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PROVINCIAL NOTICE

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[NO. 198 OF 2011]

**NOTICE IN TERMS OF SECTION 14(2)(a)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION: STANDARD NUMBERING OF BUILDINGS BY-LAW**

I, M.G Qabathe, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlement in the Free State Province, after consulting the Minister of Cooperative Governance and Traditional Affairs and the South African Local Government Association: Free State, do hereby in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), make standard by-laws as set out in the Schedule.

SCHEDULE

**NUMBERING OF BUILDINGS BY-LAW**

**Definitions**

1. In these by-laws, unless the context otherwise indicates –
  - "**building**" means, in addition to its ordinary grammatical meaning, any portion of a building which has a street entrance and is not interlinking with any other portion of the building, having a separate pedestrian street entrance and forming a self-contained unit for purposes of its intended use, whether or not a registered sectional title scheme in respect of the building exists;
  - "**Council**" means the municipal council of the ..... Local Municipality in which the executive and legislative authority of the municipality is vested, and which is the decision making body of the municipality, and its delegates;
  - "**display**" means as a verb, to affix surely to, or unless otherwise authorised by the General Manager in terms of section 2, to paint on a building, boundary wall, gate or other place authorised by the General Manager in such a manner as to be clearly visible from the street bordered by such building, boundary wall, gate or other authorised place, and has a corresponding meaning as a noun;
  - "**flat building**" means a building in which several residential apartments are situated and such buildings usually consists of more than one level and for purposes of these by-laws may also refer to any sectional title complex;
  - "**General Manager**" means the General Manager Planning of the Council or a person acting on the authority of that person;
  - "**metal**" means, any plastic material or any other durable material approved by the General Manager;
  - "**Municipality**" means the ..... Local Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;
  - "**occupier**" means, a person who actually occupies a property or any part thereof, irrespective of the title by virtue of which he or she occupies it and, in the case of a property which have been subdivided and are being let to various lodgers or various tenants, the person or persons entitled to the rental and, if the property form part of a scheme as referred to in the Sectional Titles Act, 1986 (Act No 95 of 1986), the body corporate referred to in that Act is deemed to be the occupier of the property;
  - "**property**" means any land, building, room or structure, regardless of whether anything has been erected thereon.

**Allocation of street numbers**

2.
  - (1) Street numbers are allocated or reallocated from time to time by the Council to properties within the municipality.
  - (2) After service on him or her of a notice in writing by the General Manager requiring him or her to do so, the owner or occupier of any such property must, within the time specified in such notice, display on such property the number allocated or reallocated thereto, in terms of this or any previous by-law by means of a metal number or metal plate bearing such number, or by means of paint if so authorised by the General Manager: Provided that such number or plate must be affixed in the position indicated in such notice or, if no such position is so indicated, then in a position where it is legible from the street on which such property fronts, and its dimensions must not be less than the minimum specified in section 5 : Provided further that the General Manager may prescribe the colour and finish of the digits or the type of paint that may be used, in such notice.
  - (3) The provisions of subsection (2) applies to any property where such number or plate has become detached, illegible, obliterated or defaced, or does not meet the provisions of section 5, or is for any reason no longer legible from the street on which such property fronts.

**Allocation and display of names on flat buildings**

3. (1) After service on the owner of a notice in writing by the General Manager requiring him or her to do so, the owner of any flat building must, within the time specified in such notice, display, by means of a metal sign on such building, the name that has been assigned to it, or by means of paint if so authorised by the General Manager: Provided that such sign must be affixed in the position indicated in such notice or, if no such position is indicated, then in a position where it is legible from the street on which such building fronts and its dimensions shall not be less than the minimum specified in section 5: Provided further that the General Manager may prescribe the colour and finish of the letters or the type of paint that may be used in connection with such name in such notice.
- (2) The provisions of subsection (1) applies to any flat building where such sign has become detached, illegible, obliterated or defaced, or does not meet the provisions of section 5, or is for any reason no longer legible from the street on which such flat building fronts.

**Allocation of numbers and letters to Flat Buildings**

4. (1) After service on the owner of a notice in writing by the General Manager requiring him or her to do so, subject to the provisions of section 2, the owner of any flat building must, within the time specified in such notice -
  - (a) affix a metal number, or a metal plate, bearing a number, over the entrance to each separate flat;
  - (b) where there is more than one block of flats, or more than one main entrance to each block, affix at each main entrance to each block a metal letter or metal plate bearing a letter in either case of dimensions not less than the minimum specified in section 5;
  - (c) provide and maintain continuously in efficient working order, by means of illumination, by which the sign referred to in section 3 and the metal letter or plates referred to in subsection (1) (b) are made legible during the hours of darkness.
- (2) The numbers referred to in subsection (1)(a) must run from 1 upwards on the ground floor, from 101 upwards on the first floor, and so on.
- (3) The letters referred to in subsection (1)(b) shall run from A onwards and each block or main entrance shall be assigned a different letter.
- (4) The provisions of subsection (1) shall apply in respect of any metal number, metal plate or metal letter that has become detached, or is for any reason no longer legible.

**Minimum dimensions of numbers and letters**

5. (1) The minimum height of every number and letter with regard to a property within the municipality is, in respect of -
  - (a) flat buildings, office- or business buildings and shopping centres, is 150 millimetre, and
  - (b) any other property, is 75 millimetre:Provided that the distance between the lines which represent the actual number or letter should not be less than 10 millimetre.

**Offences and penalties**

6. (1) A person contravening or failing to comply with any of the provisions of these by-laws is guilty of an offence and must upon conviction by a court be liable to a fine or imprisonment for a period not exceeding three years or both a fine as well as period of imprisonment, or such other fine or period of imprisonment which the Minister of Justice may from time to time determine in terms of the provisions of section 92 of the Magistrate's Courts Act, 1944 (Act No 32 of 1944).
- (2) Any expense incurred by the Council as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he or she failed to do, may be recovered by the Council from the person who committed the contravention or who failed to do such thing.

**Repeal**

7. Any by-laws relating to the Numbering of Buildings adopted by the municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.

**Short title and commencement**

8. These by-laws are called the Numbering of Buildings By-law, 2011.

[NO. 199 OF 2011]

**NOTICE IN TERMS OF SECTION 14(2)(a)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION: STANDARD PROPERTY RATES BY-LAW**

I, M.G Qabathe, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlement in the Free State Province, after consulting the Minister of Cooperative Governance and Traditional Affairs and the South African Local Government Association: Free State, do hereby in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), make standard by-laws as set out in the Schedule.

**SCHEDULE**

**PROPERTY RATES BY-LAW**

**PURPOSE OF BY-LAW**

To allow Council to exercise its power to value and impose rates on immovable properties located within its area of jurisdiction in such a manner that it will contribute to effective and economic service delivery to the entire community.

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**1. Definitions**

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

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

"Agent", in relation to the owner of a property, means a person appointed by the owner of the property-

- (a) to receive rental or other payments in respect of the property on behalf of the owner; or
- (b) to make payments in respect of the property on behalf of the owner;

"Municipality" means the Local Municipality established in terms of Section 12 of the Municipal Structures Act, 1998 (Act No. 117 of 1998), and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this By-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

“Privately owned towns serviced by the owner” means single properties, situated in an area not ordinarily being serviced by the municipality, divided through sub division or township establishment into (ten or more) full title stands and/ or sectional units and where all rates related services inclusive of installation and maintenance of streets, roads, sidewalks, lighting, storm water drainage facilities, parks and recreational facilities are installed at the full cost of the developer and maintained and rendered by the residents of such estate.

“Residential property” means improved property that –

- (a) is used predominantly (60% or more) for residential purposes including any adjoining property registered in the name of the same owner and used together with such residential property as if it were one property. Any such grouping must be regarded as one residential property for rate rebate or valuation reduction purposes.
- (b) is a unit registered in terms of the Sectional Title Act and used predominantly for residential purposes.
- (c) is owned by a share-block company and used solely for residential purposes.
- (d) is a residence used for residential purposes situated on property used for or related to educational purposes.
- (e) retirement schemes and life right schemes used predominantly (60% or more) for residential purposes.

And specifically exclude hostels, flats, old age homes, guest houses and vacant land irrespective of its zoning or intended use.

“Rural communal settlements” means the residual portion of rural communal land excluding identifiable and rateable entities within the property and excluding State Trust Land and land reform beneficiaries as defined in the Act.

## 2. Principles

- (1) Rates will be levied in accordance with the Act as an amount in the Rand based on the market value of all rateable property contained in the municipality's valuation roll and supplementary valuation roll.
- (2) The municipality will differentiate between various categories of property and categories of owners of property as contemplated in section 5 and 6.
- (3) Some categories of property and categories of owners will be granted relief from rates.
- (4) The municipality will not grant relief in respect of payments for rates to any category of owners or properties, or to owners of properties on an individual basis.
- (5) There will be no phasing in of rates based on the new valuation roll, except as prescribed by the Act and in accordance with clause 14.
- (6) The municipality's rates policy will be based on the following principles:
  - (a) The municipality will treat all ratepayers with similar properties the same.
  - (b) The ability of a person to pay rates will be taken into account by the municipality. In dealing with the poor/indigent ratepayers the municipality will provide relief measures through exemptions, reductions or rebates and cross subsidy from the equitable share allocation.
  - (c) Rating of property will be implemented in a way that:
    - (i) it supports sustainable local government by providing a stable and buoyant revenue source within the discretionary control of the municipality;
    - (ii) Supports local, social and economic development; and
    - (iii) Secures the economic sustainability of every category of ratepayer.
  - (d) Rates will be based on the value of all rateable property and will be used to fund community and subsidised services after taking into account profits generated on trading (water, electricity) and economic (refuse removal, sewerage disposal) services and the amounts required to finance exemptions, rebates, reductions and phasing-in of rates as approved by the municipality from time to time.

## 3. Application of By-law

- (1) Where this by-law conflicts with national legislation section 156(3) of the Constitution of South Africa, 1996 applies.
- (2) The Municipal Manager must bring such conflicts immediately to the attention of the municipality once he or she becomes aware of such conflicts and propose changes to the municipality's by-laws to eliminate such conflicts.
- (3) If there is any conflict between this by-law and the Property Rates policy of the municipality, this by-law will prevail.
- (4) In imposing the rate in the Rand for each annual operating budget component, the municipality must grant exemptions, rebates and reductions to the categories of properties and categories of owners.

## 4. Principles applicable to financing services

- (1) The municipal manager or his or her nominee must, subject to the guidelines provided by the National Treasury and Executive Committee of the municipality, make provision for the following classification of service-
  - (a) Trading services
    - (i). Water
    - (ii). Electricity

(b) Economic services

- (i). Refuse removal
- (ii). Sewerage disposal

(c) Community and subsidised services

These include all those services ordinarily being rendered by the municipality that benefit the community as a whole, excluding those mentioned in subsection 1 (a) and (b).

- (2) Trading and economic services as referred to in subsection (1) (a) and (b) must be ringfenced and financed from service charges while community and subsidised services referred to in subsection (1) (c) will be financed from surpluses on trading and economic services, regulatory fees, rates and rates related income.

**5. Categories of property**

- (1) Different rates may be levied in respect of the categories of rateable properties as determined by the municipality's rates policy.
- (2) Such rates will be determined on an annual basis during the compilation of the municipality's budget.
- (3) In determining the category of a property referred to in subsection (1) the municipality must take into consideration the dominant use of the property regardless the formal zoning of the property;
- (4) Properties used for multiple purposes must be categorised and rated as provided for in section 9 of the Act and as more fully described in section 7 of this by-law.

**6. Categories of owners**

For the purpose of granting exemptions, reductions and rebates in terms of section 9, 10 and 11 respectively the following categories of owners of properties are determined:

- (a) Those owners who qualify and who are registered as indigents in terms of the adopted indigent policy of the municipality;
- (b) Those owners who do not qualify as indigents in terms of the adopted indigent policy of the municipality but whose total monthly income is less than the amount annually determined by the municipality in its budget;
- (c) Owners of property situated within an area affected by-
  - (i). a disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
  - (ii). serious adverse social or economic conditions.
- (d) Owners of residential properties with a market value below the amount as determined annually by the municipality in its budget;
- (e) Owners of properties situated in privately owned towns as determined by the municipality's rates policy;
- (f) Owners of agricultural properties as determined by the municipality's rates policy; and
- (g) Child headed families where any child of the owner or child who is a blood relative of the owner of the property, is responsible for the care of siblings or parents of the household.

**7. Properties used for multiple purposes**

Rates on properties used for multiple purposes will be levied on the dominant use of the property.

**8. Differential rating**

- (1) Criteria for differential rating on different categories of properties will be according to-
  - (a) The nature of the property including its sensitivity to rating e.g. agricultural properties used for agricultural purposes.
  - (b) The promotion of social and economic development of the municipality.
- (2) Differential rating among the various property categories will be done by way of setting different cent amount in the rand for each property category and by way of reductions and rebates as provided for in the municipality's rates policy document.

**9. Exemptions and Impermissible Rates**

- (1) Categories of property and categories of owners as determined by the municipality's rates policy on an annual basis will be exempted from paying rates.
- (2) Conditions determined by the rates policy will be applied accordingly.
- (3) Exemptions will automatically apply where no applications are required.
- (4) Rates may not be levied by the municipality on properties prescribed in Section 17(1).
- (5) Public Benefit Organisations performing a specific public benefit activity and registered in terms of the Income Tax Act, 1962 (Act No. 58 of 1962) for tax reduction because of those activities, may apply for exemption of property rates, on conditions as determined by the municipality's rates policy.
- (6) The municipality retains the right to refuse the exemption if the details supplied in the application form are incomplete, incorrect or false.
- (7) The extent of the exemptions implemented will annually be determined by the municipality and it must be included in the annual budget.

