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<p>COOPERATIVE GOVERNANCE, TRADITIONAL AFFAIRS AND HUMAN SETTLEMENTS NOTICE</p>			
<p>Setsoto Municipality 2</p>			
<p>NOTICE</p>			
<p>PLEASE TAKE NOTE: THE LAST PUBLICATION OF THE PROVINCIAL GAZETTE FOR THE YEAR 2014 WILL BE ON 12 <u>DECEMBER 2014</u>.</p>			
<p>THE NEXT PUBLICATION WILL BE ON 16 <u>JANUARY 2015</u> 103</p>			

COOPERATIVE GOVERNANCE, TRADITIONAL AFFAIRS AND HUMAN SETTLEMENTS NOTICES

PROPOSED BY-LAWS FOR THE SETSOTO LOCAL MUNICIPALITY

PUBLICATION OF DRAFT BY-LAWS FOR COMMENT:

DRAFT MUNICIPAL PLANNING AND LAND USE BYLAW

1. The following draft Municipal Planning and Land Use Bylaw for the Setsoto Local Municipality contained in the Schedule hereto, are hereby in terms of Section 12(3) (b) of the Local Government: Municipal Systems Act No. 32 of 2000 published for public comment to enable the Council to consider the adoption thereof after comments have been received and considered.
2. Written comments must be handed in at the office of the Manager Administration, Municipal Offices, Ficksburg or posted to the Manager Administration, P.O. Box 116, Ficksburg, 9730 or faxed to the Manager Administration at number (051) 933-9309 or sent by e-mail: corporate@setsoto.co.za.
3. Comments must reach the office of the Manager Administration not later than 05 December 2014. Comments received after this date will not be considered.
4. Copies of the draft By-Laws will also be available for perusal at the Libraries and Municipal Offices in Ficksburg, Clocolan, Marquard and Senekal, both in town and the township during normal office hours. A copy of these draft By-Laws may also be obtained from the aforementioned offices at a nominal fee applicable for copies. These draft By-Laws are also published on the municipal website at www.setsoto.co.za
5. Persons who are not able to read or write and who wish to comment on these draft By-Laws will be assisted by the Committee Services Administrator, Me Moeng during office hours at the Municipal Offices in Ficksburg. Ms Moeng can be contacted at (051) 933-9340 for an appointment.

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MUNICIPAL MANAGER
S T R RAMAKARANE

SCHEDULE

To provide for the regulation and control of activities on and in respect of spatial planning and land use management, and to provide for matters in connection therewith

Preamble

WHEREAS the Constitution established local government as a distinctive sphere of government, interdependent, and interrelated with the national and provincial spheres of government; and

WHEREAS there is agreement on the fundamental importance of local government to democracy, development and nation-building in our country; and

WHEREAS there is fundamental agreement in our country on a vision of democratic, accountable and developmental local government, in which municipalities must strive within their financial and administrative capacity, to achieve their constitutional objectives by ensuring the provision of sustainable, effective and efficient municipal services to communities, by promoting social and economic development, by promoting a safe and healthy environment, and by encouraging the involvement of communities in the matters of local government; and

WHEREAS the Constitution authorizes and empowers municipalities to administer the local government matters listed in Part B of Schedules 4 and 5, which include hoardings and the display of advertisements in public places and any other matter assigned to it by national or provincial legislation, by making and administering By-laws for the effective administration of these matters;

BE IT THEREFORE ENACTED by the Municipal Council of the Setsoto Local Municipality as follows:-

CHAPTER I – INTERPRETATION AND APPLICATION

1. DEFINITIONS AND INTERPRETATIONS

In this By-law, unless the context indicates otherwise, any word or expression to which a meaning has been assigned in the Spatial Planning and Land Use Management Act 2013, (Act 16 of 2013) has the meaning assigned to it in that Act

All references to sections in this by-law refers to this specific document unless otherwise stated—

“**adopt**”, in relation to a spatial development framework, land use scheme, policy or strategy, means the approval thereof by the executive authority;

“**agent**” means a person authorized by the owner of land to make an application;

“**Appeal Authority**” means the Appeal Authority contemplated in section 83(1);

“**applicant**” means a person referred to in section 16(2) who makes an application to the Municipality as contemplated in that section;

“**application**” means an application to the Municipality referred to in section 16(2);

“**authorized employee**” means a municipal employee who is authorized by the Municipality to exercise a power or perform a duty in terms of this By-law or to inspect land and buildings in order to enforce compliance with this By-law, the land use scheme and Deed of Title;

“**consolidation**”, in relation to land, means the merging of two or more adjacent land parcels into a single land parcel;

“**Council**” means the municipal council of the Municipality;

“**date of notification**” means the date on which a notice is served as contemplated in section 49(7) or published in the media or Provincial Gazette;

“**day**” means a calendar day, and when any number of days are prescribed for the execution of any act, it must be calculated by excluding the first day and including the last day, however, should the last day fall on a Saturday, Sunday or Public Holiday, the number of days must be calculated by excluding the first day and also the Saturday, Sunday or public holiday;

“**development charge**” means a development charge levied by the Municipality as contemplated in section 88;

“**emergency**” includes a situation that arises from a flood, strong wind, severe rainstorm, fire, earthquake or industrial accident and that requires the relocation of human settlements;

“**external engineering service**” means an engineering service situated outside the boundaries of a land area and that is necessary to serve the use and development of the land area;

“**Free State Spatial Planning and Land Use Bill**” means the Free State Spatial Planning and Land Use Bill, and upon enactment the Act;

“**local spatial development framework**” means a local spatial development framework contemplated in section 9;

“**municipal spatial development framework**” means a municipal spatial development framework adopted by the Municipality in terms of Chapter 5 of the Municipal Systems Act and Chapter 4 of the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013);

“**Municipal Manager**” means the municipal manager of the Municipality;

“**Municipality**” means the municipality of [insert name] established by Establishment Notice [insert number] of [insert date] issued in terms of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), and any employee of the Municipality acting in terms of delegated or sub-delegated authority of the Municipality;

“**non-conforming use**” means an existing land use that was lawful in terms of a previous land use scheme but that does not comply with the land use scheme in force;

“**occasional use**” means a departure in respect of a right to use land for a purpose granted on a temporary basis for a specific occasion or event;

“**overlay zone**” means an area in a land use scheme that is demarcated for the purpose of conserving natural resources or promoting certain types of development and that is subject to conditions, requirements or restrictions in addition to those of the land use scheme;

“**owners’ association**” means an owners’ association established in terms of section 30;

“**pre-application consultation**” means a consultation between an owner or an agent and the Municipality contemplated in section 38;

“**public facilities**” means amenities that are—

- (a) intended for the use of the general public;
- (b) used to offer a service or for recreation; and
- (c) ordinarily owned by the state or a municipality;

“**service**” means a service provided by the Municipality, any other organ of state or a service provider, including services for the provision of water, sewerage, electricity, refuse removal, roads, storm water, and includes infrastructure, systems and processes related to the service;

“**site development plan**” means a scaled and dimensioned plan that shows details of the proposed land development, including the site layout, positioning of buildings and structures, property access, building designs, parking, internal services, servitudes and landscaping;

“**social infrastructure**” means community facilities, services and networks that meet social needs and enhance community well-being;

“**Spatial Planning and Land Use Management Act**” means the Spatial Planning and Land Use Management Act, 2013 (Act 16 of 2013);

“**Tribunal**” means the Municipal Planning Tribunal established in terms of section 74.

Any reference to erf or rural land refers to the Land Survey Act, 1997, (Act No 8 of 1997).

Any reference to the male gender includes the female gender and any reference to the plural will include the singular and *vice versa*, as the context may require.

2. APPLICATION OF BY-LAW

This By-law applies to all land situated within the municipal area, including land owned by the state and by organs of state.

CHAPTER II – SPATIAL PLANNING

3. SPATIAL PLANNING CATEGORIES

- (1) All Development Frameworks developed for areas in, or associated with, the Free State province must be represented spatially. In order to create a uniform system across the Province, the attribute data must be represented according to the following primary spatial planning categories:
- (a) Core Conservation Areas that must be captured in the attribute data as a capital letter A including;
 - (i) Statutory Protected Areas that must be captured in the attribute data as a letter A.a or;
 - (b) Natural Buffer Areas that must be captured in the attribute data as a capital letter B including;
 - (i) Non-Statutory Conservation Areas that must be captured in the attribute data as a letter B.a;
 - (ii) Ecological Corridors that must be captured in the attribute data as a letter B.b;
 - (iii) Urban Green Areas that must be captured in the attribute data as a letter B.c or;
 - (c) Agricultural Areas that must be captured in the attribute data as a capital letter C including;
 - (i) Extensive agricultural areas that must be captured in the attribute data as a letter C.a;
 - (ii) Intensive agricultural areas that must be captured in the attribute data as a letter C.b or;
 - (d) Urban Related Areas that must be captured in the attribute data as a capital letter D including;
 - (i) Main Towns that must be captured in the attribute data as a letter D.a;
 - (ii) Local Towns that must be captured in the attribute data as a letter D.b;
 - (iii) Rural Settlements that must be captured in the attribute data as a letter D.c;
 - (iv) Tribal Authority Settlements that must be captured in the attribute data as a letter D.d;
 - (v) Communal Settlements that must be captured in the attribute data as a letter D.e;
 - (vi) Institutional Areas that must be captured in the attribute data as a letter D.f;
 - (vii) Authority Areas that must be captured in the attribute data as a letter D.g;
 - (viii) Residential Areas that must be captured in the attribute data as a letter D.h;
 - (ix) Business Areas that must be captured in the attribute data as a letter D.i;
 - (x) Service Related Business that must be captured in the attribute data as a letter D.j;
 - (xi) Special Business that must be captured in the attribute data as a letter D.k;
 - (xii) SMME Incubators that must be captured in the attribute data as a letter D.l;
 - (xiii) Mixed Use Development Areas that must be captured in the attribute data as a letter D.m;
 - (xiv) Cemeteries that must be captured in the attribute data as a letter D.n;
 - (xv) Sports fields and Infrastructure that must be captured in the attribute data as a letter D.o;
 - (xvi) Airports and Infrastructure that must be captured in the attribute data as a letter D.p;
 - (xvii) Resorts and Tourism Related Areas that must be captured in the attribute data as a letter D.q;
 - (xviii) Farmsteads and Outbuildings that must be captured in the attribute data as a letter D.r or;
 - (e) Industrial Areas that must be captured in the attribute data as a capital letter E including;
 - (i) Agricultural industry that must be captured in the attribute data as a letter E.a;
 - (ii) Industrial Development Zone that must be captured in the attribute data as a letter E.b;
 - (iii) Light industry that must be captured in the attribute data as a letter E.c;
 - (iv) Heavy industry that must be captured in the attribute data as a letter E.d;
 - (v) Extractive industry that must be captured in the attribute data as a letter E.e or;

