdf>
- b. The Eskom website – <https://www.eskom.co.za/Whatweredoing/ElectricityGeneration/NuclearSiteLicense/>

2. Hardcopies of the PID may be collected from the respective Kouga Public Libraries.

Who can make representations at the public hearings?

Any person who may be directly affected by the granting of the NISL may make representations relating to health, safety and the environment.

How to participate in this public hearings?

Persons wishing to make representations to the NNR may –

1. Submit written comments to the NNR.
 - a. Submission of written comments must reach the NNR by no later than 31 July 2021.
 - b. All written comments must be addressed to –

Mr Gino Moonsamy
Manager Communication & Stakeholder Relations
National Nuclear Regulator
P.O. Box 7106
Centurion
0046.
 - c. Copies of written representations may also be hand delivered to the offices of the National Nuclear Regulator -
Block G, Eco Glades Office Park 2, 420 Witch Hazel Avenue,
Highveld Ext 75, Eco Park, Centurion, 0157.
 - d. Written representations may also be emailed to - NISLPublichearings@nnr.co.za and marked for the attention: Manager Communication and Stakeholder Relations.
2. Oral presentations at the public hearing.
 - a. Persons wishing to make oral presentations at the public hearing are required to register with the NNR as an intervener and provide details of the oral submission to be made.
 - b. Oral presentations are limited to a maximum of 10 minutes per presentation.
 - c. Application to register as an intervener must be done using the online Public Hearings Registration Form which can be found on the NNR website and the following details must be provided -
 - i. Full Name
 - ii. Identity/passport Number
 - iii. Organisation represented
 - iv. Postal address
 - v. E-mail address
 - vi. Contact telephone number (landline + mobile)
 - d. Indicate if the oral presentations will be made in-person at a venue or via the virtual platform.
 - e. Indicate if the oral presentation will be made in English or if a translator is required.
 - f. Inform us if you have any special needs requirements that could make it difficult for you to access the public hearing venue or participate using the virtual option.
 - g. The web link to register for the public hearings is: <https://nnr.co.za/?p=3398>
 - h. Closing date for registration as an intervener is **31 July 2021**.
 - i. No late registrations will be considered.
 - j. Registered interveners will be informed by the NNR, no later than **15 August 2021** of the confirmed time for their oral presentations during the public hearing.
 - k. For more information on the scheduled public hearings visit: <https://nnr.co.za/public-hearings-2/>

The NNR reserves the right to postpone or cancel a public hearing in case of unexpected circumstances or due to public health and safety concerns associated with the COVID-19 pandemic. If the external environment is unsuitable for in-person participation, the NNR may decide on alternative methods for soliciting participation such as holding virtual public hearings.

ALGEMENE KENNISGEWING 28 VAN 2021



KENNISGEWING VAN OPENBARE VERHOOR

Kennis geskied hiermee ingevolge artikel 21 (4) (b) van die Wet op die Nasionale Kernreguleerder, Wet No. 47 van 1999 (die Wet) vir die hou van openbare verhore rakende die aansoek om lisensie (Kern Installasie Perseel Lisensie), ontvang van Eskom Holdings SOC Beperk vir die Thyspunt-perseel in die Oos-Kaap.

Agtergrond

Die KIPL-aansoek wat deur die Nasionale Kernreguleerder (NKR) ontvang is, is beperk tot die geskiktheid van die Thyspunt-terrein vir 'n nuwe kerninstallasie, ooreenkomstig die regulasie vir die lisensiering van terreine vir nuwe kernkragaanlegte wat ingevolge die wet uitgereik is. Die aansoeker doen dus nie aansoek om 'n lisensie vir kerninstallasie om 'n kerninstallasie te bou en te bedryf nie.

As gevolg van toenemende besorgdheid oor die COVID-19-pandemie en in ooreenstemming met die nasionale regeringsvoorskrifte rakende hierdie veranderende situasie, sal die NKR gemengde openbare verhore hou om fisiese en virtuele deelname van belanghebbendes moontlik te maak. Die openbare verhore sal oor twee dae op verskillende plekke gehou word.

Besonderhede van die openbare verhore

Datum: 25 Augustus 2021

Plek: Cape St Francis Resort-konferensiesentrum, St Francisbaai.

Tyd: 13:00 - 17:00

Datum: 26 Augustus 2021

Plek: Mentors Conference Venue, Jeffreysbaai.

Tyd: 13:00 - 17:00

Let wel: Die skakel vir virtuele deelname sal aan geregistreerde partye gestuur word nader aan die dag van die openbare verhore. Daar sal ook 'n regstreekse uitsending van die openbare verhore wees. Die skakel ter besigtiging van die regstreekse uitsending sal 'n dag voor die verhoor beskikbaar wees op die NKR webwerf.

Beskikbaarheid van openbare inligting vir die Thyspunt KIPL

Die aansoeker Eskom (Edms.) SOC het 'n Openbare Inligtingsdokument (OID) opgestel om die publiek in staat te stel om aan die openbare verhoor deel te neem.

c. Die OID kan afgelaai word vanaf –

a. Die NKR-webwerf –

- Engels: <https://nnr.co.za/wp-content/uploads/2021/06/English-Nuclear-Installation-Site-Licence-Public-Information-Documents.pdf>
- Afrikaans: <https://nnr.co.za/wp-content/uploads/2021/06/Afrikaans-Nuclear-Installation-Site-Licence-Public-Information-Documents.pdf>
- isiXhosa: <https://nnr.co.za/wp-content/uploads/2021/06/isiXhosa-Nuclear-Installation-Site-Licence-Public-Information-Documents.pdf>

i. The Die Eskom-webwerf –

<https://www.eskom.co.za/Whatweredoing/ElectricityGeneration/NuclearSiteLicense/>

2. Hardekopieë van die OID kan afgehaal word by die Kouga Openbare Biblioteke

Wie kan vertoë rig by die openbare verhore?

Enige persoon wat direk deur die toekenning van die KIPL geraak kan word, kan vertoë rig met betrekking tot gesondheid, veiligheid en die omgewing.

Hoe om aan hierdie openbare verhore deel te neem?

Persone wat vertoë aan die NKR wil rig, kan -

1. Skriftelike kommentaar lever aan die NKR.

- a. Skriftelike kommentaar moet die NKR nie later as 31 Julie 2021 bereik nie.
- b. Alle skriftelike kommentaar moet gerig word aan –

Mnr Gino Moonsamy

Bestuurder: Kommunikasie en Belanghebbendes

Nasionale Kernreguleerder

Posbus 7106

Centurion

0046.

c. Afskrifte van skriftelike vertoë kan ook per hand by die kantore van die Nasionale Kernreguleerder afgelewer word -

Blok G, Eco Glades Office Park 2, Witch Hazel Avenue 420, Highveld Ext 75, Eco Park, Centurion, 0157.

d. Skriftelike vertoë kan ook per e-pos gestuur word aan -

NISLPublichearings@nnr.co.za en gemerk word vir die aandaag:

Bestuurder: Kommunikasie en Belanghebbendes.

2. Mondelinge aanbiedinge tydens die openbare verhoor.

- a. Persone wat mondelings tydens die openbare verhoor wil aanbied, moet as 'n tussenganger by die NKR registreer en besonderhede verskaf oor die mondelinge voorlegging.
- b. Mondelinge aanbiedings is beperk tot maksimum van 10 minute per aanbieding.
- c. Aansoeke om as tussenganger te registreer, moet gedoen word met behulp van die aanlyn-registrasievorm vir openbare verhore wat op die NKR-webwerf gevind kan word en die volgende besonderhede moet verstrek word-

- a) Volle naam
- b) Identiteit / paspoortnommer
- c) Organisasie wat u verteenwoordig
- d) Posadres
- e) E-pos adres
- f) Kontak telefoonnommer (landlyn + selfoon)

d. Dui aan of die mondelinge aanbiedings in persoon by die lokaal, of via die virtuele platform gehou sal word.

e. Dui aan of die mondelinge aanbieding in Engels aangebied sal word of dat 'n vertaler/tolk benodig word.

f. Stel ons in kennis indien u spesiale behoeftes het wat dit vir u moeilik kan maak om toegang tot die openbare verhoorlokaal te kry of deel te neem aan die hand van die virtuele opsie.

g. Die webskakel om vir openbare verhore te registreer is::

<https://nnr.co.za/?p=3398>

h. Sluitingsdatum vir registrasie as tussenganger is **31 Julie 2021**.

i. Geen laat registrasies sal oorweeg word nie.

j. Geregistreerde tussengangers sal nie later as **15 Augustus 2021** deur die NKR in kennis gestel word van die bevestigde tyd vir hul mondelinge voorleggings tydens die openbare verhoor nie.

k. Vir meer inligting oor die geskeduleerde openbare verhore, besoek:

<https://nnr.co.za/public-hearings-2/>

Vrywaring: Die NKR behou die reg voor om 'n openbare verhoor uit te stel of te kanselleer in geval van onverwagse omstandighede of as gevolg van kommer oor die openbare gesondheid en veiligheid wat verband hou met die COVID-19-pandemie. As die eksterne omgewing ongeskik is vir persoonlike deelname, kan die NKR besluit oor alternatiewe metodes om deelname aan te vra, soos om virtuele openbare verhore te hou.



ISAZISO SOVAKALISO-ZIMVO ZOLUNTU ESIDLANGALENI

Ngokwenjenje kukhutshwa isaziso, ngokwecandelo lama-21 (4) (b) loMthetho weSizwe woMlawuli weNyukliya, uMthetho onguNomb. 47 ka-1999 (UmThetho) wokubamba iindibano zovakaliso-zimvo ezinxulumene nesicelo seLayisensi yokuFakelwa kweNyukliya (i-NISL) esifunyenwe ku-Eskom Holdings SOC Limited yesiza saseThyspunt esiseMpuma Koloni.

Imvelaphi

Isicelo se-NISL esifunyenwe nguMlawuli weSizwe weNyukliya (i-NNR) silinganiselwe kuvavanyo lokufaneleka kwesiza saseThyspunt kufakelo olutsha lwenyukliya ngokungqinelana noMmiselo wokuLayiseniswa kweziza zaMandla aMatsha eNyukliya aKhutshwe ngokoMthetho. Umfaki-sicelo akafaki sicelo sephepha-mvume lofakelo lwenyukliya ekwakheni nasekusebenziseni ufakelo lwenyukliya.

Ngenxa yokwanda kwenkxalabo ejikeleze ubhubhane we-COVID-19 kunye nokuhambelana nemigaqo kaRhulumente kaZwelonke malunga nale meko itshintshayo, i-NNR iya kubamba iindibano zovakaliso-zimvo zoluntu oluxubileyo (ubukho ngeziqo nangobuxhakaxhaka bale mihla) ukwenza ukuba abantu bathathe inxaxheba. Iindibano zoluntu ziya kubanjwa iintsuku ezimbini kwindawo ezahlukeneyo.

Iinkcukacha zovakaliso-zimvo zoluntu

Umhla: 25 kweyeThupha (Agasti) 2021
Indawo: ICape St Francis Resort Centre, eSt Francis Bay.
Ixesha: 13:00 - 17:00

Umhla: 26 kweyeThupha (Agasti) 2021
Indawo: Kwindawo yase Mentors Conference, eJeffreys Bay
Ixesha: 13:00 - 17:00

Qaphela: Unxibelelwano lokuthatha inxaxheba ngobuxhakaxhaka bale mihla luya kuthunyelwa kumaqela abhalisiweyo kufutshane nomhla wokumanyelwa kwezimvo zoluntu. Kuya kubakho usasazo ngqo lwezimvo zoluntu esidlangaleni. Ikhonkco lokujonga usasazo ngqo luya kufumaneka kwi-webhusayithi yeNNR kusuku olungaphambi kokumanyelwa kwezimvo.

Ukufumaneka kolwazi loluntu kwi-NISL yaseThyspunt

Umfaki-sicelo uEskom (Pty) SOC ulungiselele uxwebhu lolwazi loluntu (PID) ukwenza ukuba uluntu lukwazi ukuthatha inxaxheba kwindibano yoluntu.

1. I-PID inokukhutshelwa isuka kwi -**a. Webhusayithi yeNNR —**

- IsiNgesi: <https://nnr.co.za/wp-content/uploads/2021/06/English-Nuclear-Installation-Site-Licence-Public-Information-Documents.pdf>
- IsiBhulu: <https://nnr.co.za/wp-content/uploads/2021/06/Afrikaans-Nuclear-Installation-Site-Licence-Public-Information-Documents.pdf>
- IsiXhosa: <https://nnr.co.za/wp-content/uploads/2021/06/isiXhosa-Nuclear-Installation-Site-Licence-Public-Information-Documents.pdf>

b. I-webhusayithi kaEskom —

<https://www.eskom.co.za/Whatweredoing/ElectricityGeneration/NuclearSiteLicense/>

2. Iikopi ezingamaphepha zePID zinokuqokelelwa kumaThala eeNcwadi zoLuntu eKouga**Ngubani onokumelwa kumanyelo lwezimvo zoluntu?**

Nawuphi na umntu onokuchaphazeleka ngokuthe ngqo ngokunikwa kwe-NISL angenza izimvo malunga nempilo, ukhuseleko kunye nokusingqongileyo

Ungayithatha njani inxaxheba kumanyelo zimvo zikawonke-wonke?