**10. Reductions**

- (1) Reductions as contemplated in section 15 of the Act will be considered on an *ad-hoc* basis in the event of the following:
  - (a) Partial or total destruction of a property.
  - (b) Disasters as defined in the Disaster Management Act, 2002 (Act No 57 of 2002).
- (2) The following conditions are applicable in respect of subsection (1)
  - (a) The owner referred to in subsection (1) (a) must apply in writing for a reduction and the onus will rest on such applicant to prove to the satisfaction of the municipality that his or her property has been totally or partially destroyed. He or she will also have to indicate to what extent the property can still be used and the impact on the value of the property.
  - (b) Property owners will only qualify for a rebate if affected by a disaster as referred to in the Disaster Management Act, 2002 (Act No. 57 of 2002).
- (3) A maximum reduction determined annually by the municipality will be allowed in respect of subsection (1)
  - (a) An ad-hoc reduction will not be given for a period in excess of 6 months, unless the municipality gives further extension on application.
  - (b) If rates were paid in advance prior to granting of a reduction the municipality will give credit to such an owner as from the date of reduction until the date of lapse of the reduction or the end of the period for which payment was made whichever occurs first.

**11. Rebates**

- (1) The municipality may grant rebates to categories of property as determined in the municipality's rates policy.
- (2) The municipality may grant rebates to categories of owners as determined annually in the municipality's rates policy.
- (3) Conditions determined by the rates policy will be applied accordingly.
- (4) Applications for rebates must reach the municipality before the date determined by the property policy, preceding the start of the new municipal financial year for which relief is sought.
- (5) The municipality retains the right to refuse rebates if the details supplied in the application form were incomplete, incorrect or false.
- (6) Properties with a market value below a prescribed valuation level of an amount determined annually by the Municipality may, instead of a rate being determined on the market value, be rated a uniform fixed amount per property.
- (7) The extent of the rebate in terms of subsection (1), (2) and (6) will annually be determined by the municipality and must be included in the annual budget.

**12. Payment of rates**

- (1) Council may levy assessment rates-
  - (a) On a monthly basis or less regular as determined by the Municipal Finance Management Act, 2003 (Act No. 56 of 2003) or
  - (b) Annually, as agreed with the owner of the property.
- (2) The municipality must determine the due dates for payments in monthly instalments and the single annual payment and this date must appear on the accounts forwarded to the owner, tenant, occupants or agent.
- (3) Rates payable on an annual basis, will be subject to a discount of 5% if paid in full on or before 30 September of each year.
- (4) Interest on arrears rates, whether payable on or before 30 September or in equal monthly instalments, must be calculated in accordance with the provisions of the Credit Control and Debt Collection Policy of the Municipality.
- (5) If a property owner who is responsible for the payment of property rates in terms of the rates policy, fails to pay such rates in the prescribed manner, it will be recovered from him or her in accordance with the provisions of the Credit Control and Debt Collection By-law of the Municipality.
- (6) Arrears rates must be recovered from tenants, occupiers or agents of the owner, in terms of section 28 and 29 of the Act and the Municipality's Credit Control and Debt Collection By-law.
- (7) Where the rates levied on a particular property have been incorrectly determined, whether because of an error or omission on the part of the municipality or false information provided by the property owner concerned or a contravention of the permitted use to which the property concerned may be put, the rates payable must be appropriately adjusted for the period extending from the date on which the error or omission is detected back to the date on which rates were first levied in terms of the current valuation roll.
- (8) Where the error occurred because of false information provided by the property owner or as a result of a contravention of the permitted use of the property concerned, interest on the unpaid portion of the adjusted rates payable must be levied at the maximum rate permitted by prevailing legislation.

**13. Accounts to be furnished**

- (1) The municipality will furnish each person liable for the payment of rates with a written account, which will specify:
  - (a) the amount due for rates payable,
  - (b) the date on or before which the amount is payable,
  - (c) how the amount was calculated,
  - (d) the market value of the property, and
  - (e) rebates, exemptions, reductions or phasing-in, if applicable.
- (2) A person liable for payment of rates remains liable for such payment, whether or not such person has received a written account from the municipality. If the person concerned has not received a written account, he or she must make the necessary enquiries with the municipality.
- (3) In the case of joint ownership the municipality must consistently, in order to minimise costs and unnecessary administration, recover rates from one of the joint owners only provided that it takes place with the consent of the owners concerned.

**14. Phasing in of rates**

- (1) The rates to be levied on newly rateable property must be phased in as provided for in section 21 of the Act.
- (2) The phasing-in discount on the properties referred to in section 21 of the Act are as follows:
  - (a) First year : 100% of the relevant rate;
  - (b) Second year : 100% of the relevant rate;
  - (c) Third year : 100% of the relevant rate;
  - (d) Fourth year : 100% of the relevant rate;
  - (e) Fifth year : 50% of the relevant rate; and
  - (f) Sixth Year : 25% of the relevant rate.
- (3) No rates must be levied on newly rateable properties that are owned and used by organisations conducting activities that are beneficial to the public and that are registered in terms of the Income Tax Act for those activities, during the first year. The phasing-in discount on these properties must be as determined below:-
  - (a) First year : 75% of the relevant rate;
  - (b) Second year : 50% of the relevant rate; and
  - (c) Third year : 25% of the relevant rate;

**15. Special rating areas**

- (1) The municipality will, whenever deemed necessary, by means of a formal Council resolution determine special rating areas in consultation with the relevant communities as provided for in section 22 of the Act.
- (2) The following matters must be attended to in consultation with the committee referred to in subsection (3) whenever special rating is being considered:
  - (a) Proposed boundaries of the special rating area;
  - (b) Statistical data of the area concerned giving a comprehensive information of the number of erven with its zoning, services being rendered and detail of services such as capacity, number of vacant erven and services that are not rendered;
  - (c) Proposed improvements clearly indicating the estimated costs of each individual improvement;
  - (d) Proposed financing of the improvements or projects;
  - (e) Priority of projects if more than one;
  - (f) Social economic factors of the relevant community;
  - (g) Different categories of property;
  - (h) The amount of the proposed special rating;
  - (i) Details regarding the implementation of the special rating;
  - (j) The additional income that will be generated by means of this special rating.
- (3) A committee consisting of 6 members of the community residing within the area affected may be established to advise and consult the municipality in regard to the proposed special rating referred to above. This committee may be elected by the inhabitants of the area concerned who are 18 years of age or older. The election of the committee must take place under the guidance of the Municipal Manager. The committee will serve in an advisory capacity only and will have no decision making powers.
- (4) The required consent of the relevant community must be obtained in writing or by means of a formal voting process chaired by the Municipal Manager. A majority is regarded as 50% plus one of the households affected. Every receiver of a monthly municipal account, will have 1 vote only.
- (5) In determining the special additional rates the municipality must differentiate between different categories as referred to in section 5.
- (6) The additional rates levied must be utilised for the purpose of improving or upgrading of the specific area only and not for any other purposes whatsoever.

- (7) The municipality must establish separate accounting and other record-keeping systems, for the identified area and the households concerned must be kept informed of progress with projects and financial implications on an annual basis.

#### 16. Frequency of valuation

- (1) The municipality must prepare a new valuation roll every 4 (four) years.  
(2) The municipality, under exceptional circumstances, may request the MEC responsible for Local Government in the Province to extend the validity of the valuation roll to 5 (five) years.  
(3) Supplementary valuations will be done at least on an annual basis to ensure that the valuation roll is properly maintained.

#### 17. Community participation

- (1) Before the municipality adopts the rates bylaw, the municipal manager will follow the process of community participation envisaged in chapter 4 of the Municipal Systems Act, 2000 (Act No. 32 of 2000) and comply with the following requirements:
- (a) Council must establish appropriate mechanisms, processes and procedures to enable the local community to participate and will provide for consultative sessions with locally recognised community organisations and where appropriate traditional authorities.
- (b) Council must display the draft rates by-law for a period of at least 30 days (**municipality to include period decided on**) at the municipality's head and satellite offices and libraries (and on the website).
- (c) Council must advertise in the media a notice stating that the draft rates by-law has been prepared for submission to council and that such by-law is available at the various municipal offices and on the website for public inspection.
- (d) Property owners and interest persons may obtain a copy of the draft bylaw from the municipal offices during office hours at a fee as determined by Council as part of its annual tariffs.
- (e) Property owners and interest persons are invited to submit written comments or representations to the municipality within the specified period in the notice.
- (f) The municipality will consider all comments and/or representations received when considering the finalisation of the rates by-law.
- (g) The municipality will communicate the outcomes of the consultation process through appropriate mechanisms established by the Municipality in accordance with section 17 of the Local Government: Municipal Systems Act 32 (Act No. 32 of 2000).

#### 18. Register of properties

- (1) The municipality will compile and maintain a register in respect of all properties situated within the jurisdiction of the municipality. The register will be divided into Part A and Part B.
- (2) Part A of the register will consist of the current valuation roll of the municipality and will include all supplementary valuations done from time to time.
- (3) Part B of the register will specify which properties on the valuation roll or any supplementary valuation roll are subject to:
- (a) Exemption from rates in terms of section 15 of the Property Rates Act, 2004 (Act No. 6 of 2004),  
(b) Rebate or reduction in terms of section 15 of the Act,  
(c) Phasing-in of rates in terms of section 21 of the Act, and  
(d) Exclusions as referred to in section 17 of the Act.
- (4) The register will be open for inspection by the public at the municipal main offices during office hours or on the website of the municipality.
- (5) The municipality will update Part A of the register during the supplementary valuation process.
- (6) Part B of the register will be updated on an annual basis as part of the implementation of the municipality's annual budget.

#### 19. Regular review processes

The municipality's rates policy must be reviewed on an annual basis to ensure that it complies with the Municipality's strategic objectives as contained in the Integrated Development Plan and with relevant legislation.

#### 20. Short title

This by-law is called the Property Rates By-law, 2011.

[NO. 200 OF 2011]

**NOTICE IN TERMS OF SECTION 14(2)(a)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION: STANDARD PUBLIC AMENITIES BY-LAW**

I, M.G Qabathe, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlement in the Free State Province, after consulting the Minister of Cooperative Governance and Traditional Affairs and the South African Local Government Association: Free State, do hereby in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), make standard by-laws as set out in the Schedule.

**SCHEDULE**

**PUBLIC AMENITIES BY-LAW**

**Purpose of By-Law**

- To promote the achievement of a safe and peaceful environment;
- To provide for procedures, methods and practices to regulate the use and management of public amenities.

**Definitions**

1. In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa -  
**"municipality"** means the ..... Local Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;  
**"notice"** means official notice displayed at every entrance to or at a conspicuous place at or on a public amenity and in which the municipality must make known provisions and directions adopted by it in terms of this by-law;  
**"public amenity"** means -
  - (a) any land, square, camping site, swimming bath, river, public resort, recreation site, nature reserve, zoo-logical, botanical or other garden, park or hiking trail which is the property of the municipality, including any portion thereof and any facility or apparatus therein or thereon;
  - (b) any building, structure, hall, room, or office including any part thereof and any facility or apparatus therein, which is the property of, or is possessed, controlled or leased by the municipality and to which the general public has access, whether on payment of admission fees or not; but excluding:
    - (i) any public road or street;
    - (ii) any public amenity contemplated in paragraphs (a) and (b), if it is lawfully controlled and managed in terms of an agreement by a person other than the municipality, and
    - (iii) any public amenity hired from the municipality;

**Maximum number of visitors**

2. (1) The municipality may determine the maximum number of visitors who may be present at a specific time in or at a public amenity;
- (2) The number contemplated in subsection (1) must be made known by the municipality by means of a notice.

**Admission to and sojourn in a public amenity**

3. (1) A public amenity is, subject to the provisions of this by-law, open to the public on the times determined by the municipality;
- (2) No visitor must enter or leave a public amenity at a place other than that indicated for that purpose.
- (3) The times and places contemplated in subsections (1) and (2), must be made known by the municipality by means of a notice.

**Entrance fees**

4. (1) A visitor to a public amenity must pay entrance fees determined from time to time by the municipality and such entrance fees must be made known by means of a notice.
- (2) Different entrance fees may be determined in respect of visitors of different ages and the municipality may exempt certain groups of persons from the payment of an entrance fee.

**Nuisances**

5. No person must perform or permit any of the following acts in or at a public amenity -
- (a) the use of language or the performance of any other act which disturbs the good order;
  - (b) the firing of firearms, airguns, air pistols, fireworks or the use of sling-shots or catapults without the municipality's written consent;
  - (c) the burning of rubble or refuse;
  - (d) the causing of unpleasant or offensive smells;
  - (e) the production of smoke nuisances;
  - (f) the causing of disturbances by fighting, shouting, arguing, singing or the playing of musical instruments; or by the use of loudspeakers, radio reception devices, television sets, or similar equipment;
  - (g) the begging for money, food, work or the offering of services, or
  - (h) in any other manner cause a nuisance, obstruction, disturbance or annoyance to the public.

**Health matters**

6. No person must in or at a public amenity -
- (a) dump, drop or place any refuse, rubble, material or any object or thing or permit it to be done, except in a container provided for that purpose in or at the amenity;
  - (b) pollute or contaminate in any way the water in any bath, swimming-bath, dam, spruit, river or water-course;
  - (c) enter any bath or swimming bath while suffering from an infectious or contagious disease or having an open wound on his body;
  - (d) perform any act that may detrimentally affect the health of any visitor to a public amenity.

**Structures**

7. No person must without the written consent of the municipality having first been obtained, erect or establish in or on a public amenity any structure, shelter or anything similar, except the parking of a caravan or tent erected for camping purposes on a site specifically set aside therefore by notice;

**Liquor and Food**

8. (1) No person must, contrary to a provision of a notice, bring into a public amenity any alcoholic or any other liquor or any food of whatever nature.
- (2) No person must on, in or at a public amenity, contrary to a provision of a notice, cook or prepare food of any kind whatsoever, except at places set aside for such purposes by notice: Provided that the preparation and cooking of food in or at a public amenity must be done in a clean and hygienic manner so as not to give rise to excessive smoke or other nuisances or entail any danger to health: Provided further that no live animals, poultry or fish may be killed or skinned on, in or at a public amenity.