- (a) Surface Infrastructure that must be captured in the attribute data as a capital letter F including;
- (i) National roads that must be captured in the attribute data as a letter F.a;
 - (ii) Main roads that must be captured in the attribute data as a letter F.b;
 - (iii) Minor roads that must be captured in the attribute data as a letter F.c;
 - (iv) Public Streets that must be captured in the attribute data as a letter F.d;
 - (v) Heavy Vehicle Overnight Facilities that must be captured in the attribute data as a letter F.e;
 - (vi) Railway lines that must be captured in the attribute data as a letter F.f;
 - (vii) Power lines that must be captured in the attribute data as a letter F.g;
 - (viii) Telecommunication Infrastructure that must be captured in the attribute data as a letter F.h;
 - (ix) Renewable Energy Structures that must be captured in the attribute data as a letter F.i;
 - (x) Dams and Reserves that must be captured in the attribute data as a letter F.j;
 - (xi) Canals that must be captured in the attribute data as a letter F.k;
 - (xii) Sewerage Plants and Refuse Areas that must be captured in the attribute data as a letter F.l;

- (2) All the main spatial planning categories must further be divided into sub-categories and more detailed categories as required by the municipality.

4. COMPILATION, REVIEW OR AMENDMENT OF MUNICIPAL SPATIAL DEVELOPMENT FRAMEWORK

- (1) When the Council compiles, reviews or amends its municipal spatial development framework in accordance with the Municipal Systems Act and the Spatial Planning and Land Use Management Act, the Council must—
- (a) establish an intergovernmental steering committee to compile or amend its municipal spatial development framework; or
 - (b) refer its draft municipal spatial development framework or draft amendment of its municipal spatial development framework to National and Provincial Departments and contiguous municipalities for comment, in accordance with Section 7 (e) (ii) of the Spatial Planning and Land Use Management Act, 2013.

- (2) The Municipality must—

- (a) publish a notice in two of the official languages of the Province most spoken in the area in two newspapers circulating in the area concerned of—

- (i) the intention to compile, review or amend the municipal spatial development framework; and
- (ii) the process it will follow, in accordance with section 30(3) of the Municipal Systems Act;

- (b) in writing inform the National and Provincial Departments and contiguous municipalities of—

- (i) the intention to compile, review or amend the municipal spatial development framework;
- (ii) its decision in terms of subsection (1)(a) or (b); and
- (iii) the process it will follow to compile, review or amend the municipal spatial development framework, including the process for public participation; and

- (c) register relevant affected parties, who must be invited to comment on the draft municipal spatial development framework or draft amendment of the municipal spatial development framework as part of the process to be followed.

5. ESTABLISHMENT OF PROJECT COMMITTEE

- (1) The Municipality must establish a project committee to compile, review or amend its municipal spatial development framework.
- (2) The project committee must at least consist of—
- (a) the Municipal Manager; and

- (a) municipal employees from at least the following municipal departments:
 - (i) the integrated development planning office;
 - (ii) the planning department;
 - (iii) the engineering department;
 - (iv) the local economic development department;
 - (v) the housing department; and
 - (vi) office of the chief financial officer.

6. ESTABLISHMENT OF INTERGOVERNMENTAL STEERING COMMITTEE

- (1) If the Council establishes an intergovernmental steering committee, the Municipality must, in writing, invite written nominations for representatives to serve on the intergovernmental steering committee from—
 - (a) the delegated party of the national and provincial government department responsible for land use planning;
 - (b) the delegated party of the provincial government department responsible for environmental affairs;
 - (c) the delegated party of the provincial government department responsible for agriculture;
 - (d) relevant organs of state; and
 - (e) any other department deemed necessary by the municipality.

7. PROCEDURE WITH INTERGOVERNMENTAL STEERING COMMITTEE

- (1) If the Council establishes an intergovernmental steering committee, the project committee must compile a draft *status quo* document setting out an assessment of the existing levels of development and development challenges in the municipal area, and must submit it to the intergovernmental steering committee for comments.
- (2) After consideration of the comments of the intergovernmental steering committee, the project committee must complete the *status quo* document and submit it to the Council for adoption.
- (3) The project committee must compile a first draft of the municipal spatial development framework or first draft amendment of the municipal spatial development framework and submit it to the intergovernmental steering committee for comments.
- (4) After consideration of the comments of the intergovernmental steering committee, the project committee must complete the first draft of the municipal spatial development framework or first draft amendment of the municipal spatial development framework and submit it to the Council to approve the publication thereof for public comments.
- (5) After consideration of the comments and representations, as a result of the publication contemplated in subsection (4), the project committee must compile a final municipal spatial development framework or final amendment of the municipal spatial development framework and submit it to the intergovernmental steering committee for comment.
- (6) After consideration of the comments of the intergovernmental steering committee contemplated in subsection (5), the project committee must complete the final draft of the municipal spatial development framework or final draft amendment of the municipal spatial development framework and submit it to the Council for adoption by the Council.
- (7) If the final municipal spatial development framework or final amendment of the municipal spatial development framework contemplated in subsection (6) is materially different to what was published in terms of subsection (4), the Municipality must follow a further consultation and public participation process in accordance with this section before the final municipal spatial development framework or final amendment of the municipal spatial development framework is adopted by the Council.
- (8) The Council or the project committee may at any time in the process of compiling a municipal spatial development framework or drafting an amendment of the spatial development framework request comments from the intergovernmental steering committee.
- (9) The Council must adopt the final municipal spatial development framework or final amendment of the municipal spatial development framework, with or without amendments, and must within 14 days of its decision give notice thereof in the media and the *Provincial Gazette*.

8. PROCEDURE WITHOUT INTERGOVERNMENTAL STEERING COMMITTEE

- (1) If the Council does not establish an intergovernmental steering committee to compile or amend its municipal spatial development framework, the project committee must—
 - (a) compile a draft *status quo* document setting out an assessment of the existing levels of development and development challenges in the municipal area and submit it to the Council for adoption;
 - (b) after adoption of the *status quo* document, compile a draft municipal spatial development framework or draft amendment of the municipal spatial development framework and submit it to the Council to approve the publication thereof for public comment;
 - (c) after approval of the draft municipal spatial development framework or draft amendment of the municipal spatial development framework for publication contemplated in paragraph (b), submit the draft municipal spatial development framework or draft amendment of the municipal spatial development framework to the MEC for comment in; and
 - (d) after consideration of the comments received from the public and the MEC, submit a final municipal spatial development framework or final amendment of the municipal spatial development framework, with any further amendments, to the Council for adoption.
- (2) The Council must adopt the final municipal spatial development framework or final amendment of the municipal spatial development framework, with or without amendments, and must within 14 days of its decision give notice thereof in the media and the *Provincial Gazette*.

9. FUNCTIONS AND DUTIES

- (1) The members of the project committee must, in accordance with the directions of [the executive authority/executive mayor/committee of councillors]—
 - (a) compile a municipal spatial development framework or draft an amendment of the municipal spatial development framework for adoption by the Council;
 - (b) provide technical knowledge and expertise to the Council;
 - (c) monitor progress and ensure that the compilation of the municipal spatial development framework or drafting of the amendment of the municipal spatial development framework is progressing according to the approved process contemplated in section 4(2)(a)(ii);
 - (d) guide the public participation process and ensure that the registered affected parties remain informed;
 - (e) oversee the incorporation of amendments to the draft municipal spatial development framework or draft amendment of the municipal spatial development framework based on the consideration of the comments received during the process of drafting thereof;
 - (f) oversee the drafting of a report setting out the response of the Municipality to the provincial comments issued;
 - (g) ensure alignment of the municipal spatial development framework with the development plans and strategies of other affected municipalities and other organs of state as contemplated in section 24(1) of the Municipal Systems Act;
 - (h) facilitate the integration of other sector plans into the municipal spatial development framework;
 - (i) if the Municipality decides to establish an intergovernmental steering committee—
 - (i) assist the Municipality in ensuring that the intergovernmental steering committee is established and that timeframes are adhered to; and
 - (ii) ensure the flow of information between the project committee and the intergovernmental steering committee.
- (2) The members of the intergovernmental steering committee must—
 - (a) provide the intergovernmental steering committee with the following:
 - (i) technical knowledge and expertise;
 - (ii) input on outstanding information that is required to draft the municipal spatial development framework or an amendment thereof;
 - (iii) information on the locality of projects and budgetary allocations; and
 - (iv) written comments in terms of section 7.
 - (b) communicate to the intergovernmental steering committee any current or planned projects that have an influence on the municipal area; and
 - (c) provide the project committee with written comments in terms of section 7.

10. LOCAL SPATIAL DEVELOPMENT FRAMEWORKS

- (1) The Municipality may adopt a local spatial development framework for a specific geographical area in a portion of the municipal area.
- (2) The purpose of a local spatial development framework in a specific geographical area is to:
 - (a) provide detailed spatial planning guidelines;
 - (b) provide more detail in respect of a proposal provided for in the municipal spatial development framework;
 - (c) meet specific land use planning needs and priorities;
 - (d) provide detailed policy and development parameters for land use planning;
 - (e) provide detailed priorities in relation to land use planning and, in so far as they are linked to land use planning, biodiversity and environmental issues;
 - (f) guide decision making on land use applications; and
 - (g) identify a funding source and budget for prioritized projects.

11. COMPILATION, AMENDMENT OR REVIEW OF LOCAL SPATIAL DEVELOPMENT FRAMEWORKS

- (1) If the Municipality compiles, amends or reviews a local spatial development framework, it must draft and approve a process plan, including the public participation processes to be followed for the compilation, amendment, review or adoption of a local spatial development framework.
- (2) When the Council drafts or amends its local spatial development framework it must refer its draft local spatial development framework or draft amendment to its local spatial development framework to National and Provincial Departments for comment.
- (3) The municipality must, within 21 days of adopting a local spatial development framework or an amendment of local spatial development framework, publish a notice of the decision in the media and the *Provincial Gazette*.