Abantu abanqwenela ukuvakalisa izimvo zabo kwi-NNR banako -

1. Ngenisa izimvo ezibhaliweyo kwi NNR.

- a. Ukungeniswa kwezimvo ezibhaliweyo makufike kwi-NNR ungalulanga owe 31 kweyeKhala (Julayi) 2021.
- b. Zonke izimvo ezibhaliweyo mazibhekiswe-
UMnu Gino Moonsamy
UManejala wezoNxibelelwano kunye noBudlelwane babachaphazelekayo
UMlawuli weSizwe weNyukliya
P.O. Ibhekisi 7106
Centurion
0046.
- c. Iikopi zezinikezelo ezibhaliweyo nazo zingasiwa ngesandla kwii-ofisi zoMlawuli weSizwe weNyukliya -
Bhlokhi G, Eco Glades Office Park 2, 420 Witch Hazel Avenue,
Highveld Ext 75, Eco Park, Centurion, 0157.
- d. Izimvo ezibhaliweyo nazo zingathunyelwa nge-imeyile ku-
NISLPublichearings@nnr.co.za kwaye ziphawulwe ukuba ziqwalaselwe:
UManejala wezoNxibelelwano noBudlelwane babaChaphazelekayo.

2. Iintetho zomlomo kumanyelo zimvo zoluntu.

- k. Abantu abanqwenela ukwenza intetho yomlomo kuviwo lwezimvo zoluntu kufuneka babhalise kwi-NNR njengomlamli kwaye banikezele ngeenkukacha zokungeniswa ngomlomo ekufuneka kwenziwe.
- l. Inkcazo-ntetho yomlomo inqunyelwe kwimizuzu eli-10 ubuninzi ngentethonganye.
- m. Isicelo sokubhalisa njengomngeneleli kufuneka senziwe ngokusebenzisa uxwebhu loBhaliso lweeNkcazo zoLuntu kwi-Intanethi enokufumaneka kwi-webhusayithi yeNNR kwaye ezi nkukacha zilandelay kufuneka zinikezelwe -
i. Igama eliphelele
ii. Inombolo yesazisi / inombolo yokundwendwela
iii. Umbutho omelweyo
iv. Idilesi yeposi
v. Idilesi ye-imeyile
vi. Inombolo yomnxeba yokuqhagamshelana (ucingo lwasekhaya iselfowuni)
- d. Chaza ukuba ngaba iintetho zomlomo ziya kwenziwa buqu kwindawo okanye ngeqonga lobuxhakaxhaka bale mihla.
- e. Chaza ukuba ngaba iintetho yomlomo iya kwenziwa ngesiNgesi okanye kuya kufuneka umguquleli.
- f. Sazise ukuba unazo naziphi na iimfuno ezizodwa ezinokwenza kube nzima kuwe ukufikelela kwindawo yoluntu lokumamela okanye ukuthatha inxaxheba usebenzisa ubuxhakaxhaka bale mihla.
- g. Unxibelelwano lwe-webhu ukuze ubhalise kwiintlanganiso zoluntu zezi:
<https://nnr.co.za/?p=3398>
- h. Umhla wokuvalwa kobhaliso njengomngeneleli ngowama-31 kweyeKhala 2021.
- i. Akukho kubhaliswa kade kuya kuqwalaselwa
- j. Abangeneleli ababhalisiweyo baya kwaziswa yi-NNR, kungagqithanga nje umhla we-15 kweyeKhala(ku-Agasti) 2021 wexesha eliqinisekisiweyo lokunikezela ngomlomo ngexesha lokumanyelwa koluntu.
- k. Ngolwazi oluthe vetshe ngophando olucwangcisiweyo lokuvakalisa izimvo zoluntu ndwendwela: <https://nnr.co.za/public-hearings-2/>

Isikhanyeli: I-NNR inelungelo lokumisa elinye ixesha okanye ukurhoxisa ukuva izimvo zoluntu xa kunokwenzeka iimeko ezingalindelekanga okanye ngenxa yempilo yoluntu kunye neenkxalabo ezinxulumene nobhubhane we-COVID-19. Ukuba imeko-bume yangaphandle ayikulangela ukuthatha inxaxheba koluntu, i-NNR inokuthatha isigqibo ngeendlela ezizezinye zokucela ukuthatha inxaxheba njengokumamela izimvo zoluntu kusetyenziswa ubuxhakaxhaka bale mihla.

GENERAL NOTICE 29 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 9434, KWANOBUHLE, 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 A(1) in deed of Transfer No. T18655/2017 applicable to Erf 9434, Kwanobuhle, is hereby amended.

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

PROVINCIAL NOTICE 100 OF 2021



RESOLUTION ON LEVYING PROPERTY RATES IN TERMS OF SECTION 14 OF THE LOCAL GOVERNMENT: MUNICIPAL PROPERTY RATES ACT, 2004 AS AMENDED (ACT NO.29 of 2014).

RESOLUTION 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, 2014 as amended; that at its meeting of 28/05/2021, the Council resolved by way of council resolution to levy the rates on property reflected in the schedule below with effect from 01 July 2021.

Categories	Cent amount in Rand rate determined for relevant property category
Residential property	0,0100
Domestic Vacant	0,0100
Business	0,0120
Business Vacant	0,0120
Government	0,0289
Government Vacant	0,0289
Vacant	0,0100
Agricultural property	0,0026

Full details of the Council resolution and rebates, reductions 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 is available for inspection on the municipality's offices, website (www.ntabankulu.gov.za) and all public libraries.

L. NONYONGO

MUNICIPAL MANAGER

NTABANKULU LOCAL MUNICIPALITY, ERF 85 MAIN STREET, NTABANKULU, 5130. TEL: 039 258 2400

PROVINCIAL NOTICE 101 OF 2021**FINAL NOTICE OF CLOSURE:****King Sabata Dalindyebo Municipality (Eastern Cape)****CLOSURE OF PUBLIC ROAD PICKEN DRIVE ADJOINING ERVEN 6983 -7005 AND 7076,7090 & 7060 AND MZAMBA ROAD ADJOINING ERVEN 7006 – 7034 AND 7048-7059.**

In terms of the Spatial Planning and Land Use Management Act 16 of 2013 (SPLUMA), read with the relevant sections of the King Sabata Dalindyebo Municipality Spatial Planning and Land Use Management By-law and section 37(2) of the Land Survey Act 8 of 1997, for the amendment of the subdivision, closure, consolidation and rezoning of erven RE/6441, 6917-6919, 6982-7059, 7062-7072, 7075-7089, 7091-7117, 7197-7208 AND 7216 Mthatha.

Ref: 13/3/024/1/10 p 77

Mr N Pakade

Municipal Manager

PROVINCIAL NOTICE 102 OF 2021
PROVINCE OF THE EASTERN CAPE

PROVINCIAL NOTICE

OFFICE OF THE PREMIER

**EASTERN CAPE SOCIO ECONOMIC CONSULTATIVE COUNCIL BILL,
2021 (EASTERN CAPE)**

The above mentioned Bill is hereby published for public comment in terms of Rule 147 of the Standing Rules of the Legislature.

Members of the public are invited to submit written comments within 14 days from the date of publication hereof.

The comments must be submitted to –

The Director General
Office of the Premier
Private Bag X 0047
Bhisho
5604

For the attention of: Ms M. Koert

Email: Melanie.koert@ecotp.gov.za alternatively,

Email: Tammy.flanagn@ecotp.gov.za

PROVINCE OF THE EASTERN CAPE

OFFICE OF THE PREMIER

EASTERN CAPE SOCIO ECONOMIC CONSULTATIVE COUNCIL BILL, 2021

AS INTRODUCED

(BY THE PREMIER OF THE PROVINCE OF THE EASTERN CAPE)

BILL

To provide for the establishment of the Eastern Cape Socio Economic Consultative Council, to provide for its powers, functions and governance, to provide for establishment of sector councils and to provide for matters incidental thereto.

BE IT THEREFORE ENACTED by the Legislature of the Province of the Eastern Cape as follows:

ARRANGEMENT OF SECTIONS

1. Definitions
2. Establishment
3. Objects of ECSECC
4. Functions
5. Role of board
6. Constitution of the board
7. Nomination procedure
8. Disqualification from appointment to or remaining as member of the board
9. Resignation of member and vacation of office
10. Removal of member of board, dissolution of board and appointment of interim board
11. Appointment of member to vacant seat
12. Disclosure of interest
13. Chairperson
14. Term of office
15. Meetings of board
16. Decisions of board
17. Duties of board
18. Remuneration of members of the board
19. Sector council
20. Annual Development Convention
21. Executive management and employees
22. Committees
23. Executive committee
24. General powers of the board
25. Delegations by board
26. Financial year
27. Revenue of Ecsecc
28. Annual Budget of Ecsecc
29. Contents of strategic plan
30. Preparation and submission of annual report and financial statements of Ecsecc

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1. Definitions

In this Act unless the context indicates otherwise –

"Board" means the Board of the Eastern Cape Socio Economic Council referred to in section 6;

"Constitution" means the Constitution of the Republic of South Africa, 1996;

"Director General" means the administrative head of the Office of the Premier referred to in section 7 of the Public Service Act, 1994 (Proc. 103 of 1994)

"Council" means Eastern Cape Socio Economic Consultative Council (Non Profit Organisation) established on the 31st of July 1995 and incorporated in terms of the Companies act, 2008 (Act No. ...of 2008);

"ECSECC" means the Eastern Cape Socio Economic Consultative Council referred to in section 2;

"Gazette" means the Provincial Gazette of the Province;

"Member" means a member of the Board appointed in terms of section 6;

"Premier" means the Premier of the Province;

"prescribe" means prescribed by Regulation by the Premier in terms of section 37;

"Province" means the Province of the Eastern Cape established by section 103 of the Constitution;

"Public Finance Management Act" means the Public Finance Management Act, 1999 (Act No. 1 of 1999) ;

"regulation" means a regulation made by the Premier in terms of section 37; and

"this Act" includes any regulations, proclamation, notice or guidelines issued in terms of a provision of this Act;

ESTABLISHMENT AND FUNCTIONS OF ECSECC

2. Establishment of Ecsecc

- (1) The Eastern Cape Socio Economic Consultative Council established in terms of section 21 of the Companies Act, 2008 (Act No. 71 of 2008) is deemed to be established as a juristic person in terms of this Act.
- (2) Ecsecc acts through the board appointed in terms of section 6.

3. Objects of Ecsecc

The primary objects of Ecsecc are to –

- (a) advise and assist the Province in the development of long-term plans to facilitate economic growth and sustainable development.
- (b) facilitate, monitor and support strategic partnerships that involve the public sector, the private sector, the knowledge sector, organised labour, and civil society in the implementation of the provincial development agenda.
- (c) generate and manage evidence for policymaking and planning processes, towards the sustainable development of the province.
- (d) empower stakeholder constituencies for meaningful participation in the development, implementation, and monitoring of the provincial development agenda.

4. Functions

The functions of Ecsecc are to -

- (a) Provide policy advice on development matters.
- (b) Facilitate long term strategic and integrated planning for the province.
- (c) Manage catalytic projects and package projects.
- (d) Facilitate monitoring and evaluation of the implementation of the provincial long-term plan
- (e) Hold an annual development convention among all stakeholders in the province.
- (f) Facilitate the establishment of stakeholder forums and councils, host and provide technical support thereto.
- (g) Facilitate social compacts amongst stakeholders.

- (h) Facilitate resource mobilisation from private and public partners.
- (i) Provide technical support to stakeholders in the implementation of the provincial development agenda
- (j) Serve as a centre of knowledge and innovation through the collection, generation, and analysis of administrative, official, and other primary data.
- (k) Coordinate and facilitate partnerships with non-government research partners within and beyond the Province.
- (l) Support stakeholder structures to effectively participate in the development of the provincial development agenda.
- (m) Facilitate dialogue amongst stakeholders.
- (n) Provide stakeholder leadership development support.

GOVERNANCE OF ECSECC

5. Role of Board

- (1) Ecsecc must be managed by a Board that –
 - (a) gives strategic direction to Ecsecc;
 - (b) is responsible for the performance of the Ecsecc;
 - (c) is accountable to the Premier for the performance of the Ecsecc; and
 - (d) is supported by a Chief Executive Officer and other employees.
- (2) Ecsecc communicates with the Premier through the chairperson of the Board.

6. Constitution of Board

- (1) The Board consists of not less than seven and not more than eleven members, appointed by the Premier.
- (2) The Board must be constituted as follows:
 - (a) Six members who represent the constituency sectors of Ecsecc;
 - (b) Two members of the public appointed by the Premier in terms of section 7;
 - (c) A member representing the Office of the Premier.
 - (d) The Chief Executive Officer and Chief Financial Officer of ECSECC as ex officio members who do not vote.
- (2) The members of the board must collectively have the following mix of qualifications, expertise and experience :
 - (a) Law,
 - (b) Accounting,
 - (c) Development planning,
 - (d) Research and innovation, and
 - (e) Socio-Economic Development.

- (3) The Board must be broadly representative of the demographics of the Province.