**Animals**

9. (1) No person must bring any live animal, bird, fish or poultry into a public amenity except in accordance with the directions of the municipality.
- (2) The directions contemplated in subsection (1) must be made known by means of a notice.

**Use of public amenities**

- 10 (1) No person must without the consent of the municipality or contrary to any condition which the municipality may impose when granting such consent-
- (a) arrange or present any public entertainment;
  - (b) collect money or any other goods for charity or any other purpose from the general public;
  - (c) display or distribute any pamphlet, placard, painting, book, handbill or any other printed, written or painted work;
  - (d) arrange, hold or address any meeting;
  - (e) arrange or hold a public gathering or procession, exhibition or performance;
  - (f) conduct any trade, occupation or business;
  - (g) display, sell or rent out or present for sale or rent any wares or articles;
  - (h) hold an auction;
  - (i) tell fortunes for compensation;
- (2) For the purposes of this by-law "public gathering or procession" means a procession or gathering of 15 or more persons and which is not regulated by national or provincial legislation.

**Safety and Order**

11. (1) No person must, subject to subsection (2), in or at a public amenity-
- (a) damage or disfigure anything within such amenity;
  - (b) use or try to use anything within such amenity for any purpose other than that for which it is designated or determined by notice;
  - (c) light a fire or prepare food, except at a place indicated for that purpose by notice;
  - (d) throw away any burning or smouldering object
  - (e) throw or roll down any rock, stone or object from any mountain, koppie, slope or cliff;
  - (f) pull out, pick or damage any tree, plant, shrub, vegetation or flower;
  - (g) behave himself or herself in an improper, indecent, unruly, violent or unbecoming manner;
  - (h) cause a disturbance;
  - (i) wash, polish or repair a vehicle;
  - (j) walk, stand, sit or lie in a flower bed;
  - (k) kill, hurt, follow, disturb, ill-treat or catch any animal, bird or fish or displace, disturb, destroy or remove any bird nests or eggs;
  - (l) walk, stand sit or lie on grass contrary to the provisions of a notice;
  - (m) lie on a bench or seating-place or use it in such a manner that other users or potential users find it impossible to make use thereof;
  - (n) play or sit on play park equipment, except if the person concerned is a child under the age of 13 years;
  - (o) swim, walk or play, contrary to the provisions of a notice, in a fish-pond, fountain, stream or pond.
- (2) The municipality may by way of notice and subject to such conditions as the municipality deems necessary and mentioned in the notice, authorise any of the actions contemplated in subsection (1).

**Water**

12. No person may misuse, pollute or contaminate any water source or water supply or waste water in or at any public amenity.

**Laundry and Crockery**

13. No person may in or at a public amenity wash any crockery or laundry or hang out clothes, except at places indicated by notice for that purpose.

**Vehicles**

14. (1) No person may bring into a public amenity any truck, bus, motorcar, motor cycle, motor tricycle, bicycle or any other vehicle, craft or aeroplane, whether driven by mechanical, animal, natural or human power, except in accordance with the directions of the municipality;
- (2) The municipality determines the speed limit applicable in a public amenity;
- (3) The directions contemplated in subsection (1) and the speed limit contemplated in subsection (2) must be made known by the municipality by way of notice.

**Games**

15. No game of any nature whatsoever must be played or conducted in or on a public amenity by any person or persons except at places set aside for that purpose by notice and in accordance with the directions of the municipality and which is made known by way of notice.

**Loitering**

16. No person leading the life of a loiterer or who lacks any determinable and legal refuge or who leads a lazy, debauched or disorderly existence or who habitually sleeps in a public street or on a public place or who habitually begs for money or goods or persuades others to beg for money or goods on his or her behalf, may loiter or linger about in a public amenity.

**Penalties**

17. Any person who -
- (a) contravenes or fails to comply with a provision of these by-laws or a direction adopted by a council under these by-laws and which has been made known by notice, or of a condition imposed under such by-law, irrespective of whether such contravention or failure has been declared as an offence elsewhere in these by-laws, or not;
  - (b) deliberately obstructs, hampers or handicaps any person in the execution of any power or the performance of any duty or function in terms of any provision of these by-laws; or
  - (c) furnishes false, incorrect or misleading information when applying for permission from a council in terms of a provision of a by-law, is guilty of an offence and if found guilty is punishable with a fine not exceeding R500 or with imprisonment for a period not exceeding 12 months and, in the event of a continuing contravention, a fine not exceeding R50 or with imprisonment not exceeding one month for each day that the contravention continued.

**Repeal of by-laws**

18. Any by-laws relating to Public Amenities adopted by the municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.

**Short title**

19. These by -laws are called the Public Amenities by-law, 2011.

[NO. 201 OF 2011]

**NOTICE IN TERMS OF SECTION 14(2)(a)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION: STANDARD PUBLIC SWIMMING POOL BY-LAWS**

I, M.G Qabathe, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlement in the Free State Province, after consulting the Minister of Cooperative Governance and Traditional Affairs and the South African Local Government Association: Free State, do hereby in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), make standard by-laws as set out in the Schedule.

**SCHEDULE**

**PUBLIC SWIMMING POOLS BY-LAW**

**Definitions**

1. In this by-law, unless the context otherwise indicates -  
**"manager"** means the employee of the municipality who is in charge of the swimming pools and who has been appointed by the municipality to give effect to this by-law;  
**"municipality"** means the Local Municipality of .....established in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and includes any political structure, political office-bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office-bearer, councillor, agent or employee;  
**"notice"** means a clear and legible official notice displayed at every entrance to or at a conspicuous place at a swimming pool and in which the municipality must make known provisions and directions adopted by it in terms of this by-law;

**"premises"** means swimming pools owned by or under the management or control of the municipality and available for the use of the public and includes all dressing-rooms and other facilities used in connection therewith and the grounds on which it is erected; and  
**"swimming pool"** means the swimming pool on the municipal premises.

**Admission to swimming pool**

2. (a) No person must enter the premises, nor must any person swim in the swimming pool except on such days and at such times and on such conditions as must be laid down by the municipality from time to time.  
 (b) The municipality must post a notice setting forth the days and hours during which the swimming pool must normally be open to the public in a prominent place at or near the entrance to the premises.  
 (c) Notwithstanding the fixing by the municipality of the days and hours of normal opening as provided in subsection (a), the municipality may close the swimming pool or part thereof to the public for a specified time and purpose during the open hours; Provided that a notice to that effect be posted at the same place as the notice referred to in subsection (b).  
 (d) When the swimming pool is closed to the public to allow a swimming gala to be held or for the special purposes of a swimming club or other organisation or school, as the case may be, the public may be admitted as spectators or swimmers on such conditions and terms of admission as determined by the organisers of such swimming gala, swimming club or other organisation or school with the approval of the municipality.  
 (e) No club, school or other organization or person must use the swimming pool for any gala, meeting, practice or training unless written application is made beforehand to the municipality and only on such conditions as the municipality may determine.

**Admission**

3. (a) No person other than a person who is the holder of an admission ticket must be permitted admission to the premises. Any such person to whom a ticket, as aforesaid, has been issued must at any time while visiting the premises produce such ticket to the manager when requested by him or her to do so.
- (b) No child under the age of seven years must be permitted admission to the premises unless accompanied by a parent or other responsible person.
- (c) No person who is in a state of intoxication or under the influence of drugs or whom the manager upon reasonable grounds believes to be in such a state must be admitted to the premises. Where such person has been inadvertently admitted, he or she must vacate the premises without delay on being ordered to do so by the manager.
- (d) No pets must be allowed on the premises.
- (e) The manager must have the right to refuse admission to any person who in terms of this by-law is manifestly not entitled to obtain admission, and in the event of any such person having already obtained admission, to order him or her to leave the premises forthwith.
- (f) Any person who has been refused admission to the premises or who, having gained admission, is ordered by the manager to leave the premises has the right to appeal to the municipality against the decision of the manager.
- (g) No person who has paid for admission and who is subsequently ordered to leave the premises is entitled to a refund of his or her admission fee.
- (h) No firearms, catapults, air-guns, traditional weapons, fireworks or crackers or any dangerous weapon may be brought into the swimming pool area.

**Use of dressing rooms**

4. (a) The municipality must provide on the premises such dressing rooms as it may deem necessary in which persons visiting the swimming pool for the purpose of swimming must change from their ordinary clothes into swimwear and vice versa as well as such sanitary conveniences and other facilities as it may deem necessary.
- (b) Separate dressing rooms and sanitary and other conveniences must be provided for both sexes and notices must be erected stating the sex which is entitled to use the respective dressing room and sanitary or other conveniences. No person must enter any such dressing room or other accommodation which has been appropriated or set apart for the use of the opposite sex.

**General prohibitions**

5. No person must -
- (a) dress or undress in any place, except in the dressing room or other places provided for such purpose;
- (b) after having entered the swimming pool, use therein any soap or other substance or preparation for any purpose whatsoever;
- (c) by any disorderly or improper conduct disturb, injure or molest any other person or obstruct the manager or his or her authorised official in the performance of his or her other duties, and no person must use any indecent, offensive or profane language or behave in an indecent or offensive manner;
- (d) bring any glass bottle or any glassware onto the premises;
- (e) remove, take away, throw down, damage or destroy any furniture, fitting, tool, machinery or other article or thing pertaining to or used on the premises which is the property of the municipality;
- (f) at any time enter the swimming pool while knowingly suffering from a contagious disease or from an open wound or sore;
- (g) introduce into or consume or smoke on the premises any intoxicating liquor or drugs;
- (h) swim in the swimming pool unless clothed in a proper and adequate swimwear, nor appear anywhere on the premises unless he or she is wearing swimwear or is otherwise properly dressed;
- (i) spit or expectorate on the premises or defecate in the swimming pool or some other place, or leave or deposit any paper, fruit peels or other litter anywhere except in the refuse bins provided for the purpose;
- (j) use any shower or sanitary convenience in an improper or offensive manner;
- (k) damage, or by writing, drawing or scribbling thereon or by any other means or in any other manner deface or defile any wall, seat or door, or damage or unlawfully interfere with any facility or appurtenance or any part of the swimming pool;
- (l) gamble on the premises;
- (m) play water polo in the swimming pool except at such times and on such conditions as fixed by the municipality, nor must any person play, with or without a ball or other object, any other game likely to cause injury or discomfort to swimmers or spectators;
- (n) bring or use a surfboard, canoe, boat, punt, raft or other thing which may cause injury on the premises or in the swimming pool;
- (o) wash any garment or other matter in the swimming pool;
- (p) discharge any fireworks on the premises;
- (q) play any musical instrument or make noises thereon whilst utilising the conveniences on the premises, except with the prior written consent of the municipality;
- (r) deliver, utter or read aloud any public speech, prayer, book or address, or sing any song out loud, or hold or take part in any public meeting or assemblage on the premises, except with the prior written consent of the municipality;
- (s) refuse to give his or her name and address when requested to do so by the manager;

- (t) enter the swimming pool with clothing other than normal swimwear;
- (u) enter the swimming pool area with a bicycle, motorcar, motorbike or any other self-propelled means of transport;
- (v) interfere with or molest any animal or bird kept on the premises on which a swimming pool is situated, nor must any person interfere with any plant or pick any flower, slip or cutting;
- (w) organise a function, sale, performance, march or any other gathering on the parking area or in the swimming pool area without the written consent of the manager.

#### Responsibility of municipality

6. The municipality is not responsible-
- (a) for the loss or theft of clothing or effects of any description whatsoever left by any person in the dressing rooms or lockers or elsewhere on the premises;
  - (b) for any injuries sustained or illness contracted or alleged to have been sustained or contracted, as the case may be, by any person on the premises or in the swimming pool;
  - (c) for death as a result of drowning or any other cause.

#### Admission charges

7. The municipality must from time to time fix the charges for admission to the premises, and such charges must be prominently displayed at the office where the admission charges are paid.

#### Ejection

8. Any person contravening any provision of this by-law and any person whom the manager reasonably suspects of having committed any other offence on the premises must immediately leave the premises when ordered to do so by the manager.

#### Penalty

9. Any person who contravenes any provision of this by-law is guilty of an offence and liable upon conviction to-
- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and such imprisonment;
  - (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued;
  - (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as result of such contravention or failure.

#### Repeal of by-laws

10. Any by-laws relating to public swimming pools adopted by the Council or any municipality now comprising an administrative unit of the Council is repealed from the date of promulgation of these by-laws.

#### Short title

11. This by-law is called the Public Swimming Pool By-laws, 2011.

[NO. 202 OF 2011]

#### NOTICE IN TERMS OF SECTION 14(2)(a)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION: STANDARD REFUSE REMOVAL BY-LAW

I, M.G Qabathe, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlement in the Free State Province, after consulting the Minister of Cooperative Governance and Traditional Affairs and the South African Local Government Association: Free State, do hereby in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), make standard by-laws as set out in the Schedule.

#### SCHEDULE

To provide for a refuse removal service in the municipality; and for matters connected therewith.