12. STATUS OF LOCAL SPATIAL DEVELOPMENT FRAMEWORKS

- (1) A local spatial development framework or an amendment thereof comes into operation on the date of publication of the notice contemplated in Section 11.
- (2) A local spatial development framework guides and informs decisions made by the Municipality relating to land development, but it does not confer or take away rights.

13. STRUCTURE PLANS

- (1) When the Municipality intends to convert a structure plan to a local spatial development framework it must comply with sections 10 to 12 and must—
 - (a) review that structure plan and make it consistent with the purpose of a municipal spatial development framework;
 - (b) incorporate the provisions of the structure plan that are consistent with that purpose in a municipal spatial development framework.
- (2) The Municipality must withdraw the relevant structure plan by notice in the *Provincial Gazette* when it adopts a local spatial development framework contemplated in subsection (1).

CHAPTER III – DEVELOPMENT MANAGEMENT

14. DETERMINATION OF ZONING

- (3) The owner of land or his agent may apply in terms of section 16(2) to the Municipality for the determination of a zoning for land within its municipal jurisdiction.
- (4) When the Municipality considers an application in terms of subsection (1) it must have regard to the following:
 - (a) the lawful use of the land, or the purpose for which it could lawfully be used immediately prior to the commencement of this By-law if it can be determined;
 - (b) the zoning, if any, that is most compatible with that use or purpose and any applicable title deed condition;
 - (c) any temporary use or consent use that may be required in conjunction with that land use scheme;
 - (d) in the case of land that was vacant immediately before the commencement of this By-law, the use that is permitted in terms of the title deed conditions or, where more than one land use is so permitted, one of such land uses determined by the municipality; and

- (e) where the lawful use of the land and the purpose for which it could lawfully be used immediately before the commencement of this By-law cannot be determined, the zoning that is the most desirable and compatible with any applicable title deed condition, together with any departure or consent use that may be required.
- (3) If the lawful zoning of land contemplated in subsection (1) cannot be determined, the Municipality must determine a zoning and serve notice of its intention in terms of section 49.
- (4) A land use that commenced unlawfully, whether before or after the commencement of this By-law, may not be considered to be lawful.

15. NON-CONFORMING USES

- (1) A non-conforming use provides that land is being used lawfully in terms of an existing zoning for a purpose that does not comply with a proposed zoning may continue to be used for that purpose when the new zoning comes into operation.
- (2) A non-conforming use does not constitute an offence in terms of this By-law.
- (3) A non-conforming use may continue as long as it remains otherwise lawful, subject to the following:
 - (a) if the non-conforming use ceases for any reason for a period of more than twenty-four consecutive months, any subsequent use of the property must conform to the requirements of this By-law, with or without temporary uses;
 - (b) a land use application must be made for the alteration or extension of buildings or structures in respect of the non-conforming use;
 - (c) the owner bears the onus of proving that the non-conforming use right exists; and
 - (d) the use right is limited to the area of the building or land on which the proven use right is in existence.
- (3) If an existing building, which constitutes a non-conforming use, is destroyed or damaged to the extent that it is necessary to demolish a substantial part of the building, the Council may grant permission for the reconstruction of such building subject to conditions.

16. LAND DEVELOPMENT REQUIRING APPROVAL

- (1) No person may commence, continue, or cause the commencement or continuation of, land development, without the approval of the Municipality in terms of subsection (2).
- (2) The municipality has categorized their applications, as contemplated in section 35(3) of the Spatial Planning and Land Use Management Act, into two categories;
 - (a) Category 1 applications consist of:
 - (i) The establishment of a township or the extension of the boundaries of a township;
 - (ii) The amendment of an existing scheme or land use scheme by the rezoning of land;
 - (iii) The removal, amendment or suspension of a restrictive or obsolete condition, servitude or reservation registered against the title of the land;
 - (iv) The amendment or cancellation in whole or in part of a general plan of a township;
 - (v) The subdivision and consolidation of any land other than a subdivision and consolidation which is provided for as a Category 2 application;
 - (vi) Permanent closure of any public place
 - (vii) Any consent or approval required in terms of a condition of title, a condition of establishment of a township or condition of an existing scheme or land use scheme;
 - (viii) Any consent or approval provided for in any law referred to in section 45(4) of the regulations of the Spatial Planning and Land Use Management Act
 - (b) Category 2 applications consist of:
 - (i) The subdivision of any land where such subdivision is expressly provided for in a land use scheme;
 - (ii) The consolidation of any land;
 - (iii) The simultaneous subdivision, as contemplated in subsection (b)(i) and consolidation of land;
 - (iv) The consent of the municipality for any land use purpose or temporary use or deviation in terms of a land use scheme, which does not constitute a land development application;

- (v) The removal, amendment or suspension of a restrictive title condition relating to the density of residential development on a specific erf where the residential density is regulated by a land use scheme in operation.
- (3) The owner of land or his agent may apply to the Municipality in terms of this Chapter and Chapter IV for the following in relation to the development of the land concerned:
 - (a) a rezoning of land;
 - (b) a departure to use land for a purpose not provided for in the land use scheme granted on a temporary basis;
 - (c) a subdivision of land, including the registration of a servitude or lease agreement;
 - (d) a consolidation of land;
 - (e) an amendment, suspension or removal of restrictive conditions in respect of a land parcel;
 - (f) a permission required in terms of the land use scheme;
 - (g) an amendment, removal or imposition of conditions in respect of an existing approval;
 - (h) an extension of the validity period of an approval;
 - (i) an approval of an overlay zone as provided for in the land use scheme;
 - (j) a phasing, amendment or cancellation of a general plan or a part thereof;
 - (k) a permission required in terms of a condition of approval;
 - (l) a determination of a land use scheme;
 - (m) a closure of a public place or part thereof;
 - (n) a consent use provided for in the land use scheme;
 - (o) an occasional use of land.
 - (3) If the land development is of provincial interest the provincial department responsible for land use planning must be approached.
 - (4) If the land development is of national interest the national and provincial department responsible for land use planning must be approached.
 - (5) If section 52 of the Spatial Planning and Land Use Management Act is applicable to the land development, the owner or agent must also apply in terms of that Act.
 - (6) When an applicant or owner exercises a use right granted in terms of an approval, he must comply with the conditions of the approval and the applicable provisions of the land use scheme.
 - (7) When the Municipality on its own initiative develops land as contemplated in subsection (2), it must apply to the Municipal Planning Tribunal in accordance with this Chapter and Chapter IV.

17. CONTINUATION OF APPLICATION AFTER CHANGE OF OWNERSHIP

- (1) If land that is the subject of an application is transferred to a new owner, the new owner may continue with the application as the successor in title to the previous owner and the new owner is regarded as the applicant for the purposes of this By-law, provided that the following is submitted to the municipality:
 - (a) proof of change of ownership; and
 - (b) an amended power of attorney, if an agent was appointed to make the application.
- (2) The new owner must advise the Municipality in writing of the continuation of the application.

18. REZONING OF LAND

- (1) The Municipality may, on its own initiative, rezone land of which it is not the owner to—
 - (a) provide a public service or to provide a public recreational space; or
 - (b) substitute a zoning or part thereof for a zoning in terms of which the land is not necessarily zoned in accordance with the use thereof or existing use rights.
- (2) An applicant who wishes land to be rezoned, must submit an application to the Municipality in terms of section 16(2).
- (3) The Municipality may, on its own initiative or on application, create an overlay zone for land.
- (4) A land use scheme may be made applicable to a land parcel or part thereof, and zoning need not follow cadastral boundaries, subject to delineation of a defined area outside the general plan.

19. LAPSING OF REZONING AND EXTENSION OF VALIDITY PERIODS

- (1) Subject to subsection (2), a rezoning approval lapses after a period of two years, or a shorter period as the municipality may determine, from the date that the approval comes into operation if, within that two-year period or shorter period—
 - (a) the land use scheme is not used in accordance with the approval; or
 - (b) the following requirements have not been met:
 - (i) the approval by the Municipality of a building plan envisaged for the use of the approved use right; and
 - (ii) commencement of the construction of the building contemplated in subparagraph (i).
- (2) The approval of a township lapses after two years, or the shorter period that the municipality may determine, from the date that the approval comes into operation.

20. ESTABLISHMENT OF TOWNSHIP

No person shall establish a township except with the approval of the Municipal Planning Tribunal.

21. APPLICATION FOR ESTABLISHMENT OF TOWNSHIP

- (5) The owner of land or his agent, who proposes to establish a township on such land shall submit an application for approval to do so to the Municipality.
- (6) If the land upon which the township is to be established is subject to a mortgage bond, the applicant shall lodge with such application the written consent of the mortgagee.
- (7) After an owner of land has taken steps to establish a township thereon, no person shall-
 - (a) enter into any contract whereby any land in such township is sold exchanged, leased or disposed of in any other manner; or
 - (b) erect a building on such land in accordance with the conditions imposed by the Municipal Planning Tribunal when granting such approval, until-
 - (i) the application for approval for the establishment of such township shall have been refused by the Municipal Planning Tribunal ;
 - or
 - (ii) the applicant shall have withdrawn the application;
 - (iii) the approval of the application shall have lapsed.
 - (iv) the Municipal Planning Tribunal shall have declared the township an approved township and, in the case of such an owner who is not a municipality, the Municipal Planning Tribunal shall have satisfied itself that the services and amenities that have to be provided in connection with such land in terms of the conditions subject to which the establishment of such township was approved, are available and shall have issued a certificate to that effect.
- (8) Any contract entered into in conflict as contemplated in subsection (3) shall be of no force or effect.

22. APPLICANT TO LODGE GENERAL PLAN DIAGRAMS WITH SURVEYOR –GENERAL.

- (1) An applicant shall, within a period of three year from the date of the notification of the approval or within such further period as the Municipal Planning Tribunal may in each case determine, lodge for approval with the Surveyor-General the general plan and such diagrams as may be necessary for the establishment of a township.
- (2) If an applicant fails to lodge the general plan and diagrams with the Surveyor –General within the period or further period, the approval of the application shall lapse unless the Municipal Planning Tribunal condones such failure.
- (3) When such general plan and diagrams have been approved by the Surveyor –General he shall notify the applicant and the Registrar of Deeds of such approval.