7. Nomination procedure

- (1) The Premier must, at least 90 days before the expiry of every term of office of the members of the Board, invite applications or nominations for persons to be appointed to the ensuing term of office of the Board by notice in the *Gazette* and an advertisement in leading newspaper in the Province.
- (2) The invitation for applications or nominations referred to in subsection (1) must provide for the applications or nominations to be submitted within 30 days from the date of the invitation or the date of publication of the notice.
- (3) The Constituency sectors of Ecsecc must nominate persons who meet the requirements set out in section 6.
- (4) Any application or nomination made pursuant to a notice or an advertisement in terms of subsection (1) must be made in the form determined by the Premier and be accompanied by—
 - (a) the personal details of the applicant or nominee;
 - (b) particulars of the applicant's or nominee's qualifications or experience in the matters listed in section 6;
 - (c) in the case of a nomination, a letter of acceptance of nomination by the nominee;
 - (d) a sworn declaration by the applicant or nominee that he or she is not disqualified in terms of section 8; and
 - (e) permission by the applicant or nominee to verify the information provided by him or her.
- (5) The Premier must, within 30 days from the expiry of the date specified in the notice and the advertisement, evaluate the applications and nominations received by him or her, and appoint the members of the Board for the ensuing term of office of the Board.
- (6) When evaluating the nominations, the Premier must take into consideration—
 - (a) the applicant's or nominee's qualifications, knowledge and experience of the matters referred to in section 6;
 - (b) the need for appointing persons disadvantaged by unfair discrimination;
 - (c) the geographic spread in the Province;
 - (d) the need to ensure that the Board is composed of persons covering a broad range of appropriate experience and expertise;

and
(e) Ecsecc's objectives.

- (7) Where a nominee from a constituency of Ecsecc does not have the qualifications, experience or expertise set out in section 6 (3), the Premier must request the relevant constituency to nominate another person who meets the qualification criteria.
- (8) If insufficient, unsuitable or no applications and nominations are received within the period specified in the invitations or the notice, the Premier may appoint to the Board, the required number of persons who, but for the fact that they did not apply or were not nominated in terms of the procedure contemplated in this section 7, qualify to be appointed in terms of this Act.
- (9) The Premier must, as soon as practicable after the appointment of the members of the Board, publish by notice in the *Gazette*—
- (a) the name of every person appointed;
 - (b) the date from which the appointment takes effect; and
 - (c) the term of office referred to in section 14.

8. Disqualification from appointment to or remaining as member of Board

A person is disqualified from being appointed or remaining a member of the Board if that person—

- (a) is or becomes a Member of the National Assembly or National Council of Provinces, any provincial legislature or municipality, or is in the full-time employ of an organ of state with the exception of the representative of the Office of the Premier contemplated in section 6 (2) (c);
- (b) is not a South African citizen or a permanent resident who is ordinarily resident in the Republic;
- (c) is or becomes subject to a final order of court whereby his or her estate is sequestrated under the Insolvency Act, 1936 (Act No. 24 of 1936), or if his or her estate is sequestrated in terms of the laws of any other country or territory by a competent court or Ecsecc of such country or territory, or if he or she has assigned his or her estate for the benefit of his or her creditors;
- (d) is declared by the High Court to be of unsound mind or suffers from a mental illness, or has a severe or profound intellectual disability as contemplated in the Mental Health Care Act, 2002 (Act No. 17 of 2002);

(e) has been convicted, whether in the Republic or elsewhere, of theft, fraud, forgery or uttering a forged document, perjury, or any offence involving dishonesty, or of any offence in terms of the Prevention of Corruption Act, 1958 (Act No. 6 of 1958), the Corruption Act, 1992 (Act No. 94 of 1992), Part 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004, or the Companies Act, 1973 (Act No. 61 of 1973), or of contravening this Act, and sentenced to imprisonment irrespective of whether such imprisonment was wholly or partly suspended or not;

(f) has been convicted of an offence, other than an offence contemplated in paragraph (e), and sentenced to imprisonment without the option of a fine for a period of not less than three months, irrespective of whether such imprisonment was wholly or partly suspended or not;

(g) without authorisation discloses or improperly acts on information gained as a result of his or her membership of the Board; or

(h) fails to disclose an interest as contemplated in section 12.

9. Resignation of member and vacation of office

- (1) A Member of the Board may at any time resign from the Board by giving one month's written notice tendered to the chairperson who must immediately inform the Premier, the Board and the chief executive officer accordingly.
- (2) A member of the Board who resigns as contemplated in subsection (1) must vacate his or her office at the end of the notice period contemplated therein.
- (3) A member of the Board ceases to be a member and must vacate his or her office with immediate effect if he or she—

- (a) is no longer eligible in terms of section 8 to be a member; or
- (b) is removed from office by the Premier in terms of 10.

10. Removal of member of Board, dissolution of Board and appointment of interim Board

- (1) The Premier may, after due inquiry, or on recommendation of the Board after due enquiry, remove, with immediate effect, a member of the Board from office on account of any or all of the following—

- (a) Misconduct;
 - (b) inability to perform the duties of his or her office efficiently;
 - (c) absence from three consecutive meetings of the Board without the permission of the Board, except on good cause shown; or
 - (d) failure to disclose an interest in terms of section 19, or voting or attendance at, or participation in, proceedings of the Board while having an interest contemplated in section 12.
- (2) Despite the provisions of subsection (1) the Premier may remove a member nominated by a constituency sector where -
 - (a) the body by whom the member was nominated withdraws the nomination; or
 - (b) the member terminates his or her membership to the constituency he or she serves; or
 - © the constituency they serves ceases to be a constituency or withdraws from being a constituency of Ecsecc.
- (3) The Premier may, after due inquiry, dissolve the Board with immediate effect, if it fails in any or all of the following:
 - (a) discharging its fiduciary duties;
 - (b) its objectives in terms of this Act; or
 - (c) carrying out its duties.
- (4) Upon the dissolution of the Board contemplated in subsection (3), the Premier must appoint an interim Board consisting of not less than seven and not more than eleven members, and he or she does not have to follow the nomination and appointment procedure contemplated in section 7.
- (5) The Premier must appoint the interim Board within 30 days after the dissolution of the Board, and the term of office of the interim Board is a period not exceeding six months.
- (6) The provisions of this Act regarding the Board apply to the interim Board.

11.Appointment of member to vacant seat

- (1) When a seat on the Board becomes vacant as a result of any action referred to in section 9 and 10, or if a Board member dies before the expiration of his or her term of office, the Board must, as soon as is practicable after the seat becomes vacant, notify the Premier that the seat has become vacant.

- (2) The Premier must, as soon as is practicable after the receipt of the notification from the Board, appoint to the Board, the required number of persons who qualify to be appointed to fill the vacant seat.
- (3) The Premier must, as soon as is practicable after the appointment of the member to the vacant seat on the Board, publish by notice in the *Gazette*—
 - (a) the name of the person appointed;
 - (b) the date from which the appointment takes effect; and
 - (c) the period for which the appointment is made as contemplated in subsection (4).
- (4) The person who is appointed to the vacant seat on the Board fills the vacancy for the unexpired portion of the period of office of the vacating member.

12. Disclosure of interest

- (1.) Members must in the prescribed manner, not later than 30th April of each financial year disclose their financial interests for that financial year.
- (2) If at any stage during the course of any proceedings before the Board it appears that any Board member has or may have an interest which may cause a conflict of interest—
 - (a) that Board member must forthwith fully disclose the nature of his or her interest and leave the meeting so as to enable the remaining Board members to discuss the matter and determine whether that Board member is precluded from participating in that meeting by reason of a conflict of interest; and
 - (b) the disclosure of interest by that member and the decision taken by the remaining Board members regarding the matter must be recorded in the minutes of the meeting in question.
- (3) If any Board member fails to disclose any interest as required by subsection (2) or, subject to the provisions of that subsection, he or she is present at the venue where a meeting of the Board is held, or in any manner whatsoever participates in the proceedings of the Board, the relevant proceedings of the Board will be null and void.

13. Chairperson

- (1) The Premier must appoint a chairperson for every newly constituted Board.
- (2) If the chairperson is for any reason unable to preside at a Board meeting, the members present must elect one of the members to preside at that meeting and the person elected may perform all the functions and

exercise all the powers of the chairperson.

- (3) If the chairperson has vacated office, the Premier must appoint a chairperson from the Board members for the remaining term of office of the Board.

14. Term of office

- (1) A Board member holds office for a period of three years calculated from the date that his or her appointment takes effect with the exclusion of those specified under section 11 (4), and may be eligible for re-appointment for one additional term not exceeding three years.
- (2) Despite subsection (1), the Premier may, by notice in the *Gazette*, after consultation with the Board, extend the term of office of all the Board members for a period of six months, but he or she may only extend the term of office of the Board twice.
- (3) Despite the duration of office referred to in subsection (1), Board members continue in office until the succeeding Board is duly constituted by the Premier.

15. Meetings of Board

- (1) The Premier must, as soon as is practicable after the appointment of the Board for the first term of office, determine the time and place of its first meeting.
- (2) The Board must determine the time and place of any future meetings for the first and subsequent terms of office of the Board.
- (3) The Board meets at least four times in every financial year.
- (4) A majority of Board members constitutes a quorum at a meeting.
- (5) Every Board member, including the chairperson, has one vote and, in the event of an equality of votes, the chairperson of the meeting has a casting vote in addition to his or her deliberative vote.
- (6) Subject to the approval of the Board, any person who is not a Board member may attend or take part, but may not vote, in a meeting of the Board.
- (7) The Board must adopt governance rules, which provide for the conduct of proceedings at meetings and recording of the proceedings, including the governance rules for special meetings.

16. Decisions of Board

- (1) A decision of the majority of Board members present at any duly constituted meeting constitutes a decision of the Board.
- (2) No decision taken by or act performed under the authority of the Board is invalid only by reason of—
 - (a) a vacancy on the Board at the time the decision was taken or the act was authorised; or
 - (b) the fact that any person who was not entitled to sit as a Board member, participated in the meeting at the time the decision was taken or the act was authorised, if the members who were present at the time followed the required procedure for decisions.

17. Duties of Board

- (1) In addition to the duties and responsibilities as accounting authority of the Ecsecc provided for in the Public Finance Management Act, the Board must—
 - (a) provide effective, transparent and accountable corporate governance and conduct effective oversight of the affairs of the Ecsecc by adopting governance rules in accordance with subsection (2);
 - (b) comply with all applicable legislation and agreements; and
 - (c) at all times act in accordance with the code of conduct for members of the Board as may be prescribed by the Premier.
- (2) The Board must adopt governance rules that substantially comply with the principles of good governance for a public entity and which provide for at least the following—
 - (a) The role and meetings of the Board;
 - (b) the role of the chairperson of the Board;
 - (c) performance assessment of Board members;
 - (d) the role of the chief executive officer;
 - (e) performance assessment of the chief executive officer;
 - (f) the composition and procedures for and conduct of meetings of committees of the Board;
 - (g) the financial management of the Ecsecc as contemplated in the Public Finance Management Act;
 - (h) a procurement policy; and
 - (i) a remuneration policy for employees of the Ecsecc, developed in consultation with the Premier and the Member of the Executive Council responsible for Finance in the Province.

18. Remuneration of members of Board.

- (1) A member of the Board who is not in the full time employment of the State must be paid such remuneration and allowances as may be determined by the Premier in consultation with the member of the Executive Council responsible for Finance and in line with the guidelines issued by National Treasury as well as the Eastern Cape Framework for Determination of Remuneration for Accounting Authorities of Provincial Public Entities.
- (2) A member of the Board who is in the full-time employment of an organ of State may not, in respect of the duties performed by him or her as member in terms of this Act, be paid any remuneration in addition to his or her remuneration as an employee of an organ of State, nor may he or she be paid any allowance in respect of subsistence and transport at a rate exceeding the rate applicable to him or her as such an employee.

SECTOR COUNCILS AND ANNUAL DEVELOPMENT CONVENTION**19. Sector councils**

- (1) Ecsecc may facilitate the establishment of sector councils and advisory fora to drive provincial priorities.
- (2) Sector councils must consist of members of Ecsecc's constituencies or individuals outside Ecsecc, appointed by the Ecsecc based on priorities and the nature of challenges to be addressed, but the emphasis should be on action-oriented multi-Ecsecc compacts.
- (3) Members of the sector councils or advisory fora must not be paid any remuneration or allowances by ECSECC except where they are also Board members and are entitled to be paid as such.
- (4) The Eastern Cape AIDS Council and the Eastern Cape Human Resource Development Council must continue to operate as existing already operating sector councils.
- (5) The sector councils must report to the Ecsecc every six months.
- (6) The sector councils must also report on their work to the relevant government Cluster and Cabinet Committee and seek the support of these structures for the execution of their programme.
- (7) The Premier may prescribe Terms of Reference and Council Charters for each Advisory Forum upon establishment, based upon the following generic Terms of Reference:
 - a) To advise the Provincial government on the assigned subject matter(s).
 - b) To advocate for the effective involvement of sectors and organizations in implementing interventions;

- c) To provide a platform for strategic partnerships.
- d) To oversee the packaging of identified priority interventions.
- e) To facilitate resourcing of identified priority interventions.
- f) To mobilise and leverage technical and financial resources in support of the government as well as business to implement prioritised interventions.
- g) To identify bottlenecks (institutional, organizational, financial, etc.) to ensure effective implementation of priority interventions.
- h) To provide coordination and implementation mechanisms for relevant Council resolutions.
- i) To provide platforms for dialogue.
- j) To oversee the development and implementation of suitable monitoring and evaluation tools to ensure the sustainability of implemented priority interventions.