#### Contents

1. Definitions
2. Removal of refuse
3. Notice to the Municipality
4. Provision of refuse bins or container units

5. Positioning of refuse bins, container units, etc.
6. Use and care of containers and bin liners
7. Compaction of refuse
8. Removal and disposal of garden refuse, bulky garden refuse and other bulky refuse
9. The Municipality 's special service
10. Responsibility for builders refuse
11. Containers
12. Disposal of builders refuse
13. Notification of generation of special industrial refuse
14. Storing of special industrial refuse
15. Removal of special industrial refuse
16. Conduct at disposal sites
17. Ownership of refuse
18. Littering and dumping
19. Abandoned things
20. Access to premises
21. Accumulation of refuse
22. Charges
23. Penalty clause
24. Repeal of laws and savings
25. Short title

### Definitions

1. In this By law, unless the context otherwise indicates —
  - "**bin**" means a standard type of refuse bin with a capacity of 0,1 cubic meters or 85 litres as approved by the Municipality and which can be supplied by the Municipality. The bin may be constructed of galvanised iron, rubber or polythene;
  - "**bin liner**" means a plastic bag approved by the Municipality which is placed inside a bin with a maximum capacity of 0,1 cubic meters. These bags must be of a dark colour, 950 mm x 750 mm in size, of low density minimum 40 micrometer diameter or 20micrometer diameter high density;
  - "**builders refuse**" means refuse generated by demolition, excavation or building activities on premises;
  - "**bulky garden refuse**" means refuse such as tree stumps, branches of trees, hedge stumps and branches of hedges and any other garden refuse of quantities more than 2 cubic meters;
  - "**bulky refuse**" means refuse which emanates from any premises, excluding industrial refuse, and which cannot by virtue of its mass, shape, size or quantity be conveniently accumulated or removed in a refuse bin with a bin liner;
  - "**business refuse**" means refuse generated by the use of premises other than a private dwelling-house used solely as a residence, but do not include builders refuse, bulky refuse, domestic refuse or industrial refuse;
  - "**domestic refuse**" means refuse normally originating from a building used for dwelling purposes, including flats, hospitals, schools, hostels, compounds, benevolent societies, churches and halls situated on private property and which can be easily removed without damaging the bin liner;
  - "**garden refuse**" means refuse which is generated as a result of normal gardening activities such as grass cuttings, leaves, plants and flowers;
  - "**Municipality**" means the ..... Local Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;
  - "**occupier**" means any person who occupies any premises or part thereof, without regard to the title under which he or she occupies;
  - "**owner**" means -
    - (a) the person in whom from time to time is vested the legal title to the premises;
    - (b) in a case where the person in whom the legal title is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, manager, liquidator or other legal representative;
    - (c) in any case where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of such premises or a building thereon;
    - (d) in the case of premises for which a lease of 30 years or more has been entered into, the lessee thereof;
    - (e) in relation to -
      - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), and without restricting the above, the developer or the body corporate in respect of the common property; or
      - (ii) a section as defined in the Sectional Title Act, 1986 (Act No 95 of 1986) the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;
    - (f) any legal person including, but not limited to -

- (i) a company registered in terms of the Companies Act, 1973 (Act No. 61 of 1973), a trust *inter vivos*, a trust *mortis causa*, a close corporation registered in terms of the Close Corporations Act, 1984 (Act No. 69 of 1984), a voluntary association;
- (ii) any Department of State;
- (iii) any municipality or board established in terms of any legislation applicable in the Republic of South Africa;
- (iv) any embassy or other foreign entity;

**"public place"** means any road, street, square, park, recreation ground, sport ground, sanitary lane or open space which has —

- (a) in connection with any subdivision or layout of land into erven, lots of plots, been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, lots of plots, whether or not it is shown on a general plan, plan of subdivision or diagram;
- (b) at any time been dedicated to the public or
- (c) at any time been declared or rendered as such by the Municipality or other competent authority;

**"special industrial refuse"** means refuse, consisting of a liquid or sludge, resulting from a process or the pre-treatment for disposal purposes of any industrial liquid waste, which in terms of the Municipality's By-laws may not be discharged into a drain or sewer;

**"tariff"** means the tariff of charges as determined from time to time by the Municipality.

#### Removal of refuse

2. (1) The Municipality must provide a service for the collection and removal of business and domestic refuse from premises at the tariff determined by the Municipality.
- (2) The occupier of the premises on which business or domestic refuse is generated, must avail himself or herself of the Municipality's service for the collection and removal of such refuse, except where special exemption is granted by the Municipality.
- (3) The owner of the premises on which business or domestic refuse is generated, is liable to the Municipality for all charges in respect of the collection and removal of refuse from such premises.

#### Notice to the Municipality

3. The occupier of the premises, or in the case of premises being occupied by more than one person, the owner of such premises on which business refuse or domestic refuse is generated, must within seven days after the commencement of the generation of such refuse notify the Municipality-
  - (a) that the premises is being occupied;
  - (b) whether business refuse or domestic refuse is being generated on the premises.

#### Provision of refuse bins or container units

4. (1) The Municipality must determine the type and number of containers required on a premises.
- (2) If a container is supplied by the Municipality, such container must be supplied free of charge, or at the ruling prices, or at a hiring tariff, as the Municipality may determine;
- (3) If required by the Municipality, the owner of a premises is responsible for the supply of a pre-determined number and type of containers.
- (4) The Municipality may supply container units to a premises if, having regard to the quantity of business refuse generated on the premises concerned, the suitability of such refuse for storage in refuse bins, and the accessibility of the space provided by the owner of the premises in terms of section 5 to the Municipality's refuse collection vehicles, if it considers container units more appropriate for the storage of the refuse than refuse bins: Provided that container units must not be supplied to the premises unless the space provided by the owner of the premises in terms of section 5 is accessible to the Municipality's refuse collection vehicles for container units.

#### Positioning of refuse bins, container units, etc.

5. (1) The owner of the premises must provide adequate space on the premises for the storage of the refuse bins supplied by the Municipality in terms of section 4 or for the equipment and containers mentioned in section 7(1).
- (2) The space provided in terms of subsection (1) must-
  - (a) be in such a position on the premises as will allow the storage of refuse bins without the bins being visible from a street or other public place;
  - (b) where domestic refuse is generated on the premises —
    - (i) be in such a position as will allow the collection and removal of refuse by the Municipality's employees without hindrance;
    - (ii) not be more than 20 meters from the entrance to the premises, used by the Municipality's employees;
  - (c) if required by the Municipality, be so located as to permit convenient access to and egress from such space for the Municipality's refuse collection vehicles;
  - (d) be sufficient to house any receptacle used in the sorting and storage of the refuse contemplated in subsections 6(1)(a)(i) and 7(9), as well as any such refuse not being stored in a receptacle: Provided that this requirement does not apply in the case of buildings erected, or the building plans whereof have been approved, prior to the coming into operation of this By-law.

- (3) The occupier of the premises, or in the case of premises being occupied by more than one person, the owner of such premises must place the refuse bins supplied in terms of section 4, in the space provided in terms of subsection (1) and must at all times keep them there.
- (4) Notwithstanding anything to the contrary in subsection (3) contained-
  - (a) in the case of buildings erected, or of which the building plans have been approved prior to the coming into operation of this By-law; and
  - (b) in the event of the Municipality, in its opinion being unable to collect and remove business refuse from the space provided in terms of subsection (1), the Municipality may, having regard to the avoidance of nuisance and the convenience of collection of refuse, indicate a position within or outside the premises where the refuse bins must be placed for the collection and removal of such refuse and such refuse bins must then be placed in such position at such times and for such periods as the Municipality may determine.

#### Use and care of containers and bin liners

6. (1) Every occupier of premises, or in the case of premises being occupied by more than one person, the owner of such premises must ensure that-
  - (a) all the domestic or business refuse generated on the premises is placed and kept in bin liners for removal by the Municipality: Provided that the provisions of this subsection must not prevent any occupier or owner, as the case may be —
    - (i) who has obtained the Municipality's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material being an element of business refuse, for recycling in a manufacturing process or, in the case of swill, for consumption;
    - (ii) from utilising such domestic refuse as may be suitable for making compost;
  - (b) no hot ash, unwrapped glass or other business or domestic refuse which may cause damage to bin liners or which may cause injury to the Municipality's employees while carrying out their duties in terms of this By-law, is placed in bin liners before he or she has taken such steps as may be necessary to avoid such damage or injury;
  - (c) no material, including any liquid which, by reason of its mass or other characteristics, is likely to render such bin liners unreasonably difficult for the Municipality's employees to handle or carry, is placed in such bin liners;
  - (d) every container on the premises is covered, save when refuse is being deposited therein or discharged there from, and that every container is kept in a clean and hygienic condition;
  - (e) no person deposits refuse in any other place than in the containers provided for that purpose.
- (2) No container may be used for any purpose other than the storage of business, domestic or garden refuse and no fire must be lit in such container.
- (3) In the event of a container having been delivered to premises in terms of subsection 4(4), the occupier of such premises must, 24 hours before the container is likely to be filled to capacity, inform the Municipality thereof.
- (4) The owner of premises to which bins or container units have been supplied in terms of section 4 or 11, is liable to the Municipality for the loss thereof and for any damage caused thereto, except for such loss or damage as maybe caused by the employees of the Municipality.
- (5) Plastic bin liners with domestic or garden refuse, or both, must be properly closed and be placed outside the property next to the fence and near the entrance or access road before 07:00 on the day determined by the Municipality for removal of refuse.

#### Compaction of refuse

7. (1) Should the quantity of domestic or business refuse generated on premises be such that, in the opinion of the Municipality, the major portion of such refuse is compactable, or should the owner or occupier of premises wish to compact such refuse, such owner or occupier, as the case may be, must increase the density of that portion of such refuse as is compactable by means of approved equipment designed to shred or compact refuse and must put the refuse so treated into an approved plastic, paper or other disposable container or into a compaction unit container, and the provisions of section 4 do not apply to such compactable refuse.
- (2) The capacity of the plastic, paper or other disposable container referred to in subsection (1) must not exceed 0,1 cubic meters.
- (3) After the refuse, treated as contemplated in subsection (1), has been put into a plastic paper or other disposable container, such container must be placed in a container or container unit.
- (4) Insofar as the provisions of subsection (1) make the compaction of domestic or business refuse compulsory, such provisions must not apply until a period of 6 months has elapsed from the date of the serving of a notice to this effect by the Municipality.
- (5) "Approved" for the purpose of subsection (1), must mean approved by the Municipality, regard being had to the suitability of the equipment or container for the purpose for which it is to be used, as well as the reasonable requirements of the particular case from a public health, storage and refuse collection and removal point of view.
- (6) The containers mentioned in subsection (1) must be supplied by the owner or the occupier, as the case may be.
- (7) If the container referred to in subsection (1) is made of steel, such container must, after the collection thereof and after it has been emptied by the Municipality, be returned to the premises.
- (8) The Municipality must remove and empty the containers referred to in subsection (1) at such intervals as the Municipality may deem necessary in the circumstances.

- (9) The provisions of this section must not prevent any owner or occupier of premises, as the case may be, after having obtained the Municipality's prior written consent, from selling or otherwise disposing of any swill, corrugated cardboard, paper, glass or other material being an element of business refuse, for recycling in a manufacturing process or, in the case of swill, for consumption.

#### **Removal and disposal of garden refuse, bulky garden refuse and other bulky refuse**

8. (1) The occupier, or in the case of premises occupied by more than one person, the owner of premises on which garden refuse, bulky garden refuse or other bulky refuse is generated, must ensure that such refuse be disposed of in terms of this By-law a reasonable time after the generation thereof.
- (2) Any person may remove and dispose of garden refuse, bulky garden refuse or other bulky refuse.
- (3) Garden refuse, bulky garden refuse or other bulky refuse removed from the premises on which it was generated, must be disposed of on a site designated by the Municipality as a disposal site for such refuse.

#### **The Municipality's special service**

9. At the request of the owner or any occupier of any premises, the Municipality must remove bulky garden refuse and other refuse from premises, if the Municipality is able to do so with its refuse removal equipment. All such refuse must be placed within 3 meters of the boundary loading point, but not on the sidewalk.

#### **Responsibility for builders refuse**

10. (1) The owner of premises on which builders refuse is generated and the person engaged in the activity, which causes such refuse to be generated, must ensure that —
- (a) such refuse be disposed of in terms of section 12 within a reasonable time after the generation thereof;
- (b) until such time as builders refuse is disposed of, such refuse, together with the containers used for the storing or removal thereof, be kept on the premises on which it was generated.
- (2) Any person may operate a builders refuse removal service. Should the Municipality provide such a service, it must be done at the prescribed tariff.

#### **Containers**

11. (1) If containers or other receptacles used for the removal of builders refuse, bulky refuse or other waste material from premises cannot, in the opinion of the Municipality, be kept on the premises, such containers or other receptacles may, with the written consent of the Municipality, be placed in the roadway for the period of such consent.
- (2) Any consent given in terms of subsection (1), must be subject to such conditions as the Municipality may deem necessary: Provided that in giving or refusing its consent or in laying down conditions, the Municipality must have regard to the convenience and safety of the public.
- (3) Every container or other receptacle used for the removal of builders refuse must -
- (a) have clearly marked on it the name and address or telephone number of the person in control of such container or other receptacle;
- (b) be fitted with reflecting chevrons or reflectors, which must completely outline the front and the back thereof; and
- (c) be covered at all times, other than when actually receiving or being emptied of such refuse, so that no displacement of its contents or dust nuisance may occur.

#### **Disposal of builders refuse**

12. (1) Subject to the provisions of subsection (2), all builders refuse must be deposited at the Municipality's refuse disposal sites, after the person depositing the refuse has paid the tariff charge therefore.
- (2) For the purpose of reclamation of land, builders refuse may, with the written consent of the Municipality, be deposited at a place other than the Municipality's refuse disposal sites.
- (3) Any consent given in terms of subsection (2), is subject to such conditions as the Municipality may deem necessary: Provided that in giving or refusing its consent or in laying down conditions, the Municipality must have regard to —
- (a) the safety of the public;
- (b) the environment of the proposed disposal site;
- (c) the suitability of the area, including the drainage thereof;
- (d) the expected manner and times of depositing of refuse at the site;
- (e) the levelling of the site;
- (f) the control of dust; and
- (g) any other relevant factors.

**Notification of generation of special industrial refuse**

13. (1) The person engaged in the activity, which causes special industrial refuse to be generated, must inform the Municipality of the composition thereof, the quantity generated, how it is stored and how and when it will be removed.
- (2) If so required by the Municipality, the notification referred to in subsection (1), must be substantiated by an analysis certified by a qualified industrial chemist.
- (3) Subject to the provisions of this By-law, any person duly authorised by the Municipality, may enter premises at any reasonable time to ascertain whether special industrial refuse is generated on such premises and may take samples and test any refuse found on the premises to ascertain its composition.
- (4) The person mentioned in subsection (1), must notify the Municipality of any changes in the composition and quantity of the special industrial refuse that may occur from time to time.