23. LODGING OF GENERAL PLAN, DIAGRAMS AND TITLE DEEDS WITH REGISTRAR OF DEEDS

- (1) An applicant shall, within a period of two years from the date of the notification of an approval or within such further period as the Municipal Planning Tribunal may in each case determine, lodge the general plan and diagrams in question together with the title deeds of the land to which it relates with the Registrar of Deeds for registration, and the Registrar of Deeds shall notify the Municipality of the registration.
- (2) If an applicant fails to lodge such documents with the Registrar of Deeds or to obtain registration thereof within the period or further period contemplated in subsection (1) the approval of the application shall lapse unless the Municipal Planning Tribunal after consultation with the board condones such failure.

24. PROCLAMATION OF APPROVED TOWNSHIP

- (1) After the provisions of section 23 have been complied with the Municipality shall by proclamation declare the township to be an approved township.
- (2) The conditions upon which the application for the establishment of the township has been approved shall be set out in a schedule to such proclamation.
- (3) The Municipality may by proclamation rectify any error or omission in a proclamation or the schedule thereto issued in terms of subsection (1) and (2).

25. AMENDMENT OR CANCELLATION OF A GENERAL PLAN

- (1) When the Municipal Planning Tribunal is satisfied that it is desirable to amend or cancel a general plan in the interest of the development of a township, or public interest it may, on application grant approval for the alteration, amendment or total or partial cancellation of the general plan representing the layout of such township, either unconditionally or subject to such conditions as it may determine.
- (2) Any person may make application for the Municipal Planning Tribunal's approval and such application shall be submitted to the municipality in duplicate in such form as may be described or determined by the Municipal Planning Tribunal and shall be accompanied by such plans, documents, information and fees as may be prescribed or determined by the Municipal Planning Tribunal.
- (3) When a general plan of a township is totally or partially cancelled by the Surveyor-General, in terms of the Land Survey Act, 1997, (Act No 8 of 1997).

26. OWNERSHIP OF PUBLIC PLACES AND LAND REQUIRED FOR MUNICIPAL ENGINEERING SERVICES AND SOCIAL FACILITIES

- (1) The ownership of land that is earmarked for a public place as shown on an approved general plan vest in the Municipality upon confirmation of the subdivision or a part thereof.
- (2) The Municipality may in terms of conditions imposed under section 71 determine that land designated for the provision of engineering services, public facilities or social infrastructure on an approved general plan, be transferred to the Municipality upon confirmation of the subdivision or a part thereof.

27. CLOSURE OF PUBLIC PLACES

- (1) The Municipality may, on own initiative or on application, permanently close a public place or any portion thereof in accordance with Chapter IV.
- (2) An applicant who requires the closure of a public place, whether permanently or temporarily, must apply in terms of section 16(2) to the Municipality.
- (3) If any person lodges a claim against the Municipality for loss or damage that he has allegedly suffered due to wrongdoing on the part of the Municipality when it permanently closed a public place, the authorized employee must—
 - (a) require proof of negligence or any other wrongdoing on the part of the Municipality which resulted in the loss or damage; and
 - (b) before any claim is paid or settled, obtain a full technical investigation report in respect of the circumstances that led to the closure of the public place to determine whether or not there has been negligence on the part of the Municipality.
- (4) The Municipality may pay a claim if—
 - (a) the circumstances of loss or damage reveal that the Municipality acted wrongfully;
 - (b) the claimant has proved his loss or damage;
 - (c) the claimant has provided proof of a fair and reasonable quantum;
 - (d) no claim has been made and paid by personal insurance covering the same loss; and
 - (e) any other relevant additional information as requested by the authorized employee has been received.
- (5) The ownership of the land comprised in any public place or portion thereof that is permanently closed in terms of this section continues to vest in the Municipality, unless the Municipality determines otherwise.
- (6) The Municipal Manager may, without complying with Chapter IV, temporarily close a public place—
 - (a) for the purpose of, or pending, the construction, reconstruction, maintenance or repair of the public place;
 - (b) for the purpose of, or pending, the construction, erection, laying, extension, maintenance, repair or demolition of any building, structure, works or service alongside, on, across, through, over or under the public place;

- (a) if the street or place is in a state that is dangerous to the public;
 - (c) by reason of an emergency or public event that requires special measures for the control of traffic or special provision for the accommodation of crowds; or for any other reason that renders the temporary closing of the public place necessary or desirable.
- (7) The Municipality must notify the Surveyor-General of an approval in terms of subsection (1), and the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the closure of the public place.

28. SERVICES ARISING FROM TOWNSHIP ESTABLISHMENT

- (1) Subsequent to the approval of an application for township establishment in terms of this By-law, the owner of any land parcel originating from the township establishment must—
- (a) allow without compensation that the following be conveyed across his land parcel in respect of other land parcels originating from the township establishment:
 - (i) gas mains;
 - (ii) electricity cables;
 - (iii) telephone cables;
 - (iv) television cables;
 - (v) other electronic infrastructure;
 - (vi) main and other water pipes;
 - (vii) foul sewers;
 - (viii) storm water pipes; and
 - (ix) ditches and channels;
 - (b) allow the following on his land parcel if considered necessary and in the manner and position as may be reasonably required by the Municipality:
 - (i) surface installations such as mini-substations;
 - (ii) meter kiosks; and
 - (iii) service pillars;
 - (c) allow access to the land parcel at any reasonable time for the purpose of constructing, altering, removing or inspecting any works referred to in paragraphs (a) or (b); and
 - (d) receive material or permit excavation on the land parcel as may be required to allow use of the full width of an abutting street and to provide a safe and proper slope to its bank necessitated by differences between the level of the street as finally constructed and the level of the land parcel, unless he elects to build retaining walls to the satisfaction of, and within a period to be determined by, the Municipality.

29. CERTIFICATION BY MUNICIPALITY

- (1) A person may not apply to the Registrar of Deeds to register the transfer of a land parcel, unless the Municipality has issued a certificate in terms of this section.
- (2) The Municipality may not issue a certificate to transfer a land parcel in terms of any law, or in terms of this By-law, unless the owner furnishes the Municipality with—
- (a) a conveyancer's certificate confirming that money due by the transferor of land to an owners' association established in respect of that land has been paid, or that provision has been made to the satisfaction of the owners' association for the payment thereof;
 - (b) proof of payment of any contravention penalty or proof of compliance with an instruction in a compliance notice issued in terms of Chapter IX;
 - (c) proof that the land use and buildings constructed on the land parcel comply with the requirements of the land use scheme;
 - (d) proof that all common property, arising from the subdivision has been transferred to the owners' association as contemplated in section 30(3)(e); and
 - (e) proof that the conditions of approval that must be complied with before the transfer of erven have been complied with in all respects.

30. OWNERS' ASSOCIATIONS

- (1) The Municipality may, when approving an application for a subdivision of land, impose conditions relating to the compulsory establishment of an owners' association by the applicant for an area determined in the conditions.
- (2) An owners' association that comes into being by virtue of subsection (1) is a juristic person and must have a constitution.
- (3) The constitution of an owners' association must be approved by the Municipality before the transfer of the first land parcel and must provide for—
 - (a) the owners' association to formally represent the collective mutual interests of the area, suburb or neighbourhood set out in the constitution in accordance with the conditions of approval;
 - (b) control over and maintenance of buildings, services or amenities arising from the subdivision;
 - (c) the regulation of at least one yearly meeting with its members;
 - (d) control over the design guidelines of the buildings and erven arising from the subdivision;
 - (e) the ownership by the owners' association of all common property arising from the subdivision, including—
 - (i) private open spaces;
 - (ii) private roads;
 - (iii) private places; and
 - (iv) land required for services provided by the owners' association;
 - (f) enforcement of conditions of approval or management plans;
 - (g) procedures to obtain the consent of the members of the owners' association to transfer an erf in the event that the owners' association ceases to function;
 - (h) the implementation and enforcement by the owners' association of the provisions of the constitution.
- (4) The constitution of an owners' association may have other objects as set by the association but may not contain provisions that are in conflict with any law.
- (1) An owners' association may amend its constitution when necessary, but if an amendment affects the Municipality or a provision referred to in subsection (3), the amendment must also be approved by the Municipality.
- (2) An owners' association that comes into being by virtue of subsection (1)—
 - (a) has as its members all the owners of land parcels originating from the subdivision and their successors in title, who are jointly liable for expenditure incurred in connection with the association; and
 - (b) is upon registration of the first land parcel automatically constituted.
- (3) The design guidelines contemplated in subsection (3)(d) may introduce more restrictive development rules than the rules provided for in the land use scheme.
- (4) If an owners' association fails to meet any of its obligations contemplated in subsection (3) and any person is, in the opinion of the Municipality, adversely affected by that failure, the Municipality may take appropriate action to rectify the failure and recover from the members referred to in subsection (6)(a) the amount of any expenditure incurred by it in respect of those actions.
- (5) The amount of any expenditure so recovered is, for the purposes of subsection (8), considered to be expenditure incurred by the owners' association.

31. OWNERS' ASSOCIATION CEASES TO FUNCTION

- (1) If an owners' association ceases to function or carry out its obligations, the Municipality may—
 - (a) take steps to instruct the association to hold a meeting and to reconstitute itself;
 - (b) subject to the amendment of the conditions of approval, remove the obligation to establish an owners' association; or
 - (c) subject to the amendment of title conditions pertaining to the owners' association, remove any obligations in respect of an owners' association.
- (2) In determining which option to follow, the Municipality must have regard to—
 - (a) the purpose of the owners' association;
 - (b) who will take over the maintenance of infrastructure for which the owners' association is responsible; and
 - (c) the effect of the dissolution of the owners' association on the members and the community concerned.

32. SUBDIVISION OR CONSOLIDATION OF LAND PARCELS

- (1) No person may subdivide or consolidate land without the approval of the Municipality in terms of section 16(2).
- (2) A copy of the approval must accompany the diagram that is submitted to the Surveyor-General's office.
- (3) If a Municipality approves a subdivision or consolidation, the applicant must submit a diagram to the Surveyor-General for approval, including proof to the satisfaction of the Surveyor-General of—
 - (a) the decision to approve the subdivision or consolidation;
 - (b) the conditions of approval contemplated in section 71; and
 - (c) the approved subdivision or consolidation plan.
- (4) If a Municipality approves a subdivision or consolidation, the Municipality must amend the land use scheme in terms of Chapter IV and, where applicable, the register accordingly.