20. Annual Development Convention

- (1) Escecc must cause a Development Convention to be held at least once a year to determine, review and drive the provincial collective development agenda.
- (2) Stakeholder constituencies must nominate members to attend the Development Convention.
- (3) The Premier is the chairperson of the Development Convention and a report of the convention must be presented the Executive Council of the Province.

AMINISTRATION

21. Executive management and employees

- (1) The Board must–
 - (a) appoint a chief executive officer;
 - (b) determine the period of office of the chief executive officer, provided that the period may not exceed 5 years and may be renewed for one further term; and
 - (c) determine the conditions of appointment of the chief executive officer.
- (2) The chief executive officer must enter into a performance agreement with the Board on acceptance of his or her appointment, and he or she is accountable to the Board.
- (3) The chief executive officer is the head of the Ecsecc's administration

and, subject to directives from the Board, the functions of the chief executive officer are, amongst others, to—

- (a) manage the affairs of the Ecsecc;
 - (b) implement the policies and decisions of the Board;
 - (c) manage and recruit employees to perform the work necessary to achieve the objects of Ecsecc; and
 - (d) develop efficient, transparent and cost-effective administrative systems
- (4) Ecsecc must determine the conditions of service for its employees, including remuneration which must be determined in accordance with the remuneration policy.
- (5) The chief executive officer may delegate any original or delegated duty or power to any employee appointed in terms of subsection (3)(c).

22. Committees

- (1) The Board may, subject to subsection (2), establish any committee to assist it in the performance of its functions and appoint members to that committee, and it may at any time dissolve or reconstitute any such committee.
- (2) The Board may co-opt any person outside the Board to assist on any of its committees if the person concerned has specific expertise, provided that he or she does not have voting rights.
- (3) The Board may at least, establish the following committees :
- (a) an executive committee;
 - (b) an audit committee;
 - (c) a remuneration committee; and
 - (d) a disciplinary appeals committee.
- (4) The Board must determine, subject to any applicable legislation, the number of members and the terms of reference of each committee.
- (5) The Board may appoint to any of its committees people who are not members of the Board, provided that they will serve in an advisory capacity and have no voting rights.
- (6) The Board may summarily terminate the membership of a member of a committee if—
- (a) the performance by the member of the powers and functions of that committee is unsatisfactory;
 - (b) the member, either through illness or for any other reason, is unable to perform the functions of the committee effectively; or
 - (c) the member has failed to comply with or breached any legislation

regulating the conduct of members.

- (d) If this Act or the Board does not designate a chairperson for a committee, the committee may elect a chairperson from among its members.

23. Executive committee

- (1) The executive committee established in terms of section 22(3)(a) consists of the chairperson of the Board who must act as chairperson of the executive committee, one other member of the Board elected by the Board, the chief executive officer, and any other appropriate executive manager of the Ecsecc.
- (2) The purpose of the executive committee is to oversee the activities of the Ecsecc in order to ensure that the strategic decisions of the Board are implemented effectively and timeously and that the Ecsecc complies with the provisions of this Act, the Public Finance Management Act and any other applicable law.

24. General powers of the Board

The Board may–

- (a) in consultation with the Premier , determine the staff establishment of the Ecsecc, appoint the Chief Executive Officer;
- (b) obtain, by agreement, the services of any person, including any organ of state, for the performance of any specific act, task or assignment;
- (c) in consultation with the Premier and in terms of the Eastern Cape Land Disposal Act 2000, (Act No. 7 of 2000) acquire or dispose of any right in or to immovable property;
- (d) open and operate a bank account;
- (e) invest any funds of the Ecsecc;
- (f) charge fees for any work performed or services rendered by it, or collect royalties resulting from any discoveries, inventions or computer programmes;
- (g) insure against–
- (i) any loss, damage or risk; or
 - (ii) any liability it may incur in the application of this Act; and
- (g) perform legal acts, including acts in association with or on behalf of any other person or organ of state.

25. Delegations by Board

- (1) The Board must develop a system of delegation to maximise administrative and operational efficiency and provide for adequate checks and balances, and, in accordance with that system, may–
- (a) in writing delegate appropriate powers, excluding the power to establish a committee, prescribe governance rules for a committee and appropriating funds to a committee, the chief

executive officer, a member of the Board or an employee of the Ecsecc;

- (b) assign the performance of any of its functions to a committee, the chief executive officer, a member of the Board, executive manager or an employee of the Ecsecc; and
- (c) approve the delegation and assignment of any of the powers or functions delegated or assigned to the chief executive officer by the Board, or granted to him or her under this Act, to any employee of the Ecsecc.

(2) A delegation or assignment in terms of subsection (1) –

- (a) is subject to such limitations and conditions as the Board may impose;
- (b) may authorise sub-delegation; or
- (c) does not divest the Board or the chief executive officer in the event of a delegation or assignment in terms of subsection (1)(c) of the delegated power or function.

FINANCIAL MATTERS AND REPORTING

26. Financial year

The financial year of Ecsecc is from 1 April to 31 March.

27. Revenue of Ecsecc

The revenue of Ecsecc consists of–

- (a) income derived by it from the performance of its functions;
- (b) fees and other moneys received or raised by it under the provisions of this Act or any other law;
- (c) money appropriated by the Legislature;
- (d) grants received from organs of state;
- (e) voluntary contributions, donations and bequests received by it;
- (f) money borrowed by it in terms of this Act and in compliance with the PFMA;
- (g) income derived by it from investments; and
- (h) money accrued to the Ecsecc from any other source.

28. Annual budget of Ecsecc

- (1) Ecsecc must, no later than 30 September in each financial year or any other period agreed to between the Premier and the Ecsecc, submit, through the Director General, to the Premier a budget of its estimated revenue and expenditure for the ensuing financial year for approval by him or her as contemplated in the Public Finance Management Act.
- (2) Ecsecc may not budget for a deficit and may not accumulate surpluses unless the prior written approval of the Provincial Treasury has been obtained.
- (3) The Board is responsible for ensuring that the expenditure of the Ecsecc is in accordance with the approved budget.

29. Contents of strategic plan

- (1) Ecsecc must, no later than 30 September in each financial year or any other period agreed to between the Premier and the Ecsecc, submit, through the Director - General, to the Premier a strategic plan for approval by him or her or her as contemplated in the Public Finance Management Act.
- (2) The strategic plan must—
 - (a) cover a period of at least three years;
 - (b) be updated annually on a rolling basis; and
 - (c) form the basis for the annual reports of the Ecsecc.
- (3) In addition to the requirements of the Public Finance Management Act and any objectives and outcomes that the Premier may determine, the strategic plan of the Ecsecc must provide for the manner in which the Ecsecc intends to give effect to its objects as stated in section 31, inclusive of strategies, including an intergovernmental coordination strategy and an own revenue generation strategy and preliminary action plans.
- (4) The Premier and the Ecsecc must develop and agree on a framework of acceptable levels of materiality and significance of the matters that must be contained in its annual report and financial statements as contemplated in section 55 (2) of the Public Finance Management Act.

30. Preparation and submission of annual report and financial statements of

Ecsecc

- (1) The Board is the accounting authority for the Ecsecc and must prepare the annual report and the financial statements in terms of section 55 of the Public Finance Management Act and, together with the report of the auditor on the financial statements, submit it to the Provincial Treasury, the Premier and the Auditor-General, if the Auditor-General did not audit the financial statements.
- (2) For purposes of section 55 (3) of the Public Finance Management Act, the Board must submit the annual report and the financial statements through the Director General, to the Premier, for tabling in the Legislature.
- (3) The Premier must, within 20 days of receipt of the annual report and financial statements of Ecsecc, table it in the Provincial Legislature.

31. Quarterly reporting

- (1) The Board must submit to the Premier quarterly reports in strict compliance with the applicable provisions of the Public Finance Management Act and the Treasury Regulations issued in terms thereof.
- (2) Each quarterly report of Ecsecc must deal with the state of affairs, the activities, the operations, and the financial position of the Ecsecc, including—
 - (a) the extent to which Ecsecc has achieved or advanced its objects during the financial quarter concerned;
 - (b) the relevant performance information regarding the economic, efficient and effective utilisation of resources;
 - (c) the amount of money, if any, received from the state or any other source and any other financial commitment furnished to the Ecsecc; and
 - (d) the detailed staff establishment and composition of the Ecsecc.
- (3) Notwithstanding the provisions of subsection (1), the Premier may, at any time, request the Board to submit to him or her, within a period determined by the Premier, an interim report pertaining to the state of affairs, the activities, the operations, and the financial position of Ecsecc or pertaining to any specific matter identified by the Premier.
- (4) The Board must establish procedures for quarterly reporting to the Premier in terms of the Public Finance Management Act and this chapter in order to facilitate effective performance monitoring, evaluation and corrective action.

TRANSITIONAL PROVISIONS

32. Legal successor

- (1) From the date of commencement of this Act, Ecsecc is, for all purposes in law, the legal successor to the Council established in terms of section 21 of the Companies Act, 2008 (Act No . 71 of 2008) and—
 - (a) retains all its movable and immovable its property;
 - (b) continues as contracting party for Eastern Cape Socio Economic Consultative Council in all contracts as if ECSECC had been the contracting party at the time of contracting and the contractual rights, obligations and liabilities of the Council; and
 - (c) is deemed to have issued all financial instruments of the Council.
- (4) Any money standing to the credit of the Council in its bank account immediately before the commencement of this Act vests in Ecsecc.
- (5) Any reference in any law or document to the Council must be construed as a reference to Ecsecc, unless such construction is clearly inappropriate.

33. Board of Council

The members of the Board of the Council elected or appointed in terms of the Board Charter continue in office for their unexpired term of office, and the Premier must call for nominations in terms of section 14 of this Act at least 90 days before the expiry of their term of office in terms of the Board Charter.

34. Legal proceedings and internal proceedings and investigations

- (1) No provision of this Act affects any civil matter pending at the commencement of this Act, and such matter must be continued and concluded in every respect as if this Act had not been passed.
- (2) A civil matter is, for the purposes of this section, deemed to be pending if, at the commencement of this Act, summons had been issued but judgment has not been given, and to be concluded when judgment is given.
- (3) Any internal hearing, investigation or disciplinary proceedings or process instituted by the Eastern Cape Socio Economic Consultative Council which is pending at the date of commencement of this Act, may be continued or instituted as if this Act had not been passed.

35. Financial, administrative and other records of the Council

All financial, administrative and other records of the Council are deemed to be records of the Ecsecc.

36. Employees of the Council

- (1) A person who, immediately before the commencement of this Act, was in the employ of the Council, continues to be in the employ of the Ecsecc with the retention of the salary, allowances and other conditions of service which applied in respect of that person before the commencement of the Act, and is deemed to be appointed under this Act.
- (2) The salary, allowances and other conditions of service of such person is regarded as having been determined under this Act, and any leave, pension or other benefits which have accrued in the person's favour by virtue of the person's service with the Council is regarded as having been accrued in the person's favour by virtue of service with the Ecsecc.
- (3) Subject to the provisions of this Act, any—
 - (a) law regarding any condition of service;
 - (b) measure regarding the duties, functions and powers; or
 - (c) arrangement regarding any administrative function,

which applied to a person in the employ of the Council immediately before the date of commencement of this Act, remain in force until amended by the Ecsecc and the employee concerned.

CHAPTER 11**GENERAL PROVISIONS****37. Regulations**

The Premier may make regulations on any matter which he deems expedient in terms of this Act.

38. Short title and commencement

This Act is called the Eastern Cape Socio Economic Consultative Council Act, 2021 and will come into operation on a date determined by the Premier by proclamation in the *Gazette*.

EXPLANATORY MEMORANDUM

PART I

(OBJECTS AND PRINCIPLES OF THE BILL)

ECSECC was established through the Executive Council resolution in 1995 without a legislative mandate. In order to regularise the establishment of ECSECC, a legislative framework need to be developed. ECSECC was mandated to establish a partnership with relevant stakeholders that would drive the development agenda in the Eastern Cape Province, including the fundamental role of NEDLAC.

Pursuant with an all-inclusive provincial development agenda, which is not hamstrung by the government bureaucracy, the entity is expected to provide for alignment of government programmes with long term planning and implementation of the national and provincial long term plans. To achieve the objectives of the national and provincial long term plans in the Eastern Cape there is a need for the state to act in partnership with business, labour and civil society as well as an active citizenry and social activism. There is also a need to mobilise resources and implementation capacities beyond the confines of government. Further, there is a need for the province to establish one dedicated, central capability with a focus on long term and strategic planning. Three core capabilities will be required *viz* Research, information management and strategic thinking capabilities; Strategy development and strategic planning capabilities; programme management capabilities; Stakeholder dialogue, engagement and management capabilities. Therefore, the major challenge that this document seeks to address is to formalise the functioning of ECSECC through the formulation of the legislative framework as well as to deliver on additional functions, in line with the developmental needs of the province.

The National Development Plan, adopted by the government in 2012, aims to eliminate poverty and reduce inequality by 2030. The plan states that South Africa can realise these goals by drawing on the energies of its people, growing an inclusive economy, building capabilities, enhancing the capacity of the state, and promoting leadership and partnerships throughout society. The plan states that successful implementation of the NDP requires strong and active citizenry and collective leadership from government, business, labour and civil society, thus recognizing the importance of partnerships. However, the National Planning Commission (NPC) in its research on social compacts (2015) and the 2020 review of the NDPs implementation argues that although the NDP had broad stakeholder and societal support after its adoption, this did not translate into robust implementation, and the envisaged broad social compact behind the Plan did not emerge.