**Storing of special industrial refuse**

14. (1) The person referred to in section 13(1), must ensure that the special industrial refuse generated on the premises is kept and stored thereon in terms of sub section (2), until it is removed from the premises in terms of section 15.
- (2) Special industrial refuse stored on premises, must be stored in such a manner that it does not become a nuisance or pollute the environment.
- (3) If special industrial refuse is not stored in terms of subsection (2) on the premises on which it is generated, the Municipality may order the owner of the premises and the person referred to in subsection 13(1), to remove such refuse within a reasonable time and, if thereafter such refuse is not removed within such time, the Municipality may remove it at the owner's expense.

**Removal of special industrial refuse**

15. (1) No person must remove special industrial refuse from the premises on which it was generated without or otherwise than in terms of the written consent of the Municipality.
- (2) The Municipality may give its consent in terms of subsection (1), subject to such conditions as it may deem fit. In laying down conditions, the Municipality must have regard to —
- (a) the composition of the special industrial refuse;
- (b) the suitability of the vehicle and container to be used;
- (c) the place where the refuse must be dumped; and
- (d) proof to the Municipality of such dumping.
- (3) The Municipality must not give its consent in terms of subsection (1), unless it is satisfied that the person applying for such consent is competent and has the equipment to remove the special industrial refuse and complies with the conditions laid down by the Municipality.
- (4) The person referred to in subsection 13(1), must inform the Municipality, at such intervals as the Municipality may stipulate, having regard to the information to be given to the Municipality in terms of subsection 13(1), of the removal of special industrial refuse, the identity of the remover, the date of such removal, the quantity and the composition of the special industrial refuse removed.
- (5) Should any person be caught in the act of contravening the provisions of this section, such person must dispose of the refuse removed by him or her as directed by the Municipality.

**Conduct at disposal sites**

16. (1) Any person who, for the purpose of disposing of refuse, enters a refuse disposal site controlled by the Municipality must -
- (a) enter the disposal site only at an authorised access point;
- (b) give the Municipality all the particulars required in regard to the composition of the refuse; and
- (c) follow all instructions given to him or her in regard to access to the actual disposal point, the place where and the manner in which the refuse should be deposited.
- (2) No person must bring intoxicating liquor onto a disposal site controlled by the Municipality.
- (3) No person must enter a disposal site controlled by the Municipality for any purpose other than the disposal of refuse in terms of this By-law and then only at such times as the Municipality may from time to time determine.

**Ownership of refuse**

17. (1) All refuse removed by the Municipality and all refuse at disposal sites controlled by the Municipality is the property of the Municipality and no person who is not authorised by the Municipality to do so, may remove or interfere therewith.
- (2) Only refuse which is generated on premises within the Municipality's area of jurisdiction may be disposed of on the Municipality's refuse disposal sites.

**Littering and dumping**

18. No person must -
- (a) throw, discard, deposit or spill any refuse of any nature into or onto any public place, vacant stand, vacant erf, stream or watercourse;
- (b) sweep any refuse into a gutter on a public place; or
- (c) allow any persons under his or her control to do any of the acts referred to in paragraphs (a) and (b).

**Abandoned things**

19. (1) Anything, other than a vehicle, left in a public place, and which may, having regard to —
- (a) the place where it was left;
  - (b) the period that it was left; and
  - (c) its nature and condition,
- be regarded as abandoned, may be removed and disposed of by the Municipality.
- (2) If the identity of the owner of the abandoned thing is known to the Municipality, the Municipality may recover the costs concerning the removal and disposal of such thing, if any, from the owner.
- (3) For the purpose of subsection (1), a shop trolley is deemed not to be a vehicle.

**Access to premises**

20. (1) Where the Municipality provides a refuse collection service, the occupier of premises must grant the Municipality access to the premises for the purpose of collecting and removing refuse and must ensure that nothing obstructs, frustrates or hinders the Municipality in the carrying out of its service.
- (2) Where, in the opinion of the Municipality, the collection or removal of refuse from any premises is likely to result in damage to the premises or the Municipality's property, or injury to the refuse collectors or any other person, it may, as a condition for the provision of a refuse collection service to the premises, require the owner or occupier to indemnify it, in writing, in respect of any such damage or injury or any claims arising out of either.

**Accumulation of re fuse**

21. If any category of refuse defined in this By-law accumulates on premises so as to constitute or so as to render it likely that a nuisance will be created thereby, the Municipality may make a special removal of such refuse and the owner is liable in respect of such special removal to pay the tariff charge therefore.

**Charges**

22. (1) Save where otherwise provided in this By-law, the person to whom any service mentioned in this By-law has been rendered by the Municipality, is liable to the Municipality for the tariff charge in respect thereof.
- (2) Services rendered by the Municipality in respect of which a monthly tariff charge is prescribed, must only be discontinued by the Municipality after receipt of a written notification from the owner or occupier of the premises to which the services are rendered, that the generation of domestic or business refuse on the premises has ceased, or when it has become obvious to the Municipality that the generation of such refuse on the premises has ceased.
- (3) Monthly tariff charges is payable until receipt by the Municipality of the notice mentioned in subsection (2), or when it has become obvious to the Municipality that the generation of such refuse on the premises has ceased.

**Penalty clause**

23. Any person who contravenes or fails to comply with any provision of this By-law is guilty of an offence and liable on conviction to a fine or, in default of payment, to imprisonment not exceeding 6 months, or to both a fine and such imprisonment.

**Repeal of laws and savings**

24. (1) Any by-laws relating to Refuse Removal adopted by the municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.
- (2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, is deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision; of this By-law, as the case maybe.

**Short title**

25. This By-law shall be called the Refuse Removal By -laws, 2011.

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[NO. 203 OF 2011]

**NOTICE IN TERMS OF SECTION 14(2)(a)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION: STANDARD SPORTING FACILITIES BY-LAW.**

I, M.G Qabathe, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlement in the Free State Province, after consulting the Minister of Cooperative Governance and Traditional Affairs and the South African Local Government Association: Free State, do hereby in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), make standard by-laws as set out in the Schedule.

SCHEDULE

SPORTING FACILITIES BY-LAWS

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**Definitions**

1. In this by-law, unless the context otherwise indicates -
  - "accessories" means an object or objects on or in a field, sporting area or course necessary for a particular sport to be performed, such as, but not limited to goal posts, a tennis net, or a flag, and any other feature or fixture;
  - "appurtenance" means any fitting, installation, appliance, device, instrument, apparatus, utensil, tool whatsoever on the premises, such as, but not limited to a lock, cock, tap, valve, pipe and includes any other appliance or any machine;
  - "equipment" means gear used by a person in a sporting activity;
  - "facility" means a sporting facility and includes any appliance, equipment, apparatus or storage facility in or on a facility;
  - "municipality" means the Local Municipality of ..... established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and includes any political structure, political office bearer, councillor, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;
  - "organised sporting activity" means a sporting activity that is organised or controlled by an organisation, and includes a practice or training session;
  - "organisation" means a sport club, educational institution, or association of people, and includes a group or sport club established by the municipality, which sport club or association or group can be joined by a member of the public;
  - "safety at sports and recreational events act" means the safety at sports and recreational events act, 2010 (Act No. 2 of 2010)
  - "sporting facility" means any land, area, premises, building or structure, or part thereof, which is administered or controlled by the municipality and which is designated, demarcated, or set aside for a sporting activity, and includes facilities surrounding and normally supplementary to a sporting facility.

**Application of By-laws**

2.
  - (1) This by-law apply to all sporting facilities under the control and administration of the Municipality, but do not apply to land, areas, buildings, and structures regulated by the Municipality's Public Amenities By-laws.
  - (2) This by-law is subject to the safety at Sports and Recreational Event Act.

**Administration, control over and maintenance of sporting facilities**

3.
  - (1) The municipality may establish a body or sport committee with the aim of advising it on matters relating to sporting facilities.
  - (2) All sporting facilities must be administered by the municipality in accordance with this By-law.
  - (3) The municipality may acquire land or a building with the aim of developing sporting facilities, or dispose of existing sporting facilities or any rights thereto.
  - (4) A person or organisation who uses or hires sporting facilities does so subject to the provisions of this by-law, Safety at Sports and Recreational Events Act and in terms of conditions as may be determined by the municipality.
  - (5) Where an organized sporting activity is not organized or controlled by the municipality, a municipal employee may be present.
  - (6) Subject to the terms and conditions stipulated in any contract of hire, and subject to the Free State Gambling and Liquor Act, 2010 (Act No. 6 of 2010) no person -

- (a) may sell any alcoholic beverage on the premises of a sporting facility without first obtaining express approval for that activity from the municipality;
  - (b) may bring his or her own supply of alcoholic beverages on or into a sporting facility without written authority from an authorised official.
- (7) If the municipality permits the sale or consumption of alcohol on or in a facility by an organisation or body, the sale or consumption is subject to the following conditions:
- (a) no alcoholic beverage may be served in a glass bottle, glass cup or other container made of glass;
  - (b) beer, cider and alcoholic cordials may be served in cans, kegs, or plastic cups only;
  - (c) the organisation or body must maintain good order within the sporting facility.
- (8) The municipality may close a facility when:
- (a) The facility is substantially unusable due to -
    - (i) destruction;
    - (ii) severe damage; or
    - (iii) the absence of municipal services;
  - (b) the facility constitutes a danger to human life or property;
  - (c) an emergency has arisen which requires such closure.
- (9) The municipality may temporarily close a facility for purposes of repair or maintenance or for any other reason in the municipality's discretion.
- (10) A person who or organisation that contravenes subsection (6) or (7) commits an offence.

#### Access to sporting facilities and storage facilities

4. (1) The municipality may by notice posted at or near the entrance to a facility indicate the hours during which it may be used by the public.
- (2) The municipality reserves the right of access to a facility and an official may instruct a person who has contravened a provision of this bylaw to leave the facility or premises immediately and should the person fail to observe the instruction, the official may remove or cause the person to be removed.
- (3) The municipality has the right to determine the maximum capacity of a sporting facility and an official must, once the maximum capacity has been reached, refuse further access and may take measures necessary to prevent access.

#### Admission fees and other fees

5. The municipality may prescribe fees to be charged for admission to or the hire or use of a sporting facility or equipment.

#### Prohibited behaviour in or on sporting facility or its premises

6. (1) No person may -
- (a) enter any part of a facility otherwise than by an entrance designated for that purpose;
  - (b) enter or remain inside a facility, without permission, or at any time other than during the hours when such facility is open to members of the public, or when access to the facility has been denied;
  - (c) smoke in a sporting facility, except in an open air facility or in those areas which have been designated for this purpose, as indicated by notices to that effect;
  - (d) wear footwear that may damage the surface of a facility;
  - (e) attend or engage in a sporting activity if dressed indecently or if undressed, except in a facility set aside for use by a person of the same sex;
  - (f) relieve himself or herself in any part of the sporting facility other than in the ablution facilities;
  - (g) excluding a child under the age of five years, use change rooms, places of ablution, cubicles, or any other facilities set aside for a particular sex if he or she is not of that particular sex;
  - (h) enter or remain in any area of the sporting facility, which area is reserved for the use of persons of the other sex;
  - (i) use a change room, place of ablution, cubicle or any other facility for longer than is reasonably necessary to undertake an activity intended to be undertaken;
  - (j) use profane or indecent language or behave in any other manner that constitutes a nuisance or unacceptable behaviour towards other persons;
  - (k) destroy, damage or deface any part of a sporting facility, accessories or equipment;
  - (l) discard rubbish other than in a container provided for that purpose;
  - (m) in any manner, interfere with the substance covering the surface of a sporting facility;
  - (n) light any fire;
  - (o) drive, draw, or propel a vehicle, or walk upon or recline on lawn on the premises of a sporting facility if prohibited to do so by a notice on the premises;
  - (p) ride or use in or on a sporting facility a bicycle, roller blades, roller skates, skateboard, tricycle or any similar form of transport or amusement, except in a sporting facility which specifically provides for the riding of such devices;

- (q) without the prior written consent of the municipality, sell, hawk, advertise, offer for sale or purchase or exhibit any article for sale, lease or hire, distribute a pamphlet, book, handbill or other written or printed matter inside a sporting facility or in the immediate vicinity of the facility thereto;
  - (r) neither inside nor outside a sporting facility, obstruct, resist or interfere with an official in the execution of his or her duties or the exercise of any authority in terms of this by-law;
  - (s) tamper or interfere with an appurtenance in or on the premises of a facility;
  - (t) bring into or keep on a facility an animal, except a guide dog, without the prior consent of the municipality, unless the sporting activity engaged in involves the use of animals;
  - (u) bring into or keep on a facility a weapon or any other dangerous object.
  - (v) erect or attempt to erect any enclosure, tent or similar construction, stall, booth, stand, screen, fence, or drive into the ground any peg or spike without the permission of the official in charge of the facility;
  - (w) behave or conduct himself or herself in a manner which may prejudice good order;
  - (x) bring into or onto a facility any substance or matter which may endanger the safety of people, or which may be used to disrupt proceedings at or spoil the peaceful enjoyment of the facility;
  - (y) behave or conduct himself or herself in a manner which may disrupt a sporting activity; or
  - (z) fail to comply with a lawful instruction given by an official.
- (2) A person who contravenes this section commits an offence.

#### Organised sporting activities

7. (1) The municipality may allow the use of its facilities by sport organisations, municipal staff, or other persons such as, but not limited to freelance instructors.
- (2) An organisation to which a facility or a portion thereof has been allocated for use at regular times, must ensure that only its members use the facility, and should it be impossible for the organisation to use the facilities at those times, the organisation must notify the official in charge of the sporting facility beforehand, and should an organisation fail to do so, the municipality may suspend or cancel the organisation's further use of the facility.