33. EXTENSION OF VALIDITY PERIODS FOR SUBDIVISION AND CONSOLIDATION

- (1) Subject to subsection (2), an approved subdivision or consolidation of land parcels lapses if the subdivision or consolidation is not registered in terms of the Deeds Registries Act within three years of the date of the approval of the subdivision or consolidation.
- (2) If the subdivision or consolidation of land parcels forms part of land development that has been approved in terms of this By-law subject to longer validity periods, the applicant may apply for an extension of the period referred to in subsection (1).
- (3) If the Municipality approves an extension contemplated in subsection (2), the extended period together with the period contemplated in subsection (1) may not exceed five years.
- (4) If an approval of a subdivision or consolidation lapses in terms of subsection (1)—
 - (a) the Municipality must—
 - (i) amend the land use scheme and, where applicable, the register accordingly; and
 - (ii) notify the Surveyor-General accordingly; and
 - (b) the Surveyor-General must endorse the records of the Surveyor-General's office to reflect the notification that the consolidation has lapsed.

34. REQUIREMENTS FOR AMENDMENT, SUSPENSION OR REMOVAL OF RESTRICTIVE CONDITIONS OF TITLE

- (1) The Municipality may, on its own initiative or on application in terms of section 16(2), by notice in the *Provincial Gazette* amend, suspend or remove a restrictive condition.
- (2) The Municipality may amend, suspend or remove a restrictive condition—
 - (a) permanently;
 - (b) for a period specified in the notice; or
 - (c) subject to conditions specified in the notice.
- (3) In addition to the procedures set out in Chapter IV, the owner must—
 - (a) submit the original title deed to the Municipality or a certified copy thereof; and
 - (b) where applicable, submit the bondholder's consent to the application.
- (4) The Municipality must cause a notice of an application in terms of subsection (1) to be served on—
 - (a) all organs of state that may have an interest in the title deed restriction;
 - (b) every holder of a bond encumbering the land;
 - (c) a person whose rights or legitimate expectations will materially and adversely be affected by the approval of the application; and
 - (d) all persons mentioned in the title deed for whose benefit the restrictive condition applies.
- (5) When the Municipality considers the removal, suspension or amendment of a restrictive condition, the Municipality must have regard to the following:
 - (a) the financial or other value of the rights in terms of the restrictive condition enjoyed by a person or entity, irrespective of whether these rights are personal or vest in the person as the owner of a dominant tenement;
 - (b) the personal benefits which accrue to the holder of rights in terms of the restrictive condition;

- (c) the personal benefits which will accrue to the person seeking the removal of the restrictive condition, if it is amended, suspended or removed;
- (d) the social benefit of the restrictive condition remaining in place in its existing form;
- (e) the social benefit of the amendment, suspension or removal of the restrictive condition; and
- (f) whether the amendment, suspension or removal of the restrictive condition will completely remove all rights enjoyed by the beneficiary or only some of those rights.

35. ENDORSEMENTS IN CONNECTION WITH AMENDMENT, SUSPENSION OR REMOVAL OF RESTRICTIVE CONDITIONS

- (1) The applicant must, after the amendment, suspension or removal of a restrictive condition by notice in the *Provincial Gazette* as contemplated in section 34(1), submit the following to the Registrar of Deeds:
 - (a) the original title deed;
 - (b) the original letter of approval; and
 - (c) a copy of the notification of the approval.
- (2) The Registrar of Deeds and the Surveyor-General must, after the amendment, suspension or removal of a restrictive condition, make the appropriate entries in, and endorsements on, any relevant register, title deed, diagram or plan in their respective offices or submitted to them, to reflect the amendment, suspension or removal of the restrictive condition.

CHAPTER IV – APPLICATION PROCEDURES

36. PROCEDURES FOR APPLICATIONS

- (1) An applicant must comply with the procedures in this Chapter and, where applicable, the specific procedures provided for in Chapter III of this By-law, all applications must be consistent and give effect to Chapter 2 of the Spatial Planning and Land Use Management Act.
- (2) The application procedures are distinctive to the different types of applications referred to in section 16.
- (3) Category 1 and 2 applications as contemplated in section 16(2) should be submitted to the Municipality via the e-lodgement process, as contemplated in section 37.
- (4) Category 1 applications must be submitted with a comprehensive application.
- (5) Category 2 applications must be submitted with an abridged application.
- (6) The tables in Annexure C indicate the process relevant to each type of applications referred to in section 16.

37. PROCEDURES FOR E-LODGE MENT APPLICATIONS

- (1) An applicant must comply with the procedures in this Chapter and, where applicable, the specific procedures provided for in Chapter III of this By-law.
- (2) The application procedures are distinctive to the different types of applications referred to in section 16.
- (3) An application will not be considered a complete application unless all documents, as contemplated in section 39, are uploaded to the e-lodgement site.
- (4) Proof of payment of the application fee as contemplated in section 41, should be uploaded to the e-lodgement site.
- (5) After a full application and proof of payment has been uploaded to the e-lodgement site, the municipality must confirm the complete application in terms of section 43 and issue a notice indicating all the documents received.
- (6) After the applicant has received the notification, as referred in subsection (4):
 - (a) the serving of notices must take place in accordance with sections 47, 48, 49, 50 and 51 of this By-law.
 - (b) an original copy with 5 copies of all documentation, referred to in subsection (2) and (3) and the notice, referred to in subsection (4) must be sent to the municipality within 7 days after e-lodgement for the consideration of an application and an additional 2 copies for administrative use.
 - (c) an additional 5 copies of documentation as contemplated in subsection (6)(b) that is larger than an A3 size must be submitted to the municipality within 7 days for the consideration of an application and an additional 2 copies for administrative use.
- (7) If the applicant does not comply with subsection (5) and (6), the municipality will not consider the application.
- (8) The municipality must notify the applicant of its decision in accordance with section 64.

38. PRE-APPLICATION CONSULTATION

- (1) The Municipality may require an owner of land who intends to submit an application or his agent to meet with the authorized employee for a pre-application consultation before he submits an application to the Municipality in order to determine the information to be submitted with the application.
- (2) The Municipality may make guidelines for determining whether an application requires a pre-application consultation, the nature of the information that is required, the employees from the Municipality or other organs of state that must attend the meeting and the procedures to be followed.
- (3) The Municipality must keep minutes of the proceedings of a pre-application consultation.
- (4) The Municipality must also allow consultation on the behest of the applicant or his agent with regards to subsection (1), (2) and (3).

39. INFORMATION REQUIRED

- (1) An application contemplated in section 16, must be accompanied by the following documents:
 - (a) a comprehensive or abridged application form, as contemplated in Annexure A and B, completed and signed by the applicant;
 - (b) if the applicant is an agent, a power of attorney authorising the applicant to make the application on behalf of the owner;
 - (c) if the owner of the land is a company, close corporation, trust, body corporate or home owners' association, proof that the person is authorized to act on behalf of the company, close corporation, trust, body corporate or a home owners' association;
 - (d) the relevant bondholder's consent;
 - (e) a comprehensive motivation for all applications, based on the criteria for consideration of the application referred to in section 70;
 - (f) proof of payment of application fees;
 - (g) a full copy of the title deeds indicating all existing title conditions in current and historic title deeds;
 - (i) if required by the Municipality, a conveyancer's certificate indicating that no restrictive condition in respect of the application is contained in the title deeds;
 - (j) where applicable, the minutes of any pre-application consultations and
 - (k) should any other legislation or authority require any other actions, proof of compliance to such prerequisites must be attached to the application.
- (2) Additional to the application form as contemplated in subsection (1)(a) the following plans and maps must form part of a comprehensive application, unless the Municipality has, in writing, indicated differently:
 - (a) Orientation locality map;
 - (b) Land Use Scheme Zoning extract;
 - (c) Land use map;
 - (d) Detail layout map;
 - (e) Site development plan;
 - (f) Aerial photograph;
 - (g) Extract of Approved Spatial Development Frameworks.
- (3) Additional to the application form as contemplated in subsection (1)(a) the following plans and maps must form part of an abridged application, unless the Municipality has, in writing, indicated differently:
 - (a) Orientation locality map;
 - (b) Basic layout map
 - (c) Land Use Scheme Zoning extract;
 - (d) Extract of Approved Spatial Development Frameworks.
- (4) The Municipality may add or remove any information requirements for a particular application as recorded in the pre-application consultation contemplated in section 37.
- (5) The Municipality may make guidelines regarding the submission of additional information and procedural requirements.