In terms of the Provincial Development Plan (2014/2020), the provincial vision and long term plan are intended to mobilise all citizens and sectors of the Eastern Cape around a common vision. The aim is to provide an opportunity for revisiting social partnerships and the development of common goals among citizens, civil society, the state and the private sector. The plan also seeks to promote mutual accountability between stakeholders and to enable the coherence of the three spheres of the state. However, due to various constraints in the Province, the scope of Ecsecc has broadened over the period since its establishment and eventually included a broad

range of aspects. This included supporting the local government sphere in planning as a critical tool towards enabling effective and efficient service delivery. Ecsecc has been expected to play a significant role in supporting municipalities to develop credible Integrated Development Plans (IDPs), while also participating in the strategic planning processes for provincial government departments and entities. Ecsecc was also tasked with the responsibility of coordinating multi-sectoral stakeholders including establishing, hosting and supporting the Eastern Cape Aids Council (ECAC) as well as the Human Resources Development Council. In addition to these, Ecsecc also responded to various forms of requests for assistance from other institutions and stakeholders. It is thus necessary to clearly define the purpose and mandate of Ecsecc.

PART II***(CLAUSE BY CLAUSE ANALYSIS)***

- CLAUSE 1:** Provides for the definitions used in the Bill.
- CLAUSE 2:** Provides for the establishment of the Eastern Cape Socio – Economic Consultative Council (ECSECC)
- CLAUSE 3:** Provides for the objects of ECSECC
- CLAUSE 4:** Provides for the functions of ECSECC
- CLAUSE 5:** Provides for the role of the board
- CLAUSE 6:** Provides for how the board should be constituted
- CLAUSE 7:** Provides for the procedure to nominate persons for appointment to the board
- CLAUSE 8:** Provides for disqualification from appointment to or remaining as a member of the Board
- CLAUSE 9:** Provides for the resignation of members and vacation of office of board members
- CLAUSE 10:** Provides for the removal of members of the board, dissolution of the Board and the appointment of an interim board
- CLAUSE 11:** Provides for the appointment of persons to vacancies in the board
- CLAUSE 12:** Provides for disclosure of interest by board members
- CLAUSE 13:** Provides for matters concerning the chairpersonship of the board
- CLAUSE 14:** Provides for the determination of the term of office of the board

- CLAUSE 15:** Provides for the regulation of meetings of the board
- CLAUSE 16:** Provides for decisions of the board
- CLAUSE 17:** Provides for duties of the board
- CLAUSE 18:** Determines the remuneration of board members
- CLAUSE 19:** Provides for matters concerning sector fora
- CLAUSE 20:** Provides for an Annual Development Convention
- CLAUSE 21:** Deals with the appointment of the executive management and staff
- CLAUSE 22:** Provides for the establishment of board committees
- CLAUSE 23:** Deals with the functioning of the Executive Committee
- CLAUSE 24:** Provides for the general powers of the board
- CLAUSE 25:** Provides for the delegation of powers by the board
- CLAUSE 26:** Determines the financial year of the financial year
- CLAUSE 27:** Determines how the revenue of ECSECC should be derived
- CLAUSE 28:** Determines the annual budget of ECSECC
- CLAUSE 29:** Provides for a strategic plan, its contents and matters relevant thereto
- CLAUSE 30:** Preparation and submission of annual report and financial statements of ECSECC
- CLAUSE 31:** Deals with quarterly reporting by ECSECC
- CLAUSE 32:** Provides that ECSECC that is hereby established is the legal successor

of the Council which is currently in existence

- CLAUSE 33:** Provides for continuation for the unexpired term of the existing board
- CLAUSE 34:** Provides for the transitional procedure relating to legal proceedings, internal proceedings etc
- CLAUSE 35:** Provides for transitional matters relating to financial, administrative and other matters
- CLAUSE 36:** Provides for transitional matters relating to employees of the Council
- CLAUSE 37:** Provides for the Premier's power to make regulations
- CLAUSE 38:** Provides for the short title and commencement

LOCAL AUTHORITY NOTICES • PLAASLIKE OWERHEIDS KENNISGEWINGS

LOCAL AUTHORITY NOTICE 174 OF 2021



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MATATIELE LOCAL MUNICIPALITY

BYLAWS RELATING TO KEEPING OF ANIMALS, BIRDS, POULTRY, CATS, DOGS AND PETS AND BUSINESSES INVOLVING THE KEEPING OF ANIMALS, BIRDS, POULTRY, CATS, DOGS AND PETS

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Definitions

1. Definitions
2. Application of By-laws
3. Premises for the keeping of livestock and kennels
4. Keeping of animals, poultry and birds
5. Permits for keeping of animals and poultry

CHAPTER II KEEPING OF CATTLE, HORSES, MULES AND DONKEYS

6. Requirements for premises
7. Duties of keeper of cattle, horses, mules and donkeys

CHAPTER III KEEPING OF PIGS

8. Requirements for premises
9. Duties of keeper of pigs

CHAPTER IV KEEPING OF GOATS AND SHEEP

10. Requirements for premises
11. Duties of keeper of goats and sheep

CHAPTER V KEEPING OF POULTRY

12. Requirements for premises
13. Duties of keeper of poultry

CHAPTER VI KEEPING OF RABBITS

14. Requirements for premises

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15. Duties of keeper of rabbits

CHAPTER VII KEEPING OF BIRDS

16. Requirements for premises
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CHAPTER VIII DEALER IN LIVESTOCK AND OTHER BUSINESSES INVOLVING THE KEEPING OF ANIMALS OR POULTRY

18. Requirements for conducting business

CHAPTER IX DOG KENNELS AND CATTERIES

19. Requirements for premises
20. Duties of person in control of kennels or catteries

CHAPTER X PET SHOPS AND PET SALONS

21. Requirements for premises
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CHAPTER XI HAWKING OF POULTRY AND RABBITS

23. Requirements for hawking
24. Duties of hawker

CHAPTER XII MISCELLANEOUS

25. Draining
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27. Nuisance
28. Illness attributable to animals
29. Inspection
30. Offences and Penalties
31. Repeal
32. Application

SCHEDULE 1 : APPLICATION FOR PERMIT

SCHEDULE 2 : PERMIT

CHAPTER I GENERAL

1. DEFINITIONS

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

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

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

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

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

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

“bird” means a feathered vertebrate other than poultry;

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

“Council” means a municipal council referred to in section 157(1) of the Constitution;

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

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

“Health Officer” means a medical officer of health appointed in terms of section 22 or 25 of the Health Act, 1977 (Act No. 63 of 1977), and includes a health inspector appointed by a local authority in terms of section 24 of that Act;

“kennels” means premises in or upon which –

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

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

“nuisance” means a nuisance as defined in the Health Act, 1977 (Act No. 63 of 1977);

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

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

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

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

“pet shop” means the business of keeping and selling pets on premises;

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

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

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

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

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

“public place” means any road, street, pavement, side-walk, park or other place to which the public has authorised and unimpeded access;

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

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

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

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

2. OBJECTIVES OF THE BY-LAWS

- (1) The municipality, aware of the constitutional right of every person to an environment that is not harmful to his or her health or well-being, adopts this by-law with the aim of protecting and promoting the health and well-being of all people in the Matatiele area by fostering an environment in which the public in general may enjoy peaceful and harmonious living conditions by managing livestock, pets and the businesses involved in their keeping.

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3. APPLICATION OF BY-LAWS

- (1) The provisions of these By-laws must not apply to –
- (a) the keeping of cows for commercial milk production;
 - (b) any agricultural show where animals, poultry or birds are kept on a temporary basis;
 - (c) any laboratory where animals, poultry or birds are kept for research purposes,

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

- (2) The provisions of sections 3, 4, 5, 10 and 11 shall do not apply to the temporary keeping of a goat on any land for the provision of milk for medical reason, provided the Medical Officer of Health has approved the keeping of such goat and no nuisance arises from the keeping of the goat.

- (3) The provisions of sections 3, 4(a), 6, 8, 10, 12, 14, 16, 18, 19 and 21 apply only to premises which are newly constructed, reconstructed or converted after the commencement of these by-laws: Provided that the Medical Officer of Health may, if he or she is satisfied that the application of any one or more of the said requirements is essential in the interest of public health, give notice in writing to the owner or person in control of such premises, to comply with such requirements as he or she may specify and within the reasonable time specified in the notice.

PREMISES FOR THE KEEPING OF LIVERSTOCK AND KENNELS

4. No person must -

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

KEEPING OF ANIMALS, POULTRY AND BIRDS

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

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

PERMITS FOR KEEPING ANIMALS AND POULTRY-

6. (1) No person shall:

- (a) keep any animal, other than a cat dog, or more than ten (10) rabbits or poultry in excess of twenty (20), unless he is the holder of a permit issued by the Health Officer in the form set out in Schedule 1 hereto; provided that such permit shall not be required for the keeping of any animal or poultry in connection with the business of a pet shop;
 - (b) keep any animal or poultry in excess of a number specified in such permit, provided that progeny of any animal still suckling, shall not be taken into account;
- (2) application for such a permit shall be made to the Health Officer in the form set out in Schedule 2 hereto;
- (3) a permit shall not be transferable and shall expire on the date on which the permit the permit holder ceases to keep the animal or poultry for which the permit was issued;

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(4) A permit holder must in writing notify the health officer, if he or she ceases to keep the animals or poultry in respect of which a permit was issued or of any increase in the number of animals or poultry kept in excess of the number specified in the permit concerned, within ten days of any such occurrence;

(5) The Council may cancel a permit issued in terms of subsection (1)(a), if –

- (a) the construction or maintenance of the premises concerned at any time does not comply with any provision of these By-laws;
- (b) the permit holder contravenes, or fails to comply with any such provision;
- (c) the permit holder fails to comply with a written notice from the health officer requiring him or her to make such premises comply with these By-laws or to stop such contravention or failure within a period specified in such notice;
- (d) any disease, which in the opinion of the health officer or a veterinarian, is of such a nature that it is likely to constitute a danger to public health, to other animals or poultry, breaks out amongst the animals or poultry kept under such permit;
- (e) the permit holder or person in control of the premises at the time personally or through his or her employee obstructs the health officer in his or her execution of his or her duties under these By-laws;
- (f) the permit holder has been found guilty by a competent court of a contravention of these By-laws; or
- (g) in the opinion of the health officer, a public nuisance exists due to the keeping of the animals.

(6) The health officer must, as soon as a permit has been cancelled, notify the permit holder of that fact in writing.

(7) The health officer may, subject to the foregoing provisions of this section, issue a new permit if he or she is satisfied that the reason for the cancellation no longer exists or that there is no reason why a new permit should not be issued.

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DUTIES OF KEEPER OF ANIMALS, BIRDS OR POULTRY

7. (1) Every person keeping animals must-

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

(2) Every person keeping birds and poultry must-

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

CHAPTER II

KEEPING OF CATTLE, HORSES, MULES AND DONKEYS.

REQUIREMENTS FOR PREMISES

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

DUTIES OF KEEPER OF CATTLE, HORSES, MULES AND DONKEYS

9. Every person keeping any cattle, horse, mule or donkey shall -
- (a) ensure that any such animal is kept within a stable or enclosure;
 - (b) maintain the premises, any equipment, apparatus, container and receptacle used in connection with such keeping in a clean and sanitary condition and in good repair

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- (c) take effective measures for the prevention of harbouring or breeding of and for the destruction of flies, cockroaches, rodents and other vermin

CHAPTER III

KEEPING OF PIGS.

REQUIREMENTS FOR PREMISES

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

- (a) every wall must be constructed of brick, stone, concrete or other durable material not less than 1,5 m in height and must have a smooth internal surface;
- (b) the pigsty must have a floor area of at least 3 m² for each pig to be accommodated therein, with an overall minimum floor area of 6 m²;
- (c) the junction between the walls and the floor must be covered;
- (d) the floor must be at least 150 mm above the surrounding ground level, constructed of concrete or other durable and impervious material brought to a smooth finish, graded for the run-off of liquids into an open channel outside the pigsty;
- (e) the pigsty must be so constructed as to prevent the pigs from breaking out;

(2)

DUTIES OF A PIG KEEPER

11. A person keeping any pigs in any premises must -

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- (a) ensure that the pigs are kept in a pigsty;
- (b) maintain the premises, any equipment, apparatus, container and receptacle used in connection with such keeping in a clean and sanitary condition and in good repair
- (c) take effective measures for the prevention of harbouring or breeding of and for the destruction of flies, cockroaches, rodents and other vermin

CHAPTER IV

KEEPING OF GOATS AND SHEEP.

REQUIREMENTS FOR PREMISES

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

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- (d) a portable water supply adequate for drinking and cleaning purposes must be provided in or adjacent to every stable or enclosure.

DUTIES OF KEEPER OF GOATS AND SHEEP

13. Every person keeping any goat or sheep must -

- (a) ensure that every such animal is kept within an enclosure, building or shed;
- (b) maintain the premises and any equipment, apparatus, container and acceptable used in connection with such keeping in clean and sanitary condition and in good repair
- (c) take effective measures for the prevention of harbouring and breeding of and for the destruction of flies, cockroaches and other vermin

CHAPTER V

KEEPING OF POULTRY.