#### Reservation and hiring of sporting facilities

8. (1) The municipality may set aside or hire out a facility for the purpose of organised sport or for special occasions on such conditions as it may prescribe and the municipality may charge a fee, or may make it available free of charge or grant free admission to selected persons.
- (2) The representative of an organisation that wishes to hire a facility must complete and lodge a prescribed application form with the municipality.
- (3) When considering an application the municipality may have, in addition to other relevant factors, due regard to the following:
- (a) the principles and objectives of this by-law;
  - (b) that the sporting facility may be used for lawful purposes only;
  - (c) that the use of the sporting facility will not constitute a nuisance or annoyance to other users of another part of the sporting facility which has not been hired by the organisation, or to the occupiers of neighbouring premises; and
  - (d) that the use of the sporting facility will not constitute a danger to any person or property or negatively affect the environment;
  - (e) Compliance with the provisions of the Safety at Sports and Recreational Events Act, 2010.
- (4) The municipality may approve the use of a facility subject to any condition it may impose, or it may refuse consent.
- (5) The municipality must, within seven days after the application form has been lodged, in writing notify the organisation if the application has been approved or refused, and -
- (a) if the application is refused, the municipality must supply to the organisation the reasons why the application was refused; or
  - (b) if the application is approved, the municipality must forward a notice of approval which must specify the conditions to which the use of the facility is subject.
- (6) An organisation may not, before the municipality's approval has been received by it, advertise or announce the sporting activity for which it has lodged an application.
- (7) The municipality may, before it approves an application, require of an organisation that wishes to make use of a sporting facility to take out, with an insurance company approved by the municipality -
- (a) insurance in an amount approved by the municipality to cover any structural damage which may occur to the sporting facility whilst being used by the organisation; and
  - (b) public liability insurance.
- (8) An organisation which supplies false information in an application form or with respect to the requirements in subsection (7) or which contravenes subsection (6) commits an offence.

**Cancellation, postponement or extension of reservation**

9. (1) An organisation which has applied for the reservation of a facility, may cancel the application, and where the organisation has paid a fee the municipality will determine the percentage of the paid fee to be refunded to the organisation.
- (2) (a) After approval has been given by the municipality, an organisation may apply for the postponement of the reservation to a later date.  
 (b) Approval of the postponement does not result in a penalty or forfeiture of any fees already paid.  
 (c) Postponement may be refused if the facility has been reserved.
- (3) An organisation may apply for an extension of the period of use of the sporting facility, and -  
 (a) the application must be in writing and lodged at the Municipal Manager's offices; and  
 (b) the facility must be available for such use.
- (4) The municipality may cancel the hire of a facility under the circumstances contemplated in section 8(8), or should the municipality require the facility for municipal purposes at the same time, however, the municipality may refund the fees that have already been paid to it in respect of the reservation;
- (5) Should the municipality cancel a reservation, the municipality must, within a reasonable time and in writing notify the organisation of its decision, however, where a notice is given in terms of section 8(8), the notice is deemed to be effective from the date on which the destruction or damage took place.
- (6) Subject to the provisions of subsection (4), an organisation has no claim against the municipality for loss of use of the sporting facility or for damage arising from a cancellation in terms of subsection (4).

**Termination of hire**

10. (1) On termination of the hire an organisation and an official must inspect the facilities for the purpose of assessing the conditions of the facilities.
- (2) The organisation must -  
 (a) return the sporting facility to the municipality in the condition it was when it was hired out to the organisation;  
 (b) repair any damage or breakages;  
 (c) comply with any instructions by the municipality in respect of the cleaning of the sporting facility; and  
 (d) vacate the facility within the period stated in the application; and  
 (e) should the organisation fail to comply with -  
 (i) subsection (2)(a), (b) or (c), the municipality may replace, repair or make good any breakages or damages, and recover the costs from the organisation; or  
 (ii) subsection (2)(d), the municipality may levy an additional fee for the period during which the organisation occupies the sporting facility after the expiry of the period stipulated in the application.

**Duties of organisation**

11. (1) Before an organisation commences to use the sporting facility, a representative must inspect the facilities, and should he or she find that buildings, structures, accessories or equipment are in a state of disrepair, this fact must be reported to the municipality in writing, and failure to do so is deemed as an acceptance by the organisation that the facilities are in a proper condition.
- (2) The organisation must comply with any conditions determined by the municipality in terms of section 4(4) and take all reasonable measures to ensure that its members and persons attending a sporting activity, as participants, visitors or spectators comply with this by-law.

**Enforcement**

12. (1) An official of the municipality may search any person, vehicle or container in, entering into or being brought onto a facility.
- (2) An official of the municipality may confiscate liquor, or any other dangerous object, substance or matter which may endanger the safety of people in the facility, or which may be used to disrupt proceedings at or spoil the enjoyment of the facility, but must return to the person that which was confiscated when he or she leaves the sporting facility.
- (3) If the official of the municipality finds an unlawful substance as a result of the search contemplated in subsection (1), he or she must immediately alert the South African Police Services or if he or she is appointed as a peace officer in terms of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), he or she may act in terms of that Act.

**Indemnity**

13. Any person visiting or using a facility does so at his or her own risk and the municipality will not be liable for any injury, loss or damage that such person may suffer while in or on the facility.

**Appeal**

14. A person whose rights are affected by a decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) to the municipal manager within 21 days of the date of the notification of the decision.

**Penalty**

15. A person who or organisation which has committed an offence in terms of this by-law is, on conviction, liable to a fine or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.

**Repeal of by-laws**

16. Any by-laws relating to sporting facilities adopted by the Council or any municipality now comprising an administrative unit of the Council is repealed from the date of promulgation of these by-laws.

**Short title**

17. This by-law is called the Sporting Facilities By-law, 2011.

[NO. 204 OF 2011]

**NOTICE IN TERMS OF SECTION 14(2)(a)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION: STANDARD STORM WATER BY-LAW.**

I, M.G Qabathe, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlement in the Free State Province, after consulting the Minister of Cooperative Governance and Traditional Affairs and the South African Local Government Association: Free State, do hereby in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), make standard by-laws as set out in the Schedule.

**SCHEDULE**

**STORM WATER BY-LAW**

**Definitions**

1. In this by-law, unless inconsistent with the context -

"Council" means -

- a) the Local Municipality of .....established in terms of the Local Government: Municipal Structures Act, 1998, (Act No. 117 of 1998) as amended, exercising its legislative and executive authority through its Municipal Council; or
- b) its successor in title; or
- c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub-delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); or
- d) except for the purposes of Chapters 6 and 8, a service provider fulfilling a responsibility under these By-laws, assigned to it in terms of section 81(2) of the Local Government: Systems Act, 2000 (Act No. 32 of 2000) or any other law; as the case may be;

"engineer" means the person appointed by the municipality to act as engineer for the purpose of administering this by-law

"flood level" means that level reached by flood waters resulting from a storm designated in terms of recognised engineering criteria as being of a frequency to be expected once in every 50 years;

"flood plain" means the area subject to inundation by the flood level;

"municipality" means the Municipality of .....

"private storm water system" means a storm water system owned, operated or maintained by a person other than the Council;

"storm water" means water resulting from natural precipitation or accumulation and includes rainwater, groundwater and spring water;

"storm water system" means both the constructed and natural facilities, including pipes, culverts, watercourses and their associated floodplains, whether over or under public or privately owned land, used or required for the management, collection, conveyance, temporary storage, control, monitoring, treatment, use and disposal of storm water;

"water pollution incident" means an incident or occurrence whereby a substance or matter, other than storm water, is discharged directly or indirectly into the storm water system and which may be a danger to health or may adversely affect the general quality of water in the storm water system to such an extent that public health or the health of natural ecosystems may be threatened, and

"watercourse" means:-

- (a) a river, stream, channel or canal in which water flows regularly or intermittently, and (b) a vlei, wetland, dam or lake into which or from which water flows, and includes, where relevant, the bed and the banks of such watercourse.

**Prohibited discharges**

2. No person may, except with the written consent of the engineer and subject to any conditions the engineer may impose, discharge, permit to enter or place anything other than storm water into the storm water system.

**Protection of storm water system**

3. No person may, except with the written consent of the engineer and subject to any conditions the engineer may impose-
- (a) damage, endanger, destroy or undertake any action likely to damage, endanger or destroy, the storm water system or the operation thereof;
  - (b) discharge from any place, or place onto any surface, any substance other than storm water, where that substance could reasonably be expected to find its way into the storm water system;
  - (c) discharge, permit to enter or place anything likely to damage the storm water system or interfere with the operation thereof or contaminate or pollute the water therein;
  - (d) construct or erect any structure or thing over or in such a position or in such a manner so as to interfere with or endanger the storm water system or the operation thereof;
  - (e) make an opening into a storm water pipe, canal or culvert;
  - (f) drain, abstract or divert any water directly from the storm water system, or
  - (g) fill, excavate, shape, landscape, open up or remove the ground above, within, under or immediately next to any part of the storm water system.

**Prevention of flood risk**

4. No person may, except with the written consent of the engineer and subject to any conditions the engineer may impose-
- (a) obstruct or reduce the capacity of the storm water system;
  - (b) change the design or the use of, or otherwise modify any aspect of the storm water system which, alone or in combination with other existing or future uses, may cause an increase in flood levels or create a potential flood risk, or
  - (c) undertake any activity which, alone or in combination with other existing or future activities, may cause an increase in flood levels or create a potential flood risk.

**Studies and assessments**

5. (1) The conditions which the engineer may impose in terms of Sections 2, 3, and 4, may include, but are not limited to-
- (a) the establishment of flood lines;
  - (b) the undertaking of impact assessments, and
  - (c) environmental impact studies or investigations which may be required by any applicable environmental legislation.
- (2) The costs of any study undertaken in terms of the provisions of subsection (1), is for the account of the applicant.

**Water pollution incidents**

6. (1) Whenever a water pollution incident takes place on any property or premises-
- (a) the owner of the property or premises on which the incident took place, or is still in the process of taking place, or
  - (b) the person responsible for the incident, if the incident is not the result of natural causes, must immediately report the incident to the municipality, and at own cost, take all reasonable measures which will contain and minimise the effects of the pollution.
- (2) If the owner or person responsible for the pollution incident fail to introduce measures to contain and minimise the effects of the pollution or have introduced insufficient measures, the engineer may at the cost of such owner or person-
- (a) undertake cleaning up procedures;
  - (b) rehabilitate the environment;
  - (c) take any other reasonable measures to neutralise the effect of the pollution incident.

**Storm water systems on private land**

7. (1) An owner of property on which a private storm water system is located-
- (a) may not carry out any activity which will or which, in the opinion of the engineer, will adversely affect the functioning of such storm water system;
  - (b) must keep such storm water system functioning effectively; and
  - (c) must undertake the refurbishment and reconstruction thereof if, in the opinion of the engineer, it should be reconstructed or refurbished.
- (2) In cases where the flow of storm water in a private storm water system has been increased as a result of new building developments or changes to the storm water system by the council, the council may, either on request of the owner or on own volition, decide to take over the responsibility for the private storm water system.
- (3) The provisions of sub-section (1) do not apply to the extent that the council has accepted responsibility for any of the duties contained therein, either in a formal maintenance agreement or in terms of a condition of a servitude.

**Provision of Infrastructure**

8. The Council has the power to-
- (a) construct, expand, alter, maintain or lay any drains, pipes or other structures related to the storm water system on or under any immovable property, and ownership of these drains, pipes or structures vests in the municipality;
  - (b) drain storm water or discharge water from any municipal service works into any natural watercourse; and
  - (c) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by paragraph (a).

**Miscellaneous powers of the engineer**

9. (1) The engineer may-
- (a) demolish, alter or otherwise deal with any building, structure or other thing constructed, erected or laid in contravention with the provisions of this by-law;
  - (b) fill in, remove and make good any ground excavated, removed or placed in contravention with the provisions of this by-law;
  - (c) repair and make good any damage done in contravention with the provisions of this by-law or resulting from a contravention;
  - (d) remove anything discharged, permitted to enter into the storm water system or natural watercourse in contravention of the provisions of this by-law;
  - (e) remove anything damaging, obstructing or endangering or likely to obstruct, endanger or destroy any part of the storm water system;
  - (f) seal off or block any point of discharge from any premises if such discharge point is in contravention with the provisions of this by-law, irrespective of whether the point is used for lawful purposes;
  - (g) cancel any permission granted in terms of this by-law if the conditions under which the permission was granted are not complied with;
  - (h) by written notice, direct any owner of property to allow the owner of a higher lying property to lay a storm water drain pipe or gutter over his or her property for the draining of storm water;
  - (i) by written notice, direct any owner of property to retain storm water on such property or, at the cost of such owner, to lay a storm water drain pipe or gutter to a suitable place indicated by the Council, irrespective of whether the course of the pipe or gutter will run over private property or not. and
  - (j) discharge storm water into any watercourse, whether on private land or not.
- (2) The engineer may, in any case where it seems that any action or neglect by any person or owner of property may lead to a contravention of the provisions of this by-law, give notice in writing to such person or owner of property to comply to such requirements as the engineer may deem necessary to prevent the occurrence of such contravention.
- (3) The engineer may recover all reasonable costs incurred as a result of action taken in terms of subsection (1) from a person who was responsible for a contravention of the provisions of this by-law or the owner of the property on which a contravention occurred.

**Offences and penalties.**

10. Any person who-
- (a) contravenes any provision of this by-law;
  - (b) fails to comply with the terms of any notice issued in terms of this by-law;
  - (c) threatens, resists, hinders or obstructs a councillor or an employee or contractor of the municipality in the exercise of any powers or performance of any duties or function in terms of this by-law,
- is guilty of an offence and, on conviction, liable to the payment of a fine.

**Repeal of by-laws**

11. Any by-laws relating to storm water adopted by the Council or any municipality now comprising an administrative unit of the Council is repealed.

**Short title**

12. These By-laws are called the Storm Water By-laws, 2011.

[NO. 205 OF 2011]

**NOTICE IN TERMS OF SECTION 14(2)(a)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION:  
STANDARD STREET TRADING BY-LAW**

I, M.G Qabathe, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlement in the Free State, after consulting the Minister of Cooperative Governance and Traditional Affairs and the South African Local Government Association: Free State, do hereby in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), make standard by-laws as set out in the Schedule.