40. APPLICATION STANDARDS

- (1) Applications that do not comply with the provisions of this section are deemed to be incomplete, and must be handled in terms of section 44.
- (2) An orientation locality map should be at least clearly readable A3 sized map indicating the application area in relation to the surrounding properties and must include the following basic details:
 - (a) True north, scale, key and heading "Orientation Locality Map";
 - (b) The approximate location of the land parcel involved in the application, relative to the nearest town for farming areas and the immediate residential neighbourhoods for urban areas;
 - (c) Boundary of the Local Municipality, including the names of adjacent Local Municipality for applications near the border of the aforementioned;
 - (d) Roads, indicated whether they are main roads, highways, national roads or provincial roads if near or adjacent to the application area;
 - (e) Size and location of the particular portion applicable to the application and;
 - (f) Any other applicable particulars to give more clarity to the application.
- (3) A basic layout map of at least 1:2000 in scale must include the following details:
 - (a) True north, scale, key and heading "Basic Layout Map";
 - (b) Erf boundaries, street names (if applicable), including neighbouring erf or farm numbers.
 - (c) The location of existing buildings on the application area and surrounding properties, if the application has an influence on them.
 - (d) Detail regarding the proposed development, including proposed subdivision and consolidation boundaries.
 - (e) Detail regarding relative internal engineering services.
 - (f) Any physical restrictions on the land parcel or neighbouring land parcels that might influence the application (if applicable).
 - (g) The maximum, minimum, ruling and average erf sizes of the proposed erven.
 - (h) Any other applicable particulars to give more clarity to the application.
- (4) A Land Use Scheme zoning map extract of at least 1:2000 in scale must include an extract of the municipality's official land use scheme map with the following detail:
 - (a) The scale, true north, key and heading "Land Use Scheme Zoning Map Extract";
 - (b) All land parcels and existing zonings thereof within a radius of 500m from the outside boundary of the application area, as well as of all undeveloped land parcels for applications within Urban Areas and;
 - (c) All land parcels and existing zonings of adjacent farms for applications within Rural Areas.
- (5) A land use map of at least 1:2000 in scale must be included where the existing land uses differ from the relative zonings of the application area, or if it is requested by the municipality. A land use map must include the following:
 - (a) The scale, true north, key and heading "Land Use Map";
 - (b) All existing land uses found within a radius of 500m from the outside boundary of the application area, as well as all undeveloped land parcels for applications within Urban Areas and;
 - (c) All land parcels and existing land uses of adjacent farms for applications within Rural Areas.
- (6) A detail layout map must be included for any application that necessitates such detail for consideration. A detailed map must be at least on a 1:2000 scale and must indicate at least the following details:
 - (a) The scale, true north, key and heading "Detail Layout Map";
 - (b) The Detail Layout plan must indicate the map number and all amendments shall have consecutive numbers.
 - (c) Contours with 1m or 2m height differences up to the outside of the Layout boundary.
 - (d) A slope analysis in accordance with civil engineering regulations in terms of roads and buildings.
 - (e) 1:50 year and or 1:100 year flood-line signed on the plan by a practising registered professional engineer. If neither flood-line is applicable this must also be indicated on the plan.
 - (f) Other physical restrictions that might influence the layout (e.g. hills, valleys, wetlands, rivers, rocky outcrops).
 - (g) All existing services within and surrounding the application area.
 - (h) All existing surrounding social amenities with catchment area using network analyses in accordance with the minimum standards for social amenities.
 - (i) Road layout on adjacent land parcels.
 - (j) The proposed erven.
 - (k) The maximum, minimum, ruling and average erf sizes of the proposed erven.
 - (l) Sufficient measurements to indicate the sizes of the proposed erven.
 - (m) The erven numbered consecutively.

- (n) The name of the person or firm that prepared the layout, including Professional Registration number.
 - (o) If contours, indicated on the map, were prepared by another person or firm, the particular registered professional engineer should also be mentioned.
 - (p) Co-coordinates together with grid references if requested.
 - (q) The proposed new streets names for new township establishments.
 - (r) A list of the proposed zonings distinguished by means of different colours, the colour code shall be in accordance with the scheme regulations, indicating the different uses, amount of erven for each use, surfaces per use and surfaces expressed as a percentage of the total area of the subdivision. The surface area shall be expressed in m² or hectares.
- (7) A site development plan must be included for any application that can have an influence on interested and affected parties and must include the following:
- (a) The scale, true north, key and heading "Site Development Plan";
 - (b) Existing buildings on the land parcel and on directly adjacent land parcels.
 - (c) All existing services within and surrounding the application area.
 - (d) All proposed buildings, building lines, building restrictions, access, formal and informal thoroughfares, parking bays, landscaped areas and any other detail that can give more clarity to the application.
- (8) An aerial photograph should accompany a detailed layout plan on the same scale, with the layout over-lay on it.
- (9) All maps should be compiled using the Hartebeesthoek 1994 coordinate system for town level maps and Lambert Conical Conform with the appropriate standard parallels for municipal level maps.
- (10) All maps and plans must be printed in colour with a minimum dot per inch (dpi) of 300.
- (11) All maps and plans for e-lodgement must be uploaded in pdf format with a minimum dot per inch (dpi) of 300.
- (12) All text documents for e-lodgement must be uploaded in pdf format with a minimum dot per inch (dpi) of 150.
- (13) All maps and plans should be signed off by a registered GISc professional (Technician, Technologist and Practitioner).
- (14) The municipality can at any time insist on adding details to application standards if the application necessitates such detail for consideration, in accordance with section 44.

41. APPLICATION FEES

- (1) An applicant must pay the application fees determined by the Municipality before submitting an application in terms of this By-law.
- (2) Application fees that are paid to the Municipality are non-refundable and proof of payment of the application fees must accompany an application.

42. GROUNDS FOR REFUSING TO ACCEPT APPLICATION

- (1) The Municipality may refuse to accept an application if—
 - (a) the Municipality has already decided on the application;
 - (b) there is no proof of payment of the applicable fees;
 - (c) the application is not in the form required by the Municipality or does not contain the documents required for the submission of the application as set out in section 39.

43. RECEIPT OF APPLICATION AND REQUEST FOR FURTHER INFORMATION, DOCUMENTATION, PLANS OR ADDITIONAL FEES

- (1) The Municipality must—
 - (a) record the receipt of an application, in writing or by affixing a stamp on the application, on the day of receipt; and
 - (b) notify the applicant in writing of any outstanding information, documentation, plans or additional fees that it requires within 7 days of receipt of the application.
- (2) If the Municipality fails to notify the applicant as contemplated in subsection (1)(b) the applicant may appeal against failure to confirm application is complete.

44. PROVISION OF FURTHER INFORMATION, DOCUMENTATION OR PLANS AND PAYMENT OF FEES

- (1) The applicant must provide the Municipality with the requested information, documentation or plans or payment of the requested additional fees contemplated in section 43(1)(b) for the completion of the application within 14 days of the request therefor or within the further period agreed to between the applicant and the Municipality.
- (2) The Municipality may refuse to consider the application if the applicant fails to provide the requested information, documentation or plans or pay the additional fees within the periods contemplated in subsection (1).
- (3) The Municipality must notify the applicant in writing of a refusal to consider an application under subsection (2) and must close the application.
- (4) An applicant has no right of appeal to the Appeal Authority in respect of a decision contemplated in subsection (2) to refuse to consider the application.
- (5) If an applicant wishes to continue with an application that the Municipality refused to consider in terms of subsection (2), the applicant must apply again and pay the applicable application fees.

45. CONFIRMATION OF COMPLETE APPLICATION

- (1) The Municipality must notify the applicant in writing that the application is complete within 7 days of receipt of the requested information, documentation or plans or additional fees required by it under section 43(1) or if further information is required as a result of the additional information received.
- (2) If the Municipality fails to notify the applicant as contemplated in subsection (1) the applicant may appeal against failure to confirm application is complete.
- (3) If the Municipality notified the applicant that further information is required as contemplated in subsection (1), section 44 applies to the further submission of the information required.

46. WITHDRAWAL OF APPLICATION OR AUTHORIZATION

- (1) An applicant may, at any time before the Municipality makes a decision, withdraw an application on written notice to the Municipality.
- (2) The owner of land must in writing inform the Municipality if he has withdrawn the authorization given to his former agent.

47. NOTICE OF APPLICATIONS IN TERMS OF INTEGRATED PROCEDURES

- (9) The Municipality may, on written request and motivation by an applicant, before notice is given of an application, determine that—
 - (a) a public notice procedure carried out in terms of another law in respect of the application constitutes public notice for the purpose of an application made in terms of this By-law; or
 - (b) public notice of an application made in terms of this By-law may be published in accordance with the requirements for public notice applicable to a related application in terms of another law.
- (2) If a Municipality determines that an application may be published as contemplated in subsection (1)(b), an agreement must be entered into between the Municipality and the relevant organs of state to facilitate the simultaneous publication of notices.
- (3) The Municipality must, within 14 days of having notified the applicant that an application is complete, simultaneously—
 - (a) cause public notice of the application to be given in terms of section 49(1); and
 - (b) forward a copy of the notice together with the application concerned to every municipal department, service provider and organ of state that has an interest in the application, unless the Municipality has determined that a procedure in terms of another law, as contemplated in subsection (1), is considered to be public notice in terms of this By-law.
- (4) The Municipality may require the applicant to give the required notice of an application in the media.
- (5) If an applicant has published a notice in the media at the request of the Municipality, the applicant must furnish the Municipality with proof that the notice has been published as required.

48. NOTIFICATION OF APPLICATION IN MEDIA

- (1) The Municipality must, in accordance with this By-law, cause notice to be given in the media for Category 1 applications as contemplated in section 16(2).
- (2) Applications that will materially affect the public interest or the interests of the community if approved must cause notice to be given in the media the objectors then receive 30 days to lodge and substantiate their objection.
- (3) Notice of the application in the media must be given by—
 - (a) publishing a notice in the *Provincial Gazette*; and
 - (b) publishing a notice of the application, in two newspapers with a general circulation in the area concerned, in at least two of the official languages of the Province most spoken in the area concerned; or
 - (c) if there is no newspaper with a general circulation in the area, posting a copy of the notice of application, for at least the duration of the notice period, on the land concerned and on any other notice board as may be determined by the Municipality.

49. SERVING OF NOTICES

- (1) Notice of an application contemplated in section 49(1) and subsection (2) must be served—
 - (a) in accordance with section 115 of the Municipal Systems Act;
 - (b) in at least two of the official languages of the Province most spoken in the area concerned; and
 - (c) on each person whose rights or legitimate expectations will be affected by the approval of the application.
- (2) The Municipality must at least cause a notice contemplated in section 50 to be served of the following applications:
 - (a) a determination of a zoning contemplated in section 14;
 - (b) an application for subdivision or the phasing, amendment or cancellation of a subdivision contemplated in section 16(2)(d) and (k) respectively;
 - (c) an application for consolidation contemplated in section 16(2)(e); or
 - (d) the amendment, deletion or imposition of a condition contemplated in section 16(2)(h).
- (3) The Municipality may require the serving of a notice as contemplated in this section for any other application made in terms of this By-law and that is not listed in subsection (2).
- (4) The Municipality may require the applicant to attend to the serving of a notice of an application contemplated in subsection (1).
- (5) If an applicant has served a notice at the request of the Municipality, the applicant must furnish the Municipality with proof that the notice has been served as required.
- (6) The date of notification in respect of a notice served in terms of this section—
 - (a) when it was served by certified or registered post, is the date of registration of the notice; and
 - (b) when it was delivered to that person personally, is the date of delivery to that person;
 - (c) when it was left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years, is the date on which it was left with that person; or
 - (d) when it was displayed in a conspicuous place on the property or premises to which it relates, is the date that it is posted in that place.