REQUIREMENTS FOR PREMISES

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

- (a) a poultry house complying with the following requirements-
 - (i) every wall thereof must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface;
 - (ii) the floor must be constructed of concrete or other durable and impervious material brought to a smooth finish;
 - (iii) the upper floors of the structure of two or more tiers must be of an impervious and easily cleaned material;

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- (b) A poultry run, if provided, must be enclosed with wire mesh or other durable material;

DUTIES OF KEEPER OF POULTRY

15. Every person keeping poultry must -

- (a) ensure that all poultry is kept within the poultry house, poultry run or building or structure housing a battery system;
- (b) maintain the premises and any equipment, apparatus, container and receptacle used in connection with such keeping in clean, sanitary condition and in good repair
- (c) maintain the premises free from offensive odours and every poultry house, poultry run or building or structure housing a battery system an allcages clean and free frim vernim
- (d) ensure that such poultry do not disturb or hinder the comfort, convenience, peace and quiet of the public
- (e) take effective measures fir the prevention of harbouring and breeding and for the destruction of flies, coackroaches, rodents and other vernimand for the prevention of offensive odours arising from keeping of poultry
- (f) remove all manure and other waste from a poultry house and poultry run at least once every 48 hours and once every 4 days or at such longer intervals approved by the health officer from a building or structure housing a battery system; place the manure and other waste matter in the manure storage receptacles;

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- (g) not store any material or article in any poultry house, poultry run or building or structure housing a battery system, except material or an article which is required for use in such house, run, building or structure.

CHAPTER VI

KEEPING OF RABBITS.

REQUIREMENTS FOR PREMISES

16. For the keeping of rabbits premises complying with the following requirements must be provided-
- (a) a rabbit hutch complying with the following requirements-
 - (i) every wall thereof must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface;
 - (ii) the floor surface, which must be at least 150 mm above ground level, must be constructed of concrete or other durable and impervious material brought to a smooth finish and, if required by the health officer, the floor must be graded to a channel
 - (iii) natural light and ventilation must be provided;
 - (iv) a rabbit run, if provided, must be enclosed with wire mesh or other durable material and constructed so as to prevent the escape of rabbits from the run;

DUTIES OF KEEPER OF RABBITS

17. Every person keeping rabbits must -

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- (a) ensure that all rabbits are kept within the rabbit hutch, rabbit run or building or structure housing a battery system;
- (b) maintain any premises and equipment, apparatus, container or receptacle used in connection with such keeping in clean any sanitary good condition and in good repair
- (c) maintain the premises free from offensive odours and every rabbit hutch, rabbit run or building or structure housing a battery system and all cages clean and free from vermin
- (d) take effective measures for the prevention of harbouring and breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odour arising from keeping of rabbits on the premises
- (e) remove all manure and any other waste matter from the rabbit hutch, rabbit run or building or structure housing a battery system at least one every 48 hours and place it in the manure storage receptacles;
- (f) not store any material or article in any rabbit hutch, rabbit run or building or structure housing a battery system, except material or an article which is required for use in such house, run or building or structure.

CHAPTER VII

KEEPING OF BIRDS.

REQUIREMENTS FOR PREMISES

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

- (a) the aviary must be properly constructed of durable materials, rodent proof and provided with access thereto adequate for cleaning purposes;
- (b) no aviary must be situated within 3 m of any building or structure, boundary fence or boundary wall; and
- (c) a portable supply of water must be provided adequate for drinking and cleaning purpose.

DUTIES OF A KEEPER OF BIRDS

19. Every person who keeps birds in an aviary must -

- (a) ensure that the aviary and the premises are kept in a clean condition and free from vermin;
- (b) take effective measures for the prevention of harbouring and breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odour arising from keeping of birds on the premises
- (c) ensure that such birds do not disturb or hinder the comfort, convenience, peace or quiet of the public

CHAPTER VIII

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

REQUIREMENTS FOR CONDUCTING BUSINESS

20. (1) Every person conducting the business of a dealer or speculator in

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livestock or other business involving the keeping of animals or poultry, other than a pet shop, must comply with the requirements of subsection (2)

(2)

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

(3) In respect of employees resident on or at the premises -

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- (a) sleeping accommodation equipped with a bed for each such employee must be provided;
- (b)
 - (i) ablution facilities comprising one wash hand basin and one shower-bath or bath, separate for the sexes and clearly designated, must be provided for every 10 persons or part of that number of a particular sex employed.
 - (ii) every hand basin, shower or bath must have a constant supply of hot and cold running water laid on and be drained

CHAPTER IX

DOG KENNELS AND CATTERIES

REQUIREMENTS FOR PREMISES

- 21.
 - (1) No person must maintain kennels or a cattery, unless the requirements of subsection (2) to (11), inclusive are complied with.
 - (2) Every dog or cat must be kept in an enclosure complying with the following requirements:
 - (a) It must be constructed of durable materials and must have access thereto adequate for cleaning purposes.
 - (3) Every enclosure referred to in subsection (2), must contain a roofed shelter for the accommodation of dogs or cats complying with the following requirements:
 - (a) Every wall must be constructed of brick, stone, concrete or other durable material and must have a smooth internal surface without cracks or open joints.
 - (b) The floor must be of concrete or other impervious and durable material brought to a smooth finish without cracks or open joints and every junction between the floor and the walls of a permanent structure must be coved.

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- (c) Every shelter must have adequate access thereto for cleaning and de-verminising.
- (4) In the case of dogs, a dog kennel which is movable, and placed on a base constructed of concrete or other durable material with an easily cleaned finish, without cracks or open joints, may be provided instead of a shelter contemplated in subsection (2) and if the base of such kennel is not rendered water-proof, a sleeping board which will enable the dog to keep dry, must be provided in every such kennel.

DUTIES OF PERSON IN CONTROL OF KENNELS OR CATERIES.

22. Any person in control of kennels or a cattery must -

- (a) maintain the premises, equipment and every vessel, receptacle or container and sleeping board used in connection with the kennels or cattery in a clean, sanitary condition and in good repair;
- (b) keep any sick dog or cat in isolation facilities required in terms of section 19 (10)
- (c) ensure that the cats and dogs kept on the premises do not disturb or hinder the comfort, convenience, peace or quiet of the public
- (d)
 - (i) provide portable storage receptacles of an impervious material with close fitting lids for the storage of dog and cat faeces;
 - (ii) every such receptacle must be kept on a platform constructed of concrete or other durable and impervious material adjacent to the enclosures;
- (e) remove all faeces and other waste matter from the enclosure and shelter at least once every 24 hours and place it in the receptacles
- (e) remove the contents of the storage receptacles from the premises at least twice every 7 days and dispose thereof in a manner which will not create a nuisance;

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- (f) take effective measures for the prevention of harbouring or breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of dogs or cats;
- (h) keep any sick dog or cat in the isolation facilities
- (i) ensure that dogs and cats kept on the premises do not disturb or hinder the comfort, convenience, peace or quiet of the public.

23. Dogs or cats in streets or public places

- (1) the owner or keeper of a dog or cat may not bring or allow it in a street or public place unless the dog is on a leash or the cat is under physical control.
- (2) Except in the event of a blind person being lead by a guide dog, a person in charge of a dog in a street or public place, must remove any faeces left by the dog by wrapping it in paper or plastic and disposing of it in a receptacle provided for litter or refuse.
- (3) A person who contravenes any of the provisions of subsection (1) or (2) commits an offence.

24. Control of dogs

- (1) No person who owns or keeps a dog may –
 - (a) permit a bitch on heat to be in a street or public place without supervision;
 - (b) urge a dog to attack, worry or frighten any person or animal unless in self-defence;
 - (c) keep a dog if the premises is not adequately fenced to keep such dog inside when it is not on a leash; or
 - (d) permit a dog –
 - (i) to trespass on private property;
 - (ii) to constitute a hazard to traffic using any public road;
 - (iii) to constitute source of danger or injury to a person outside the premises on which such dog is kept; or
 - (iv) to be a source of danger to employees of the municipality entering such premises for the purpose of carrying out their duties. A notice to the effect that a dog is kept must be displayed in a conspicuous place.
 - (e) keep any dog which interferes materially with the comfort, convenience, peace or quiet of neighbours by–

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- (i) barking, yelping, howling or whining;
 - (ii) by behaving in any other manner.
- (2) The municipality may seize and impound a dog which is found in a street or public place in contravention with the provisions of this by-law.
- (3) A dog impounded in terms of subsection (2) may be released to the owner upon payment of a fee determined by the municipality.
- (4) A person who contravenes a provision of subsection (1) commits an offence.

CHAPTER X PET SHOPS AND PET SALONS

REQUIREMENTS OF PREMISES

25. No person must conduct a business of a pet shop or pet salon in or on any premises -
- (a) in which there is direct internal access with any room or place used for human habitation or in which clothing is stored or sold or food for human consumption is prepared, stored, sold or consumed;
 - (b) unless the premises are constructed and equipped in accordance with the following requirements:
 - (i) Every wall including any partition of any building must be constructed of brick, concrete or other durable material, must have a smooth internal surface and painted with a light coloured washable paint or given some other approved finish.
 - (iii) The floor of any building must be constructed of concrete or other durable and impervious material brought to a smooth finish.

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- (iv) The ceiling of any building must be constructed of durable material, have a smooth finish, be dust proof and painted with a light coloured washable paint.
- (v)
 - (aa) A rodent proof store-room, with a floor area of not less than 16 m² must be provided.
 - (bb) If the health officer is satisfied that, having regard to the extent of the business and the quantity of goods and equipment and pets food to be stored on the premises, a store-room of smaller dimensions than the minimum dimensions in terms of subparagraph (aa) is adequate, he or she may permit a smaller store-room.
- (vi) Facilities for the washing of cages, trays and other equipment must be provided—
- (vii)
 - (aa) A separate change room, clearly designated, must be provided for any sex if more than two persons are employed on the premises.
- (viii) No door, window or other opening in any wall or a building on the premises must be within 2 m of any door, window or opening to any building in which food is prepared, stored or sold for human consumption or consumed by humans.

DUTIES OF TRADER

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

- (a) provide cages for housing animals, poultry or birds, and the following requirements must be complied with-

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- (i) the cages shall be constructed entirely of metal or other durable impervious material and must be fitted with a removable metal tray below the floor thereof to facilitate cleaning;
 - (ii) maintain the premises and every cage, tray, container, basket and all apparatus, equipment and appliances used in connection with pet shop, in clean sanitary conditions free from vermin and in good repair
 - (iii) take effective measures for the prevention of harbouring or breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of pets on the premises
 - (iv) every cage must be of such size and mass and so placed that it can be readily moved;
 - (v) if rabbits are kept in a cage, the metal tray referred to in subparagraph (i) must be drained to a removable receptacle;
 - (vi) every cage must be fitted with a drinking vessel filled with water and accessible to the pets kept in the cage;
 - (vii) the distance from any cage to the nearest wall must at all times be not less than 150 mm;
 - (viii) the cages must be kept not less than 450 mm above floor level and the space beneath the cages must be unobstructed;
- (b) provide rodent proof receptacles of an impervious material with close fitting lids in the store-room in which all loose pet food must be stored;

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CHAPTER XI

HAWKING OF POULTRY AND RABBITS

REQUIREMENTS FOR STREET TRADING

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

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

DUTIES OF STREET TRADER

28. Every person selling poultry or rabbits in the street must -

- (a) wash and thoroughly cleanse that part of the vehicle in which poultry or rabbits are conveyed and every cage, crate and tray used on the vehicle, after each day's trading;

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

CHAPTER XII

MISCELLANEOUS

DRAINING

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

30. DISCHARGE OF TAPS

The taps at all water supply points required in terms of these Bylaws, other than those, within a building or structure the floors of which are graded or drained, shall be placed so as to discharge directly over and into a dished top fitted to an external gully connected to the Council's sewer or where no sewer is available or readily accessible, to other means of drainage approved by the Council

NUISANCE

31. No person must -
- (a) keep any animal or pet in such a manner as to cause a nuisance;
 - (b) fail to remove faeces deposited by a dog in a public place whilst under his control or supervision and dispose of such faeces in a refuse receptacle;
 - (b) fail to duly dispose of dead animals in such a manner as prescribed by the health officer.

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ILLNESS ATTRIBUTABLE TO ANIMALS

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

INSPECTIONS

33. The health officer and any officer authorized thereto by the Municipality may, in order to satisfy himself that the provisions of these By-laws are being complied with -
- (a) enter any premises on which animals, poultry, birds or pets are kept or on which kennels or a cattery is conducted or the business of a dealer or speculator in livestock or a pet shop, a hawker of poultry or rabbits is being conducted or on which he reasonably suspects animals, poultry, birds or pets are kept or such business is being conducted, at all reasonable times;
 - (b) inspect such premises or any vehicle used or reasonably suspected by him to be used for such business and anything thereon or therein; and
 - (d) question any person on such premises or in such vehicle or who has recently been on such premises or in such vehicle.