**SCHEDULE**

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**Definitions**

1. In these by-laws;
  - (a) the singular includes the plural and vice versa;
  - (b) any word or expression has the meaning assigned to it in the Local Government: Municipal Structures Act 1998 (Act No. 117 of 1998);
  - (c) a reference to any legislation shall be a reference to that legislation and the regulations promulgated thereunder;
  - (d) any words or expressions to which a meaning has been assigned in the Businesses Act, 1991 (Act No. 71 of 1991), have a corresponding meaning;

and, unless the context otherwise indicates:-

**"administrative unit"** means a former municipality as contemplated in Section 14(3) of the Municipal Structures Act, 1998 (Act No. 117 of 1998).

**"approval"** means approval by the Council and "approved" has a corresponding meaning;

**"authorised official"** means-

- (a) an official who has been authorised by the Council to administer, implement and enforce the provisions of these by-laws;
- (b) a traffic officer appointed in terms of Section 3A of the National Road Traffic Act, 1996;
- (c) a member of the police service, as defined in terms of Section 1 of the South African Police Service Act, 1995 (Act No. 68 of 1995); or
- (d) a peace officer contemplated in Section 334 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977).

**"Council services"** means any system conducted by or on behalf of a municipality for the collection, conveyance, treatment or disposal of refuse, sewage, or storm water, or for the generation, impounding, storage, purification or supply of water, gas or electricity, or municipal services;

**"council"** means the Council of the Municipality referred to in Section 18(1) of the Municipal Structures Act, 1998 (Act No. 117 of 1998) and includes any duly authorised political structure, political office bearer, councillor and official thereof;

**"Council service works"** means all property or works of whatever nature necessary for or incidental to any Council services;

**"foodstuff"** means any article or substance, except a drug as defined in the Drugs and Drug Trafficking Act, 1992 (Act No. 140 of 1992), ordinarily eaten or drunk by persons or purporting to be suitable or manufactured or sold for human consumption and includes any part or ingredient of any such article or substance or any substance used or intended or destined to be used as a part or ingredient of any such article or substance.

**"garden or park"** means a garden or park to which the public has a right of access;

**"goods"** means any movable property and includes a living thing;

**"intersection"** means an intersection as defined in the regulations promulgated in terms of the National Road Traffic Act, 1996;

**"litter"** includes any receptacle, container or other matter, which has been discarded, abandoned or left behind by a street trader or by his or her customers;

**"Municipality"** means the ..... Local Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;

**"motor vehicle"** means a motor vehicle as defined in section 1 of the National Road Traffic Act, 1996;

**"National Road Traffic Act, 1996"** means the National Road Traffic Act, 1996 (Act No. 93 of 1996);

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

**"property"**, in relation to a street trader, means any article, container, vehicle or structure used or intended to be used in connection with such business, and includes goods in which he or she trades;

**"public building"** means a building belonging to or occupied solely by the State or the Council and includes municipal service works;

**"public monument"** means any one of the public monuments and memorials as defined in the National Heritage Resources Act, 1999 (Act No. 25 of 1999) or any similar legislation;

**"public place"** means any square, park, recreation ground or open space which is vested in the Municipality or to which the public has the right to use or is shown on a general plan of a township filed in the deeds registry or a Surveyor-General's office and has been provided for the use of the public or the owners of erven in such township;

"public road" means a public road as defined in section 1 of the National Road Traffic Act, 1996;

"roadway" means a roadway as defined in section 1 of the National Road Traffic Act, 1996;

"sell" includes -

- (a) barter, exchange or hire out;
- (b) display, expose, offer or prepare for sale;
- (c) store on a public road or public place with a view to sell; or
- (d) provide a service for reward;

and "sale" or "selling" has a corresponding meaning;

"sidewalk" means a sidewalk as defined in section 1 of the National Road Traffic Act, 1996;

"street furniture" means any furniture installed by the Council on a street for public use;

"street trader" means a person who carries on the business of street trading and includes any employee of such person;

"street trading" means the selling of any goods or the supplying or offering to supply any service for reward, in a public road, or public place, by a street trader;

"the Act" means the Businesses Act, 1991 (Act No. 71 of 1991) and includes the regulations promulgated thereunder; and

"verge" means a verge as defined in section 1 of the National Road Traffic Act, 1996;

#### Single act constitutes street trading

2. For the purpose of these by-laws a single act of selling or offering or rendering of services in a public road or public place constitutes street trading.

#### Assigning powers of a Council employee to employee of a service provider.

3. If any provision in these by-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council, and such power, function or duty has in terms of section 81 (2) of the Local Government: Municipal Systems Act, 2000( Act No 32 of 2000), or any other law been assigned to a service provider, the reference in such provision to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

#### Prohibited conduct

4. (1) No person must carry on the business of a street trader:-
- (a) at a place or in an area declared by the Council in terms of section 6A(2)(a) of the Act as a place or area in which street trading is prohibited;
  - (b) in a garden or a park to which the public has a right of access;
  - (c) on a verge contiguous to -
    - (i) a building belonging to, or occupied solely by, the State or the Council;
    - (ii) a church or other place of worship;
    - (iii) a building declared to be a Public monument;
    - (iv) an autoteller bank machine;
  - (d) at a place where it causes an obstruction in front of -
    - (i) a fire hydrant;
    - (ii) an entrance to or exit from a building;
  - (e) at a place where it could obstruct vehicular traffic;
  - (f) at a place where it could substantially obstruct a pedestrian in his or her use of the sidewalk;
  - (g) on that half of a public road contiguous to a building used for residential purposes, if the owner or person in control, or any occupier of that building objects thereto and such objection is made known to the street trader by an authorised official;
  - (h) on a stand, or in any area demarcated by Council in terms of section 6A(3)(b) of the Act, if he or she is not in possession of a written proof that he or she has hired such stand or area from the Council, or that such stand has otherwise been allocated to him or her ;
    - (i) within 5 (five) meters of any intersection; and
    - (j) on a sidewalk contiguous to a building in which business is being carried on by any person who sells goods of the same or of a similar nature to the goods being sold on such sidewalk by the street trader, if the goods are sold without the prior consent of such person and an authorised official has informed the street trader that such consent does not exist.
- (2) A person who has hired a stand from, or been allocated a stand by the Council in terms of subsection (1)(h), may not trade in contravention of the terms and conditions of such lease or allocation.

**Restricted conduct**

5. A person carrying on the business of a street trader -
- (a) may not sleep overnight at the place of such business;
  - (b) may not erect any structure for the purpose of providing shelter, other than a device approved by the Council;
  - (c) may not place his or her property on a public road or public place, with the exception of his or her motor vehicle or trailer from which trade is conducted, and provided that such vehicle or trailer does not obstruct pedestrian and vehicular traffic movement, and complies with the provisions of the National Road Traffic Act, 1996;
  - (d) must ensure that his or her property or area of activity does not cover an area of a public road or public place which is greater in extent than six square metres (with a maximum length of three metres) or unless otherwise approved by the Council, and which on any sidewalk leaves an unobstructed space for pedestrian traffic, the length of the property or area of activity, and not less than 1,5 metres wide, measured from any contiguous building to the obstructed area, and an unobstructed space, the length of the property or area of activity, and not less than 0,5 metres wide, measured from the kerb of the roadway;
  - (e) may not trade on a sidewalk where the width of such sidewalk is less than three metres;
  - (f) may not place or stack his or her property in such a manner that it constitutes a danger to any person or property, or is likely to injure any person or cause damage to any property;
  - (g) may not display his or her goods or other property on or in a building, without the consent of the owner, lawful occupier, or person in control of such building or property;
  - (h) must, upon request by an authorised official of the Council, or supplier of telecommunication or electricity or other council services, move his or her property so as to permit the carrying out of any work in relation to a public road, public place or any such service;
  - (i) may not attach any of his or her property by any means to any building, structure, pavement, tree, parking meter, lamp, pole, electricity pole, telephone booth, post box, traffic sign, bench or any other street furniture in or on a public road or public place;
  - (j) may not carry on such business in such a manner as to -
    - (i) create a nuisance;
    - (ii) damage or deface the surface of any public road or public place, or any public or private property; or
    - (iii) create a traffic and/or health hazard, or health risk, or both.
  - (k) may not make an open fire on a public road or public place;
  - (l) may not interfere with the ability of a person using a sidewalk to view the goods displayed behind a shop display window, or obscure such goods from view.
  - (m) may not obstruct access to a pedestrian crossing, a parking or loading bay or other facility for vehicular or pedestrian traffic;
  - (n) may not obstruct access to, or the use of, street furniture and any other facility designed for the use of the general public;
  - (o) may not obscure any road traffic sign displayed in terms of the National Road Traffic Act, 1996, or any marking, notice or sign displayed or made in terms of these by-laws;
  - (p) may not carry on business, or take up a position, or place his or her property on a portion of a sidewalk or public place, in contravention of a notice or sign erected or displayed by the Council for the purposes of these by-laws;
  - (q) may not, other than in a refuse receptacle approved or supplied by the Council, accumulate, dump, store, or deposit, or cause or permit to be accumulated, dumped, stored or deposited, any litter on any land or premises or any public road or public place or on any public property;
  - (r) may not place on a public road or public place his or her property that is not capable of being easily removed to a storage place away from such public road or public place, at the end of the day's business;
  - (s) must on concluding business for the day remove his or her property, except any structure permitted by the Council, to a place which is not part of a public road or public place;
  - (t) may not store his or her property in a manhole, storm water drain, public toilet, and bus shelter or in a tree;
  - (u) may not handle any foodstuffs including meat in a manner contrary to applicable law;
  - (v) may not carry on such business in a place or area in contravention of any prohibition or restriction approved by the Council in terms of section 6A(2)(a) of the Act.

**Cleanliness**

6. A street trader must -
- (a) keep the area or site occupied by him or her for the purposes of such business in a clean and sanitary condition;
  - (b) keep his or her property in a clean, sanitary and well maintained condition;
  - (c) dispose of litter generated by his business in whatever receptacle as provided by the Council for the public or at a dumping site of the Council;
  - (d) not dispose of litter in a manhole, storm water drain or other place not intended for the disposal of litter;
  - (e) ensure that on completion of business for the day, the area or site occupied by him or her for the purposes of trade is free of litter;
  - (f) take such precautions in the course of conducting his or her business as may be necessary to prevent the spilling onto a public road, or public place, or into a storm water drain, of any fat, oil or grease;
  - (g) ensure that no smoke, fumes or other substance, odours, or noise emanating from his or her activities causes pollution of any kind;
  - (h) on request by an authorised official of the Council, move his or her property so as to permit the cleansing of the space of the area or site where he or she is trading, or the effecting of council services.

**Signs indicating restricted and prohibited areas**

7. (a) The Council may, by resolution and in terms of section 6A(2) of the Act, declare any place in its area of jurisdiction to be an area in which street trading is restricted or prohibited, and must, to enable compliance therewith, prescribe or make signs, markings or other devices indicating-
- (i) specified hours, places, goods or services in respect of which street trading is restricted or prohibited;
  - (ii) the locations of boundaries of restricted or prohibited areas;
  - (iii) the boundaries of a stand or area set apart for the purposes of the carrying on of the business of street trading;
  - (iv) the fact that any such stand or area has been let or otherwise allocated; and
  - (v) any restriction or prohibition against street trading in terms of these by-laws;
- (b) The Council may display any such sign, marking or device in such a position and manner as will indicate any restriction or prohibition and or the location or boundaries of the area or stand concerned;
- (c) Any sign erected in terms of these by-laws or any other law, must serve as sufficient notice to a street trader of the prohibition or restriction of the area concerned; and
- (d) Any sign may be amended from time to time and displayed by the Council for the purpose of these by-laws, and any such sign shall have the same effect as a road sign in terms of the National Road Traffic Act, 1996.

**Provision of and lease of stands or area for the purpose of street trading**

8. (1) The Council may, by resolution in terms of Section 6A (3)(a) to (c) of the Act-
- (a) lease any municipal land to the owner or occupier of contiguous land on condition that such owner or occupier must admit a specified number of street traders to trade on stands or places on such land designated by such owner or occupier for informal trading;
  - (b) set apart municipal land in the municipality and demarcate stands or areas on such land for the purpose of informal trading;
  - (c) extend, reduce or disestablish any stand or area referred to in the previous subsections.
- (2) Any land leased by or allocated by the Council aforesaid for informal trading must be so let on an economic rental basis.
- (3) These by-laws must apply to any informal trading area established by the Council in terms of this section.
- (4) The Council may, in addition to setting aside land in its municipal area for informal trading, also make available to informal traders, subject to such conditions as it may determine, suitable structures, shelter and devices for the conduct of the business of informal trading

**Removal and impoundment**

9. (1) An authorised official may remove and impound any property, except perishable foodstuffs, of a street trader-
- (a) which he or she reasonably suspects is being used or which intended to be used or has been used in or in connection with street trading; and
  - (b) which he or she finds at a place where street trading is restricted or prohibited and which constitutes an infringement of any such restriction or prohibition whether or not such property is in possession or under the control of any person at the time of such removal or impoundment.
- (2) Any authorised official acting in terms of subsection (1) above must, except where goods have been left or abandoned, issue to the person carrying on the business of a street trader, a receipt for any property so removed and impounded, which receipt must -
- (i) itemise the property to be removed and impounded;
  - (ii) provide the address where the impounded property will be kept, and the period thereof;
  - (iii) state the conditions for the release of the impounded property;
  - (iv) state the terms and conditions relating to the sale of unclaimed property by public auction; and
  - (v) provide the name and address of a council official to whom any representations regarding the impoundment may be made, and the date and time by which this must be done.
- (3) If any property about to be impounded is attached to any immovable property or a structure, and such property is under the apparent control of a person present thereat, any authorised official of the Council may order such person to remove the property, and if such person refuses or fails to comply, he or she is guilty of an offence.
- (4) When any person fails to comply with an order to remove the property referred to in subsection (3), any authorised official of the Council may take such steps as may be necessary to remove such property.
- (5) Perishable foodstuffs must be retained by the street trader who must immediately remove such foodstuffs from the prohibited trading area.
- (6) The Council may provide sufficient and adequate storage facilities for the storage of any property impounded in terms of this section.