50. CONTENT OF NOTICE

- (1) When notice of an application must be given in terms of section 48 or served in terms of section 49 or 51, the notice must—
 - (a) provide the full names of the applicant, if authorized representative, the full names and organisation of the representative;
 - (b) identify the land or land parcel to which the application relates by giving the property description and the physical address;
 - (c) state the intent and purpose of the application;
 - (d) state that a copy of the application and supporting documentation will be available for viewing during the hours and at the place mentioned in the notice;
 - (e) state the name and contact details of the person to whom comments, objections or representations must be addressed;
 - (f) invite members of the public to submit written comments, objections or representations, together with the reasons therefor, in respect of the application;
 - (g) state in which manner comments, objections or representations may be submitted;
 - (h) state the date by which the comments, objections or representations must be submitted, which date may not be less than 30 days from the date on which the notice was given;
 - (i) state that any person who cannot write may during office hours come to an address stated in the notice where a named staff member of the Municipality will assist those persons by transcribing their objections, comments or representations.

51. ADDITIONAL METHODS OF PUBLIC NOTICE

- (1) The Municipality may, on its own initiative or on request, require the applicant to employ one or more of the following methods to give additional public notice of any application in terms of this By-law:
 - (a) displaying a notice contemplated in section 49 of a size of at least 60 centimetres by 42 centimetres on the frontage of the erf or farm portion concerned or at any other conspicuous and easily accessible place on the erf or farm portion, provided that—
 - (i) the notice must be readable from all street or road boundaries and be displayed for a minimum of 30 days during the period that the public may comment on the application; and
 - (ii) the applicant must, within 7 days from the last day of display of the notice, submit to the Municipality—
 - (aa) a sworn affidavit confirming the maintenance of the notice for the prescribed period; and
 - (bb) at least two photos of the notice, one from close up and one where the notice and full extent of a boundary can be seen, where possible;
 - (b) convening a meeting for the purpose of informing the affected members of the public of the application;
 - (c) broadcasting information regarding the application on a local radio station in a specified language;
 - (d) holding an open day or public meeting to notify and inform the affected members of the public of the application;
 - (e) publishing the application on the Municipality's website for the duration of the period within which the public may comment on the application; or
 - (f) obtaining letters of consent or objection to the application.
 - (g) by serving a copy of the notice on every adjoining owner, provide that—
 - (i) the applicant must within 21 days of the last day of notice submit to the municipality a copy of the registered posting delivery
- (2) The Municipality must give additional public notice contemplated in subsection (1) if it considers notice in accordance with sections 47 or 48 to be ineffective or if it expects that the public notice would be ineffective.
- (3) Additional public notice can be given simultaneously with notice given in accordance with sections 47 or 48 or thereafter.
- (4) If an applicant has given additional public notice of an application on behalf of the Municipality, the applicant must provide proof that the additional public notice has been given as required.
- (5) Category 1 applications, as contemplated in section 16(2) must give additional notice in terms of subsection (1)(a) and 1(g).
- (6) Category 2 applications, as contemplated in section 16(2) must give notice in terms of subsection 1(a) and 1(g).

52. REQUIREMENTS FOR PETITIONS

- (1) All petitions must clearly state—
 - (a) the contact details of the authorized representative of the signatories of the petition;
 - (b) the full name and physical address of each signatory; and
 - (c) the objections, comments or representations and reason therefore.
- (2) Notice to the person contemplated in subsection (1)(a) constitutes notice to all the signatories to the petition.

53. REQUIREMENTS FOR OBJECTIONS, COMMENTS OR REPRESENTATIONS

- (1) Any person may in response to a notice received in terms of sections 47, 48 or 51 object, comment or make representations in accordance with this section.
- (2) Any objections, comments or representations received as a result of a notice process must be in writing and addressed to the person mentioned in the notice and must be submitted within the time period stated in the notice and in the manner set out in this section.
- (3) The objections, comments or representations must state the following:
 - (a) the name of the person or body concerned;
 - (b) the address or contact details at which the person or body concerned will accept notice or service of documents;
 - (c) the interest of the body or person in the application; and
 - (d) the reason for the objections, comments or representations.

- (4) The reasons for any objections, comments or representations must be set out in sufficient detail in order to—
 - (a) indicate the facts and circumstances that explain the objection, comment or representation;
 - (b) demonstrate the undesirable effect which the application will have; or
 - (c) demonstrate any aspect of the application which is not considered consistent with applicable policy.
- (5) The Municipality must refuse to accept an objection, comment or representation received after the closing date.

54. FURNISHING OF COMMENTS AND INFORMATION

- (1) If a person or government department is required by the Municipality in terms of this by-law to furnish any comment or other information in terms of this by-law, fails to furnish that comment or other information within a period of 60 days from the date on which that comment or other information was so required, that person or body may be deemed to have had no comment or other information to furnish.
- (2) The period of 60 days mentioned in subsection (1) shall not apply to the notice of applications for public comment or objections, where the period mentioned in the notice concerned shall apply.
- (3) The Municipality, MEC or Minister may request Provincial or National Technical Advisory directorates to investigate the refusal or failure of a person or body to furnish comment or information.

55. AMENDMENTS PRIOR TO APPROVAL

- (1) An applicant may amend his application at any time after notice of the application has been given in terms of this By-law and prior to the approval thereof—
 - (a) at the applicant's own initiative;
 - (b) as a result of an objection comment or representation made during the notice process; or
 - (c) at the request of the Municipality.
- (2) If an amendment to an application is material, the Municipality may require that further notice of the application be given or served in terms of this By-law or that notice of the application be given or served anew and may require that the notice and the application be re-sent to municipal departments, organs of state and service providers for further comment.

56. FURTHER PUBLIC NOTICE

- (1) The Municipality may require that notice of an application be given again if more than 18 months has elapsed since the first public notice of the application and if the Municipality has not considered the application.
- (2) The Municipality may, at any stage during the processing of the application—
 - (a) require notice of an application to be given or served again in terms of section 47, 48 or 51.; and
 - (b) an application to be re-sent to municipal departments for comment, if new information comes to its attention which is material to the consideration of the application.

57. LIABILITY FOR COST OF NOTICE

The applicant is liable for the costs of giving and serving notice of an application in terms of sections 47, 48 and 51.

58. RIGHT OF AN APPLICANT TO REPLY

- (1) Copies of all objections, comments or representations submitted to the Municipality must be given to the applicant within 14 days after the closing date for public comment together with a notice informing the applicant of its rights in terms of this section.
- (2) The applicant may, within a period of 14 days from the date of the provision of the objections, comments or representations, as contemplated in subsection (2), submit a written reply thereto to the Municipality and must serve a copy thereof on all the parties that submitted objections, comments or representations.
- (3) The applicant may, before the expiry of the thirty-day period referred to in subsection (2), apply to the Municipality for an extension of the period to submit a written reply.
- (4) If the applicant does not submit comments within the period of 30 days, the applicant is considered to have no comment.
- (5) If as a result of the objections, comments or representations submitted to the Municipality additional information regarding the application is required by the Municipality, the information must be supplied within the further period as may be agreed upon between the applicant and the Municipality.
- (6) If the applicant does not provide the additional information within the period contemplated in subsection (5), section 44(2) to (5), read with the necessary changes, applies.

59. WRITTEN ASSESSMENT OF APPLICATION

- (1) An employee authorized by the Municipality, if such an employee is not in the employ of the Municipality or they cannot afford to solicit the services of such an authorized employee, the Municipality may make use of the Provincial or National Technical advisers employed in the directorates responsible for Spatial Planning in these two spheres, must in writing assess an application in accordance with section 72 and make a recommendation to the decision-maker regarding the approval or refusal of the application within 14 days from the date of the closing of objections and reply period.
- (2) An assessment of an application must include a motivation for the recommendation and, where applicable, the proposed conditions of approval.

60. DECISION-MAKING PERIOD

- (1) If the power to take a decision in respect of an application is delegated to an authorized employee and no integrated process in terms of another law is being followed, the authorized employee must decide on the application within 60 days calculated from—
 - (a) the last day of submission of comments, objections or representations if no comments, objections or representations as contemplated in section 50(h), were submitted;
 - (b) the last day of the submission of the applicant's reply to comments, objections or representations submitted as contemplated in sections 58(2) and (3);
 - (c) the last day of the submission of additional information as contemplated in section 58(5); or
 - (d) within the such further period agreed to between the applicant and the Municipality.
- (2) If the power to take a decision is not delegated to an authorized employee and no integrated process in terms of another law is being followed, the Municipal Planning Tribunal must decide on the application within 120 days calculated from the dates contemplated in subsections (1)(a) to (d).

61. FAILURE TO ACT WITHIN TIME PERIOD

- (1) An applicant may lodge an appeal to the Appeal Authority if the authorized employee or the Municipal Planning Tribunal fails to decide on an application within the period referred to in section 60(1) or (2).
- (2) Subject to sections 44(2) and 45(2), an applicant may not appeal to the Appeal Authority if the authorized employee or the Municipal Planning Tribunal fails to decide on an application due to the fact that all required information to decide on the matter is not available.

62. POWERS TO CONDUCT ROUTINE INSPECTIONS

- (1) An employee authorized by the Municipality may, in accordance with the requirements of this section, enter land or a building for the purpose of assessing an application in terms of this By-law and to prepare a written assessment contemplated in section 59.
- (2) When conducting an inspection, the authorized employee may—
 - (a) request that any record, document or item be produced to assist in the inspection;
 - (b) make copies of, or take extracts from any document produced by virtue of paragraph (a) that is related to the inspection;
 - (c) on providing a receipt, remove a record, document or other item that is related to the inspection; or
 - (d) inspect any building or structure and make enquiries regarding that building or structure.
- (4) No person may interfere with an authorized employee who is conducting an inspection as contemplated in subsection (1).
- (5) The authorized employee must, upon request, produce identification showing that he is authorized by the Municipality to conduct the inspection.
- (6) An inspection under subsection (1) must take place at a reasonable time and after reasonable notice has been given to the owner or occupier of the land or building.

63. DETERMINATION OF APPLICATION

- (1) An authorized employee, or if such an employee is not in the employ of the Municipality or they cannot afford to solicit the services of such an authorized employee, the Municipality shall make use of the Provincial or National Technical advisers employed in the directorates responsible for Spatial Planning and Land Use Management in these two spheres or the Municipal Planning Tribunal authorized in terms of section 74 may in respect of a Category 2 application contemplated in subsection 16(2)—

- (a) approve, in whole or in part, or refuse that application;
 - (b) upon the approval of that application, impose conditions under section 71, including conditions related to the provision of engineering services and the payment of a development charge;
 - (c) make an appropriate determination regarding all matters necessary or incidental to the performance of its functions in terms of this By-law and provincial legislation;
 - (d) conduct any necessary investigation;
 - (e) give directions relevant to its functions to any person in the service of the Municipality or municipal entity;
 - (f) appoint a technical adviser to advise or assist in the performance of the Municipal Planning Tribunal's functions in terms of this By-law.
- (2) An approval comes into operation only after the expiry of the period contemplated in section 83(1) within which an appeal must be lodged.
- (3) If an appeal has been lodged, the Municipality must notify the applicant in writing whether or not the operation of the approval of the application is suspended as contemplated in section 84(14).