PROVISIONS OF CAMPS

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

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OFFENCES AND PENALTIES

35. (1) Any person –

- (a) who contravenes or fails to comply with any provision of these By-laws;
- (b) who keeps animals, birds or poultry or who is the person in control of or who conducts the business of a dealer or speculator in livestock, a pet shop, dog kennels or cattery or a hawker of poultry or rabbits on any premises fails to ensure that all the provisions of these By-laws applicable to such premises or business are complied with;
- (c) who fails or refuses to give access to premises to the health officer or any officer when requested to give such access;
- (d) who obstructs or hinders the health officer or other officer in the execution of this duties under these By-laws;
- (e) fails or refuses to give information to the health officer or such other officer which is lawfully required, or knowingly furnishes false or misleading information; or
- (f) fails or refuses to comply with a notice in terms of section 2 is, subject to the provisions of subsection (2), guilty of an offence and must be liable on conviction to a fine not exceeding R1000.00 (One Thousand Rand) or, in default of payment, to imprisonment for a period not exceeding six months, or in the case of a continuous offence, to a fine not exceeding R50.00 (Fifty Rand) or, in default of payment, to imprisonment for a period not exceeding ten days for every period of 24 hours during which such offence continues.

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

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36. REPEAL OF BY-LAWS

These By-laws relating to the keeping of Animals, Birds and Poultry and Businesses Involving the Keeping of Animals, Birds, Poultry or Pets for the Matatiele Local Municipality are hereby repealed be replaced by these Bylaws, which are to become effective on promulgation hereof.

37. APPLICATION

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

(19-26-2)

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LOCAL AUTHORITY NOTICE 180 OF 2021

Date: 27 MAY 2021

MUNICIPAL NOTICE N0: 01 of 2021**MNQUMA LOCAL MUNICIPALITY****TARRIFS FOR FINANCIAL YEAR 1 JULY 2021 TO 30 JUNE 2022**

Notice is hereby given in terms of the provisions of the Local Government Municipal Finance Management Act 56 of 2003 Section 17(3)(a) as well as Chapter 4 and Section 17 and section 75(1) of the Local Government Municipal Systems Act 32 of 2000 that the Mnquma Local Municipality has on 27th May 2021 adopted its annual budget, as well as the tariffs to be charged for municipal services as indicated in this notice.

In relation to the 2021/2022 budget, the municipal council also determined the municipal property rates to be charged on property in terms of section 17 of the Local Government Municipal Finance Management Act 56 of 2003 and section 14(1) and (2) of the Local Government Municipal Property Rates Act of 2004 as amended; during the special council Meeting that was held on the 27th May 2021 the Executive Mayor presented the report in terms of Sections (3) and (12) of the Local Government: Municipal Systems Act, Act no 32 of 2000 as amended as reflected in schedule below

Tariffs for municipal services and property rates contained in this notice shall be effective from **1 July 2021**.

2021-2022 PROPOSED TARIFF STRUCTURE

	2020-2021 APPROVED TARIFF	ADJUSTMENT	2021-2022 PROPOSED TARIFF
ASSESSMENT RATES			
BUTTERWORTH, NQAMAKWE AND CENTANE			
The following rates must be levied on all rateable properties			
Rateable property a general rate per rand of			
Residential property	0,01178		0,01178

Farm property as defined in Section 8(2) (d)(i) and 8 (2) (f)(i) of the Act (being Farm property used for agricultural purposes and smallholdings used for agricultural purposes)	0,00311		0,00311
Agricultural property used predominantly for commercial	0,00311		0,00311
Smallholdings used predominantly for commercial and/or industrial purposes	0,01490		0,01490
Business properties	0,01519		0,01519
Industrial properties	0,01490		0,01490
State owned properties / Public Service Purpose	0,02466		0,02466
Vacant Site	0,02917		0,02917
Mining and Quarries	0,03938		0,03938
Public Service infrastructure properties	0,00311		0,00311
Properties owned and used by public benefit organisations	0,00311		0,00311
Uniform Flat Rates			
Uniform Tariffs for Houses			
Removal of refuse per bin/bags per month:			
Butterworth (Town, Coloured & Extension 2, 6, 7 & 23)	122	5	127
Domestic (Flats)	72	3	75
Businesses/ Government/Public Service Infrastructure	403	17	420
Msobomvu, Vulli-Valley, Nqamakwe, Centane, Zizamele, Mchubakazi, Cuba & Ibika	61	3	64
Special Point Removal (Institution)	1 840	75	1 915
Special Point Removal (Businesses)	1 300	53	1 353
Penalty for dumping + cost of removal refuse on pavements etc.	2 151	88	2 239
REMOVAL AND DISPOSAL OF GARDEN AND/OR BULKY REFUSE	-	-	-
Garden: Minimum charge	144	6	150
Plus per a charge per cubic metre	70	3	73
Mining and Quarries	500	21	521
REMOVAL AND DISPOSAL OF REFUSE FROM PROPERTIES EXEMPT FROM MUNICIPAL RATES AND CHURCHES		-	-
The charge for the weekly removal of 2X85 litre loads or part thereof of any refuse from properties exempt from Municipal rates shall be per month of part thereof.provided that if bulk refuse containers are used in place of approved bins or bin liners, the charge applicable to the type of container in use shall apply	215	9	224
REMOVAL AND DISPOSAL OF GARDEN AND/OR BULKY REFUSE			-
Garden: Minimum charge	144	6	150
Plus per a charge per cubic metre	70	3	73

RENTALS		-	-
Staff Rentals	3 709	371	4 080
Msobomvu & Ibika Houses	178	1 322	1500
Ibika Flats	419	42	461
Msobomvu Flats (4 rooms)	524	52	576
Msobomvu Flats (5 rooms)	734	73	807
Cuba Flats (4 rooms)	524	52	576
Cuba Flats (5 rooms)	734	73	807
Vacant site rental			2500
Indigent subsidy	100%		100%
CEMETERY FEES			
Graves			
Casket	500	21	521
Normal	400	16	416
Children	300	12	312
Double	1 000	41	1 041
Digging			
Casket	300	12	312
Normal	200	8	208
Children	150	6	156
Double	600	25	625
Backfilling			
Casket	200	8	208
Normal	200	8	208
Children	200	8	208
Exhumations			
Adult	2 732	112	2 845
Child	1 492	61	1 553
TRANSKEI QUARRIES			
Monthly Rental (10% Escalation yearly)	50 127	5 013	55 140
BUTTERWORTH COUNTRY CLUB			
Monthly Rental (10% Escalation yearly)	8 858	886	9 744
FINGOLAND MALL	16 435	1 644	18 079
Monthly Rental (10% Escalation yearly)			
ENTRANCE FEES – GCUWA DAM			
Event/closed session	1 000	100	1 100
ENTRANCE FEES - SWIMMING POOL			
Children (18yrs and under)			5
Adults			10
SCHOOL GROUPS			
School swimming groups less than 50 for up to 3 hours			300
GALAS/EVENTS			1 500
Birthday or Baby shower			500
Weddings			1 500
BUILDING CONTROL			

BUILDING PLAN FEES			
Plan approval fees be calculated on a flat 0.5% of the project value with a minimum fee of R574.00 (excluding VAT)	522	21	543
Minor building works As per Section 13 Act 103/1977	385	16	401
Demolishing permit	230	9	239
Temporary buildings	385	16	401
REQUEST TO ISSUE OCCUPANCY CERTIFICATE		-	-
All building types	230	9	239
APPLICATION FOR ENCROACHMENT PERMIT		-	-
Permit Fee - Original permit	595	24	619
Change of ownership	505	21	526
Rental fee per square metre with minimum of R65.00 or as given	2	0	2
BUTTERWORTH/NQAMAKWE/CENTANE STADIUM			
Hire Fees per match	387	16	402
Refundable deposit	387	16	402
TRAFFIC SERVICES			
Towing charges	2 761	113	2 875
Storage fees per day or part thereof	188	8	196
Removal of scrap vehicle	2 761	113	2 875
License disk (taxi) p.a	500	21	521
License disk (bus) p.a	500	21	521
Loading zone application p.a	2 000	82	2 082
ADMINISTRATION CHARGE-OUT TARRIFS FOR EVENTS			
Litter deposits		-	-
Events such as fun runs, races, big walks and marathons- A deposit is paid of which R1000 is refunded once the Council is satisfied that the organisation has cleaned up all the litter generated as a result of that particular event.	251	10	261
HIRE OF HALLS : TOWN/COMMUNITY HALLS			
Hall hire	120	5	125
Deposit on hall hire	552	23	575
TENDERS			
R200 001- R1000 000	331		331
R1000 001 and above	552		552
DEPOSITS FOR DAMAGES OF INFRASTRUCTURE DURING CONSTRUCTION			
Builders	12 758	523	13 281
LICENSES AND PERMITS			
Hawkers per annum	166	7	172
Removal and impoundment of goods	800	33	833
Businesses per annum	1 100	45	1 145
Displaying goods	752	31	783
Camping permit	221	9	230
ADVERTISING & DISFIGUREMENT OF FRONTAGES OF STREETS			

Application to display signs	828	34	862
Penalty – maximum R3000.00	2 430	100	2 530
FURNISHING OF INFORMATION TO THE PUBLIC		-	-
Search of index in any account not in the current register, per page searched	22	1	23
Search of index in any account in the current register, per page searched	22	1	23
Inspection of any deed, document or diagram or any details, per certificate per		-	-
Property	-	-	-
Supply of valuation certificate or outstanding charges against property, per certificate per property	166	7	172
DEVELOPMENT PLANNING TARIFF FEES			
Application for rezoning			
Application fees			
Erven 0 – 2500 square meters	2 430	100	2 530
Erven 2501 – 5000 square meters	4 750	195	4 944
Erven 5001 – 10 000 square meters	6 407	263	6 669
Erven 1 ha – 5 ha	6 517	267	6 784
Erven over 5 ha	7 953	326	8 279
Advertising fees	4 000	164	4 164
Application for departure from building lines & spaza shop application fees			
Erven smaller than 500m	137	363	500
Erven 500m – 750m	266	284	550
Erven larger than 750m	533	67	600
Departures other than building lines	1 256	51	1 307
Departures for spaza shops			1 307
Application for subdivision – application fees			
Basic fee	1 000	41	1 041
Charge per subdivision (Remainder considered a subdivision)	200	8	208
Application for removal of restriction			
Application fees	1 500	62	1 562
Advertisement fees	4 000	164	4 164
SALE OR LEASE OF LAND (Administration fees)			
Administration fees	85	3	89
Application fees (Refundable Deposit)	920	38	958
Zoning Certificate	50	20	70
Extension of Time	250	10	260
Amendments to existing subdivisions and consolidation	1 000	41	1 041
Application for consent			
Application fees	1 800	74	1 874
Application for Cell Mast (per application)	4 142	170	4 312
Spatial Development Framework Documents – CD			
Town Planning Scheme-Document-CD	552	23	575

Maps and Plans			
A4 Size			
LINE DRAWING (i.e. cadastral, incl. or excl. contours)	13	1	14
ARCGIS DRAWING (i.e. line drawing with colour)	22	1	23
AERIAL PHOTO (i.e. colour aerial view, incl. or excl. cad/contours)	55	2	57
A3 Size			
LINE DRAWING (i.e. cadastral, incl. or excl. contours)	18	1	18
ARCGIS DRAWING (i.e. line drawing with colour)	33	1	34
AERIAL PHOTO (i.e. colour aerial view, incl. or excl. cad/contours)	94	4	98
A2 Size			
LINE DRAWING (i.e. cadastral, incl. or excl. contours)	33	1	34
ARCGIS DRAWING (i.e. line drawing with colour)	55	2	57
AERIAL PHOTO (i.e. colour aerial view, incl. or excl. cad/contours)	155	6	161
A1 Size			
LINE DRAWING (i.e. cadastral, incl. or excl. contours)	50	2	52
ARCGIS DRAWING (i.e. line drawing with colour)	83	3	86
AERIAL PHOTO (i.e. colour aerial view, incl. or excl. cad/contours)	243	10	253
Paper prints			
A1 per copy	22	1	23
A2 per copy	17	1	17
Sepia Prints per meter	155	6	161
BUILDING CONTROL			
Building costs for plan fees			
Class of building – rate per m2			
Dwelling House	3 846	158	4 004
Outbuilding	3 206	131	3 337
Flats/Hotels/Townhouses	4 396	180	4 576
Shops/Schools/Churches	4 396	180	4 576
Offices	4 579	188	4 767
Carports	1 648	68	1 716
Patios/Pergolas	1 648	68	1 716
Basement Parking	2 381	98	2 479
Boundary wall (set fee)	678	28	706
Factories and Warehouses			
First 5000 m2	3 281	135	3 416
Over 5000 m2	6 075	249	6 324
Pavement Hoarding Rentals – per m2 per month	124	5	129
Drainage Plans (per plans)	3	0	3
Swimming Pools (per plan)	124	5	129
General			
Plan approval fees be calculated on a flat 0.5% of the project value with a Minimum fee of R300	266	11	277