**Vicarious responsibility of persons carrying on business**

10. (1) When an employee or agent of a street trader contravenes a provision of these by-laws, the street trader is deemed to have committed such contravention himself or herself unless he or she satisfies the court that he or she took reasonable steps to prevent such contravention.
- (2) The fact that a street trader issued instructions to the employee or agent prohibiting such contravention, does not, in itself, constitute sufficient proof of such reasonable steps.

**Offences and Penalties**

11. (1) Any person who -
- (a) contravenes or fails to comply with any provision of these by-laws;
  - (b) fails to comply with any notice issued in terms of these by-laws; or
  - (c) fails to comply with any lawful instruction given in terms of these by-laws; or
  - (d) fails to comply with any condition imposed by the Council in any authorisation or permit granted under these by-laws; or
  - (e) who obstructs or hinders any authorised official of the Council in the execution of his or her duties under these by-laws -
- is guilty of an offence and liable on conviction to a fine or in default of payment, to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R50, or in default of payment, to imprisonment not exceeding one day, for every day during the continuance of such offence, after a written notice has been issued by the Council, and served on the person concerned, requesting the discontinuance of such offence.
- (2) A court sentencing a street trader who is found guilty of a contravention of these by-laws may also order such street trader to pay to the municipality such reasonable costs it may have incurred in impounding and storing any goods impounded under these by-laws.

**Repeal of By-laws**

12. Any by-laws relating to Street or Informal Trading adopted by the municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.

**Short title**

13. These by-laws are called the Street Trading By-laws, 2011.

[NO. 206 OF 2011]

**NOTICE IN TERMS OF SECTION 14(2)(a)(i) OF THE LOCAL GOVERNMENT: MUNICIPAL SYSTEMS ACT, 2000: PUBLICATION: STANDARD TARIFF POLICY BY-LAW.**

I, M.G Qabathe, Member of the Executive Council responsible for Cooperative Governance, Traditional Affairs and Human Settlement in the Free State Province, after consulting the Minister of Cooperative Governance and Traditional Affairs and the South African Local Government Association: Free State, do hereby in terms of section 14(2)(a)(i) of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000), make standard by-laws as set out in the Schedule.

**SCHEDULE**

**Tariff Policy By-law****Definitions**

1. In the interpretation of these by-laws, the singular includes the plural and vice versa and the following words and expressions have the meanings assigned to them hereunder, unless such meanings are the context indicate otherwise -
- "**Council**" means the Council of the Municipality referred to in the Municipal Structures Act, 1998 (Act No. 117 of 1998).
- "**Cost to be recovered**" means the cost of purchasing, the cost of changing the product to the delivered, capital cost, administrative and support systems cost.
- "**Domestic consumers**" means in regard to the electricity services, includes private dwelling houses, residential flats and hostels if provided with a separate meter.
- "**Bulk consumers**" means in regard to the electricity service, exclude domestic consumers and relates to any consumer whose electricity demand exceeds 100 KVA per month for an uninterrupted period of 12 months.
- "**Commercial and general consumers**" means in regard to the electricity service, excludes domestic consumers and relates to any consumer whose maximum electricity demand is less than 100 KVA per month for a period of 12 months.
- "**Municipality**" means the Local Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;
- "**Off-peak supply**" means an electricity supply on written request to bulk consumers during off peak hours or contributed to the Council's maximum demand whichever is the greatest.
- "**Temporary consumers**" includes builders, carnivals, fairs, amusement parks and any consumer of a temporary nature.

**Cost of Services to be recovered**

2. (1) Council must levy charges for the delivery of services.
- (2) The levied charges must recover the cost to deliver the following services -
  - (a) Electricity;
  - (b) Refuse removal;
  - (c) Sanitation or Sewerage, or
  - (d) Water.

**Surpluses obtained**

3. The Council may obtain surpluses on the following services -
  - (a) 10% on Electricity and Water;
  - (b) 10 % on Sanitation or Sewerage and Refuse Removal.

**Services co-funded by property tax**

4. (1) Council may charge regularity tariffs to recover cost to deliver the following services:-
  - (a) Libraries;
  - (b) Cemeteries;
  - (c) Nature Reserves;
  - (d) Pleasure Resorts;
  - (e) Fire Services;
  - (f) Information Services.
- (2) Council may adjust the service charges annually with the Consumer Price Index on 1 July each year.

**Electricity Services**

5. (1) Council may provide the number of units of electricity free to indigent households as determined in its indigent policy.
- (2) Council may charge basic tariffs differentiated amongst various consumers.
- (3) Council may charge the following tariffs -
  - (a) Availability charges based on consumption, type of stands and nature of consumers.
  - (b) Consumption charges per KWH-
    - (i) Domestic Consumers;
    - (ii) Commercial and General Consumers;
    - (iii) Bulk Consumers;
    - (iv) Temporary Consumers;
    - (v) Selected bulk Consumers (up to 7% surcharge is applicable).
  - (c) Consumption charges (per KVA demand) -
    - (i) Bulk Consumers;
    - (ii) Off-peak hours;
    - (iii) Selective bulk consumer (a surcharge of 7% is applicable).
  - (d) Special charges -
    - (i) Test of meter;
    - (ii) Special reading;
    - (iii) Connection fees.
  - (e) VAT is not included in the tariffs and must and be added.
- (4) Council may lower business tariffs in line with National Electricity Regular policy and incentive schemes of Council.
- (5) All electrical supplies must be metered.

**Refuse Removal**

6. (1) Council subsidises refuse removal to the indigent households as determined in the indigent policy.
- (2) Council may charge the following rates -
  - (a) Refuse removals from private dwellings, hospitals, churches, boarding houses, sport clubs, charitable institutions: once a week per bin.
  - (b) Block of flats: per flat, three times per week
  - (c) Removal from business premises, offices, industrial premises and government institutions: per bin, five times per week
  - (d) Compacted refuse: per removal -
    - (i) Per 0.084 m3
    - (ii) Per container unit per m3

- (e) Per mass container -
  - (i) 1,1 m3 capacity
  - (ii) 5,5 m3 capacity
  - (iii) 4 m3 capacity
  - (iv) 750 litre capacity
  - (v) 600 litre capacity
  - (vi) 1,75 m3 capacity
- (f) Medical waste: per removal
- (g) Renting of mass containers -
  - (i) 5,5 m3 per week
  - (ii) 5,5 m3 per month
  - (iii) 1,75 m3; 1,1 m3; 0,75 m3 and 0,6 m3: per month
  - (iv) 3 m3 and 3 m3: per month
- (h) Vacuum tank services -
  - (i) Special removals
  - (ii) Garden refuse
  - (iii) Building rubble or bulk refuse
- (i) Removal of dead animals.
- (j) Cleaning premises of long grass, weeds, shrubs and accumulation of refuse.
- (k) Renting cleansing services out of town.
- (l) Sale of plastic bags.
- (m) All other services for which provision has not been made.
- (n) VAT is not included and should be added.

#### Sanitation or Sewerage

- 7. (1) Council may grant a subsidy for the indigents as defined in the Indigent Policy.
- (2) Council must apply the principle of equality for this service.
- (3) Council may charge the following tariffs:
  - (a) Application fees (building plans);
  - (b) Usage charges (operational charges) differentially;
  - (c) Availability charges -
    - (i) Based on size of land;
    - (ii) Special usage.
  - (d) Work charges -
    - (i) Sealing openings;
    - (ii) Re-openings sealed;
    - (iii) Removing blockages;
    - (iv) Alterations to gullies;
    - (v) Connection to sewer;
  - (e) VAT is not included and must be added.

#### Water Services

- 8. (1) Council may provide the water free to indigent households as determined in its indigent policy.
- (2) Council may charge the following tariffs:
  - (a) Availability charges;
  - (b) Consumption charges -
    - (i) Metered supply
      - (aa) A sliding scale will be applicable to domestic consumers and will be as follows:
        - 0-6 KL;
        - 7-10 KL;
        - 11-40 KL;
        - Above 40 KL.
      - (bb) With water restrictions an increased tariff may be charged on the following sliding scale:
        - 0-6 KL;
        - 7-10 KL;
        - 11-40 KL;
        - 41-100 KL;
        - Above 100 KL.

- 
- (c) Metered supply -
    - (i) With water restrictions the sliding scale will be the same as mentioned in sub section (2)(b)(i)(aa).
  - (d) Metered supply: Businesses and industries
    - (i) The Council may charge a uniform tariff per KL for businesses and industries.
  - (e) Charges for connections to the main.
  - (f) Charges for connection of water supply.
  - (g) Sundry charges -
    - (i) Testing of metres;
    - (ii) Special readings;
    - (iii) Any other services not mentioned;
  - (h) Filling of a swimming pool.

**Property tax**

- 9. (1) A subsidy is granted to indigent persons as defined in the indigent Policy. Council may charge property tax on the site value only.
- (2) The different entities are charged differently on their respective valuation rolls.
- (3) Council must compile a valuation roll for the whole area so that the whole area will be charged uniformly.
- (4) Council may allow discounts on the category Grand-in -Aid to registered welfare organisations, welfare organisations which performs charitable work institution for veterans, amateur sport grounds, Boy Scouts or similar organisations and institutions defined in the Cultural Institutions Act, 1998 (Act No. 119 of 1998).
- (5) Council may place a priority on property tax for collection of revenue not exceeding 25% of the budgeted revenue.

**Repeal of By-Laws**

- 10. Any by-laws relating to Tariff Policies adopted by the municipality or any municipality now comprising an administrative unit of the Municipality is repealed from the date of promulgation of these by-laws.

**Short Title**

- 11. These By -laws are called the Tariff Policy Bylaw, 2011.
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**PROVINCIAL GAZETTE**  
(Published every Friday)

All correspondence, advertisements, etc. must be addressed to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein, Tel.: (051) 403 3139. Free Voucher copies of the Provincial Gazette or cuttings of advertisements are NOT supplied.

**Subscription Rates (payable in advance)**

The subscription fee for the Provincial Gazette (including all Extraordinary Provincial Gazettes) are as follows:

**SUBSCRIPTION: (POST)**

PRICE PER COPY	R 18.80
HALF-YEARLY	R469.40
YEARLY	R938.80

**SUBSCRIPTION: (OVER THE COUNTER / E-MAIL)**

PRICE PER COPY	R 11.10
HALF-YEARLY	R 277.90
YEARLY	R 555.80

Stamps are not accepted

**Closing time for acceptance of copy**

All advertisements must reach the Officer in Charge of the Provincial Gazette **not later than 16:00, three workings days** prior to the publication of the Gazette. Advertisements received after that time will be held over for publication in the issue of the following week, or if desired by the advertiser, will be inserted in the current issue as a "Late Advertisement". In such case the advertisement must be delivered to the Officer in Charge **not later than 08:00 on the Tuesday** preceding the publication of the Gazette and double rate will be charged for that advertisement.

A "Late Advertisement" will not be inserted as such without definite instructions from the advertiser.

**Advertisement Rates**

Notices required by Law to be inserted in the Provincial Gazette: R26.40 per centimeter or portion thereof, single column.

Advertisement fees are payable in advance to the Officer in charge of the Provincial Gazette, P.O. Box 517, Bloemfontein, 9300, Tel.: (051) 403 3139.

**NUMBERING OF PROVINCIAL GAZETTE**

You are hereby informed that the numbering of the Provincial Gazette /Tender Bulletin and notice numbers will from 2010 coincide with the relevant financial year. In other words, the chronological numbering starting from one will commence on or after 1 April of every year.

**PROVINSIALE KOERANT**  
(Verskyn elke Vrydag)

Alle korrespondensie, advertensies, ens. moet aan die Beampte Belas met die Provinsiale Koerant, Posbus 517, Bloemfontein, Tel.: No. (051) 403 3139 geadresseer word. Gratis eksemplare van die Provinsiale Koerant of uitknipsels van advertensies word NIE verskaf nie.

**Intekengeld (vooruitbetaalbaar)**

Die intekengeld vir die Provinsiale Koerant (insluitend alle Buitengewone Provinsiale Koerante) is soos volg:

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PRYS PER EKSEMPLAAR	R 11.10
HALFJAARLIKS	R 277.90
JAARLIKS	R 555.80

Seëls word nie aanvaar nie.

**Sluitingstyd vir die Aannee van Kopie**

Alle advertensies moet die Beampte Belas met die Provinsiale Koerant bereik **nie later nie as 16:00 drie werksdae** voordat die Koerant uitgegee word. Advertensies wat na daardie tyd ontvang word, word oorgehou vir publikasie in die uitgawe van die volgende week, of as die adverteerder dit verlang, sal dit in die Koerant wat op die pers is as 'n "Laat Advertensie" geplaas word. In sulke gevalle moet die advertensie aan die Beampte oorhandig word **nie later nie as 08:00 op die Dinsdag** voordat die Koerant gepubliseer word en dubbeltarief sal vir dié advertensie gevra word.

'n "Laat Advertensie" sal nie sonder definitiewe instruksies van die Adverteerder as sodanige geplaas word nie.

**Advertensietariewe**

Kennisgewings wat volgens Wet in die Provinsiale Koerant geplaas moet word: R26.40 per sentimeter of deel daarvan, enkel-kolom.

Advertensiegelde is vooruitbetaalbaar aan die Beampte belas met die Provinsiale Koerant, Posbus 517, Bloemfontein 9300, Tel.: (051) 403 3139.

**NOMMERING VAN PROVINSIALE KOERANT**

U word hiermee in kennis gestel dat die nommering van die Provinsiale Koerant / Tender Bulletin en kennisgewingnummers vanaf 2010 met die betrokke boekjaar sal ooreenstem. Met ander woorde, die kronologiese nommering beginnende met een, sal op of na 1 April van elke jaar begin.