Plan approval fees for Provincial Housing Board Subsidy		-	-
Calculated at a flat rate of R40.00 per unit		-	-
Subscription for building plan statistics			
Monthly	12	0	12
Annually	127	5	132
SIGNAGE CONTROL			
Banners			
Butterworth	1 209	50	1 259
Centane & Ngqamakhwe	605	25	630
Electronic Billboard		-	-
Posters			
Charity Events - non-refundable deposits	233	10	243
Other Events -non-refundable deposits	1 163	48	1 211
Application fee for advertising signs			
a)Per application	345	14	359
Application fee for headline posters			
a)Annual deposits	4 138	170	4 308
b)Annual Administration fee	690	28	718
Application fee for estate agent signs			
a)Annual Deposits	2 759	113	2 872
Advertising on Big screen			
30 Seconds advert for 7 days			1 600
Use of municipal Tractors			
Per two Hectares	-		350
ENVIRONMENTAL SERVICES			
Tree felling	500	21	521
Removal of fallen tree	500	21	521
Lease of Municipal Open Space			
Individual traders-per day	129	5	134
Per weekend	235	10	244
Per week	417	17	434
ADMINISTRATIVE CHARGE			
Admin fee for issuing of Clearance certificate	500	100	600
Re-issuing of Clearance Certificate	500	400	900
FINES AND PENALTIES			
SURCHARGES/PENALTIES			
Penalty for damage to survey beacons	2 209	91	2 300
Late payment of account – interest on outstanding accounts			Prime +2%
ROAD CROSSINGS/ADVERTISEMENTS FOR BANNERS			
Main Street (Umtata Street)	2 209	91	2 300
Secondary Streets (Side Streets)	1 657	68	1 725
Township Roads (Dupal)	1 105	45	1 150

Gravel Roads	663	27	690
LAW ENFORCEMENT BY-LAW FINES			
Dumping Refuse	752	31	783
Urinating on the streets	125	5	131
Unlicensed business	752	31	783
Unpermitted business	752	31	783
Flammable liquid	752	31	783
Use of explosive with public e.g. crickets	752	31	783
Trading in undemarcated area	752	31	783
Selling of liquor after hours	1 254	51	1 305
Drinking alcohol while on uniform	314	13	326
Littering	752	31	783
Supply power for noise pollution	752	31	783
ILLEGAL TRADING			
Street hairstylists and street car wash	752	31	783
Repair of vehicles on the parking	752	31	783
Public disorder	752	31	783
Air pollution	752	31	783
SIGNAGE CONTROL			
Removal charges for loose portable signs			
a)First offence – per sign	207	8	215
b)Second offence – per sign	552	23	575
c)Third offence – per sign	1 104	45	1 149
Removal charges for sign boards			
a)Actual costs Plus penalty – per sign	276	11	287
Removal charges for posters			
a)Per poster	83	3	86
OTHER FINES			
Operating a Guest house and or a Boarding house without a permit –	2 108	892	3 000
Putting/Erecting advertising signage without a written approval from the Council-Maximum R2000	R600*(a)	100	700*(a)
Putting/Erecting illegal structure without a written approval from the Council-Maximum R2000			1000
Failure to remove posters on the expiry of such period-Maximum R2000	R600*(a)	100	700*(a)
Hawk/trade on the camping site without the permit from the Council- Maximum R2000	600	25	625
Owner of the house neglect his/her house to dilapidated/health risk- Maximum R2000	400	16	416
Light any fire or cause or permit any fire to be lighted without the Council approval-Maximum R2000	No admission of guilt		No admission of guilt
Operates a child care centre within the jurisdiction of Mnquma without the Council authority-Maximum R5000	1000	41	1 041
Bury anybody at the Council cemetery without the Council permission-	No admission of guilt		No admission of guilt

FINES Maximum R5000			
Enter Council cemetery without the Council permission- Maximum R5000	200	400	600
Damage, deface or remove any memorial work, grave, building, fence or	No admission of guilt	300	300
Fixtures- Maximum R5000			
Sit, stand, walk, climb, draw or write on any grave or memorial work-	600	25	625
Maximum R5000			
Dig any hole or trench or any construction or obstruction at the Council cemetery without the Council permission – Maximum R2000	No admission of guilt		No admission of guilt
Commits Nuisance i.e. music without Council approval – Maximum R2000	600*(a)	400	1000
Selling liquor within the jurisdiction of Mnquma Local Municipality contrary to the conditions of the license- Maximum R5000	1000.00*(a)		No admission of guilt
Selling liquor within the jurisdiction of Mnquma Local Municipality without the license from the Council – Maximum R5000	2000.00*(a)	1000	3000.00*(a)
Park a bus on a place not demarcated as a bus rank – Maximum R2000	1000.00*(a)	500	1500.00*(a)
Park a bus on a bus rank more than one (1) hour - Maximum R2000	500	500	1000
Park a bus on a bus rank without the transportation permit/bus rank permit – Maximum R2000	1000.00*(a)	500	1500.00*(a)
Pick up or set down any passenger not in a bus rank – Maximum R2000	600.00*(a)	400	1000.00*(a)
Use of Bus/Taxi Rank without the Bus/Taxi Rank permit or Token-	1000.00*(a)	500	1500.00*(a)
Maximum R2000			
Tout, importune or solicit of passengers for any bus or taxi by loitering or calling out or in any manner whatsoever – Maximum R2000	600	400	1000
Keep or permit bees to be kept without the written permission from the Council-Maximum R 2000	200	200	400
Keep or cause to keep any poultry i.e. fowl, goose, duck, turkey, pigeons or dove etc. without the written permission from the Council- Maximum R1000	200	200	200
Trade/Hawk on a public road, pavement, bus rank, taxi rank or public place without the permit issued by the Council – Maximum R1000	600.00*(a)	100	700.00*(a)
Display any goods or other property on, in or in front of a window or building or business or private property without the written consent from the owner – Maximum R1000	600*(a)	400	1000*(a)
Failure to produce a trading license on demand by the authorised officer – Maximum R1000	600*(a)	100	700*(a)
Attach any object to building, tree, and structure by means to trade/hawk- maximum R1000	600*(a)	400	1000*(a)

Fail to remove his/her property or belongings on concluding business for the day – Maximum R1000	600*(a)	100	700*(a)
Stuck his/her property in such a manner that constitutes danger to any person –Maximum R1000	600*(a)	100	700*(a)
Erect any tent or structure without the permission of the Council –Maximum R2000	600*(a)	100	700*(a)
Deposit or permit to be deposited any waste, hazardous waste and/or materials other than the in a refuse bin – Maximum R2000	50	50	100
Dispose of litter in a manhole, storm water drain or any other place not intended for the disposal of litter – Maximum R 2000	1000	1000	2000
Trade to limit access to parking or loading bays or other facilities for vehicles traffic – Maximum R2000	600*(a)	100	700*(a)
Trade causing obstruction on a roadway – Maximum R2000	600*(a)	100	700*(a)
Selling dangerous/illegal goods or materials on a pavement, public road, bus rank taxi rank – Maximum R2000	No admission of guilt*(a)		No admission of guilt*(a)
Trade to or near any place of worship, national monument or public building – Maximum R1000	600.00*(a)	100	700*(a)
Trading on any parking bay – Maximum R1000	600.00*(a)	100	700*(a)
Park a vehicle otherwise than in compliance with any notice or sign displayed therein by the Council- Maximum R1000	600.00*(a)	100	700*(a)
Advertise any advertisement without the Council prior written approval –Maximum R1000	500.00*(a)	200	700.00*(a)
Plying for hire without transportation permit (public transport vehicles) – Maximum R2000	2500.00*(a)		2500.00*(a)
Display any advertisement, placard, posters, or bill in a street, public road within the jurisdiction of Mnquma without the permission of the Council – Maximum R2000	600.00*(a)	100	700*(a)
Hold, organise, initiate, or actively participate in a procession, demonstration or gathering in street or dance or sing or play musical instrument without the written approval from the Council – Maximum R2000	600.00*(a)	100	700*(a)
Use abusive, insulting obscene threatening language in a street, pavement or public place- Maximum R2000	600.00*(a)		No admission of guilt
Urinate, spit or pass any excrement in a street or pavement nor drink any beer or any other intoxicating liquor in a street or pavement or drop any litter or paper in a street or pavement – Maximum R2000	100	100	200
Fight or act in a riotous/violent manner in a street or public road – Rmaximum R2000	No admission of guilt		No admission of guilt
Use of public amenity without the approval of the Council- Maximum R2000	600	200	800

Damage or disfigure anything within such amenity – Maximum R2000	600	400	1000
Pull out, pick or damage any tree, plant, shrub, vegetation or flower on amenity – Maximum R2000	600	400	1000
Building Control			
FINES FOR TRANSGRESSION OF NATIONAL BUILDING REGULATION			
Section 14.4:			
Occupying a building without the written approval of the Local Authority:	2 500	225	2 725
Regulation A22		-	
Not requesting foundation or plumbing inspection as per building regulation:	2 500	225	2 725
Regulation F9		-	
Failure to remove waste material on site	1 500	135	1 635
Regulation F11		-	
Failure to provide approved sanitary facilities on site for all personnel employed on or in connection with the erection or demolition of any building	1 000	90	1 090
A fine of R100 per day up to a maximum fine of R4 000 will be levied for the illegal erection of any building without the written approval of the local authority (Section 4 of the Act).	100 per day		100 per day
The fine for submitting false or fraudulent documents to obtain an Occupation Certificate (Art 14 (3)) will attract a fine of R2 000.	2 000	180	2 180

Full details of the Council resolution and rebates, reductions and exclusions specific to each category of properties as determined through criteria in the municipality's rates policy are available for inspection on the municipality's offices, website (www.mnquma.gov.za).

SIGNED BY SILUMKO MAHLASELA
MUNICIPAL MANAGER

MNQUMA LOCAL MUNICIPALITY
CNR KING AND MTHATHA STREET,
BUTTERWORTH
EASTERN CAPE
TELEPHONE NUMBER: 047 050 1100

LOCAL AUTHORITY NOTICE 181 OF 2021**BUFFALO CITY METROPOLITAN MUNICIPALITY****SPLUMA, ACT 16 of 2013 : ERF 541 BEACON BAY : REMOVAL OF RESTRICTIONS**

Under 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 & Land Use Management By-law of 2016, and upon instruction from the abovementioned municipality, notice is hereby given that, following application by the owner of Erf 541 Beacon Bay, conditions C.4.(a)(b)(c)(d), & D.1.2.3., found in Deed of Transfer No. T 18956/2019, pertaining to Erf 541 Beacon Bay, are approved for removal.

LOCAL AUTHORITY NOTICE 182 OF 2021**KOUGA MUNICIPALITY (EC108)****NOTICE No: 156/2021****MISCELLANEOUS LAND USE APPLICATIONS****Application for the Removal of Title Deed Condition and Permanent Departure:
ERF 47 ASTON BAY (The Woodpecker Crescent)**

The removal of restrictive title condition in terms of section 69 and the permanent departure from land use scheme provisions to accommodate existing buildings on the property in terms of section 76 of the Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016, Applicant: Heinrich Nienaber.

**Application for the Removal of Title Deed Condition and Permanent Departure:
ERF 937 JEFFREYS BAY (23 Latern Street)**

The removal of restrictive title condition in terms of section 69 and the permanent departure from land use scheme provisions to accommodate existing building on the property in terms of section 76 of the Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016, Applicant: Heinrich Nienaber.

**Application for the Removal of Title Deed Condition and Permanent Departure:
ERF 125 PARADISE BEACH (19 Dawnview Crescent)**

The removal of restrictive title condition in terms of section 69 and the permanent departure from land use scheme provisions to accommodate existing buildings on the property in terms of section 76 of the Spatial Planning and Land Use Management By-Law: Kouga Municipality, 2016, Applicant: Heinrich Nienaber.

Further particulars are available for inspection at the office of the Directorate: Planning, Development & Tourism, Municipal Offices, Planning and Development Department, 16 Woltemade Street, Jeffreys Bay. Contact Person: Ms K. Didloft: Admin Officer. Tel. 042-2002200 or E-Mail Address: planning@kouga.gov.za

Motivated objections, if any, against the application, must be lodged in writing, to reach the undersigned not later than 30 days after publication of this notice.

All correspondence relating to this application must be addressed to Ms J. Reed @ E-Mail Address: jreed@kouga.gov.za

MR. C. DU PLESSIS
MUNICIPAL MANAGER

P.O. BOX 21
JEFFREYS BAY
6330

For Publication: Government Gazette

LOCAL AUTHORITY NOTICE 183 OF 2021**Enoch Mgijima Municipality (Eastern Cape)****Removal of Restrictions in terms of Spatial Planning and Land Use Management Act 16 of 2013
ERF 6434 EZIBELENI**

Under Section 47 of the Spatial Planning and Land Management Act 16 of 2013 and upon instructions by Local Authority, a notice is hereby given that condition Paragraph 2 (a) and (b) as contained in Deed of Transfer No. T1060/2006 applicable to Erf 6434 Ezibeleni are hereby removed.

LOCAL AUTHORITY NOTICE 184 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 29, FERNGLEN, 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 B4(a), (b), (d) in Deed of Transfer No. T8881/2007 applicable to ERF 29 FERNGLEN, Port Elizabeth are hereby removed.

LOCAL AUTHORITY NOTICE 185 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) and the Buffalo City Metropolitan Municipality Spatial Planning and Land use Management By-Law (2016).

ERF 754 BEACON BAY (17 Braemar Road)

Under 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 & Land Use Management By-Law of 2016 and upon instructions of the Local Authority a notice is hereby given that conditions A, B, C(1), C(2), C(3)(a), C(3)(b), C(3)(c), C(3)(d), D(1)(a), D(1)(b) and D(2) found in Deed of Transfer No. T157/2020, pertaining to Erf 754 Beacon Bay is hereby removed.