64. NOTIFICATION OF DECISION

- (10) The Municipality must, within 21 days of its decision, in writing notify the applicant and any person whose rights are affected by the determination of the decision and their right to appeal if applicable.
- (11) A notice contemplated in subsection (1) must inform an applicant that an approval comes into operation only after the expiry of the period contemplated in section 83(1) within which an appeal must be lodged if no appeal has been lodged.
- (3) If the owner has appointed an agent, the owner must take steps to ensure that the agent notifies him of the decision of the Municipality.

65. DUTIES OF AGENT

- (1) An agent must ensure that he has the contact details of the owner who authorized him to act on behalf of the owner.
- (2) An agent may not provide information or make a statement in support of an application which information or statement he knows or believes to be misleading, false or inaccurate.

66. ERRORS AND OMISSIONS

- (1) The Municipality may at any time correct an error in the wording of its decision if the correction does not change its decision or result in an alteration, suspension or deletion of a condition of approval.
- (2) The Municipality may, on its own initiative or on application by the applicant or interested party, upon good cause shown, condone an error in a procedure, provided that such condonation does not have a material adverse effect on, or unreasonably prejudices, any party.

67. WITHDRAWAL OF APPROVAL

- (1) The Municipality may withdraw an approval granted for a consent use or temporary departure if the applicant or owner fails to comply with a condition of approval.
- (2) Before the withdrawal of a consent use approval, the Municipality must serve a notice on the owner—
- (a) informing the owner of the alleged breach of the condition;
 - (b) instructing the owner to rectify the breach within a specified time period;
 - (c) inviting the owner to make representations on the notice within a specified time period.

68. PROCEDURE TO WITHDRAW AN APPROVAL

- (12) The Municipality may withdraw an approval granted—
- (a) after consideration of the representations made by virtue of section 67(2)(c); and
 - (b) if the condition is still being breached and not being complied with at the end of the time period specified in terms of section 67(2)(b).

- (2) If the Municipality withdraws the approval, the Municipality must notify the owner of the withdrawal of the approval and instruct the owner to cease the unlawful use immediately.
- (3) The approval is withdrawn from the date of notification of the owner.

69. EXEMPTIONS TO FACILITATE EXPEDITED PROCEDURES

- (1) The Municipality may in writing—
 - (a) exempt a development from compliance with the provisions of this By-law to reduce the financial or administrative burden of—
 - (i) integrated application processes contemplated in section 47;
 - (ii) the provision of housing with the assistance of a state subsidy; or
 - (iii) incremental upgrading of existing settlements;
 - (b) in an emergency situation authorize that a development may depart from any of the provisions of this By-law.

CHAPTER V – CRITERIA FOR DECISION-MAKING

70. GENERAL CRITERIA FOR CONSIDERATION OF APPLICATIONS

- (1) When the Municipality considers an application it must have regard to the following:
 - (a) the application submitted in terms of this By-law;
 - (b) the procedure followed in processing the application;
 - (c) the desirability of the proposed use of land and any guidelines issued by the Provincial Minister regarding the desirability of proposed land uses;
 - (d) the objection, comment or representation in response to the notice of the application and the comment received from organs of state and municipal departments;
 - (e) the response by the applicant, if any, to the objection, comment or representation referred to in paragraph (d);
 - (f) investigations carried out in terms of other laws that are relevant to the consideration of the application;
 - (g) a registered planner's written assessment, if a registered planner is not in the employ of the Municipality or they cannot afford to solicit the services of a private registered planner, the Municipality must make use of the Provincial or National Technical advisers employed as registered planners in the directorates responsible for Spatial Planning in these two spheres, in respect of an application for—
 - (i) a rezoning;
 - (ii) a subdivision and consolidation;
 - (iii) a removal, suspension or amendment of a restrictive condition, if it relates to a change of land use;
 - (iv) an amendment, deletion or additional conditions in respect of an existing use right;
 - (v) an approval of an overlay zone as provided in the land use scheme;
 - (vi) a phasing, amendment or cancellation of a plan of subdivision or a part thereof;
 - (vii) a determination of a zoning;
 - (viii) a closure of a public place or part thereof;
 - (ix) a township establishment
 - (h) the integrated development plan and municipal spatial development framework;
 - (i) the integrated development plan and spatial development framework of the district municipality, where applicable;
 - (j) the applicable local spatial development frameworks adopted by the Municipality;
 - (k) the applicable structure plans;
 - (l) the applicable policies of the Municipality that guide decision-making;
 - (m) the national spatial development framework and provincial spatial development framework;
 - (n) where applicable, a regional spatial development framework contemplated in section 18 of the Spatial Planning and Land Use Management Act;
 - (o) the policies, principles, and the planning and development norms and criteria set by national and provincial government;

- (p) the matters referred to in section 42 of the Spatial Planning and Land Use Management Act;
 - (q) the development principles, norms and standards referred to in Chapter 2 of the Spatial Planning and Land Use Management Act;
 - (r) the applicable provisions of the land use scheme.
 - (s) public interest;
 - (t) the constitutional transformation imperatives and the related duties of the State;
 - (u) the facts and circumstances relevant to the application;
 - (v) the respective rights and obligations of all those affected;
 - (w) the state and effect of engineering services, social infrastructure and open space requirements; and
 - (x) any factors that may be prescribed, including timeframes for making decisions.
- (2) The Municipality must approve a site development plan submitted to it for approval in terms of applicable development parameters or conditions of approval if the site development plan—
- (a) is consistent with the development rules of the land use scheme;
 - (b) is consistent with the development rules of the overlay zone;
 - (c) complies with the conditions of approval; and
 - (d) complies with this By-law.

71. CONDITIONS OF APPROVAL

- (1) The Municipality may approve an application subject to reasonable conditions that arise from the approval of the proposed use of land.
- (2) Conditions imposed in accordance with subsection (1) may include conditions relating to—
 - (a) the provision of engineering services and infrastructure;
 - (b) the cession of land or the payment of money;
 - (c) the provision of land needed for public places or the payment of money in lieu of the provision of land for that purpose;
 - (d) the extent of land to be ceded to the Municipality for the purpose of a public open space or road as determined in accordance with a policy adopted by the Municipality;
 - (e) settlement restructuring;
 - (f) agricultural or heritage resource conservation;
 - (g) biodiversity conservation and management;
 - (h) the provision of housing with the assistance of a state subsidy, social facilities or social infrastructure;
 - (i) energy efficiency;
 - (j) requirements aimed at addressing climate change;
 - (k) the establishment of an owners' association in respect of the approval of a subdivision;
 - (l) the provision of land needed by other organs of state;
 - (m) the endorsement in terms of section 31 of the Deeds Registries Act in respect of public places where the ownership thereof vests in the municipality;
 - (n) the registration of public places in the name of the municipality;
 - (o) the transfer of ownership to the municipality of land needed for other public purposes;
 - (p) the implementation of a township establishment in phases;
 - (q) requirements of other organs of state.
 - (r) the submission of a construction management plan to manage the influence of the construction of a new building on the surrounding properties or on the environment;
 - (s) agreements to be entered into in respect of certain conditions;
 - (t) the phasing of a development, including lapsing clauses relating to such phasing;
 - (u) the delimitation of development parameters or land uses that are set for a particular zoning;
 - (v) the setting of a validity period, if the Municipality determined a shorter validity period as contemplated in this By-law;
 - (w) the setting of a period within which a particular condition must be met;
 - (x) requirements relating to engineering services as contemplated in section 79;
 - (y) requirements for an occasional use, which must include—

- (i) parking and the number of ablution facilities required;
 - (ii) the maximum duration or occurrence of the occasional use; and
 - (iii) parameters relating to a consent use in terms of the zoning.
- (3) If the Municipality imposes a condition contemplated in subsection (2)(a) or (x), an engineering services agreement must be concluded between the Municipality and the owner of the land concerned before the construction of infrastructure commences on the land.
 - (4) A condition contemplated in subsection (2)(b) may require only a proportional contribution to municipal public expenditure according to the normal need therefor arising from the approval, as determined by the Municipality in accordance with provincial norms and standards.
 - (5) Municipal public expenditure contemplated in subsection (4) includes but is not limited to municipal public expenditure for municipal service infrastructure and amenities relating to—
 - (a) community facilities, including play equipment, street furniture, crèches, clinics, sports fields, indoor sports facilities or community halls;
 - (b) conservation purposes;
 - (c) energy conservation;
 - (d) climate change; or
 - (e) engineering services.
 - (6) Except for land needed for public places or internal engineering services, any additional land required by the Municipality or other organs of state arising from an approved subdivision must be acquired subject to applicable laws that provide for the acquisition or expropriation of land.
 - (7) An owners' association or home owners' association that came into being by virtue of a condition imposed under the Ordinance and that is in existence immediately before the commencement of this By-law is regarded as an owners' association that came into being by virtue of a condition imposed by the Municipality in accordance with this By-law.
 - (8) The Municipality may not approve a land use application subject to a condition that approval in terms of other legislation is required.
 - (9) Conditions requiring a standard to be met must specifically refer to an approved or published standard.
 - (10) No conditions may be imposed that rely on a third party for fulfilment.
 - (11) If the Municipality approves a land use application subject to conditions, it must specify which conditions must be complied with before the sale, development or transfer of the land.
 - (12) The Municipality may, on its own initiative or on application, amend, delete or impose additional conditions after having given due notice to the owner and any persons whose rights may be affected.

72. TECHNICAL AND OTHER ADVISERS

- (1) The Municipality in terms of section 39 of Spatial Planning and Land Use Management Act co-opts the Provincial Directorate of COGTA responsible for Spatial Planning as Provincial Technical Advisers in the following capacities –
 - (a) Registered Professional Town and Regional Planners
 - (b) Administrative Professionals
- (2) The Municipality in terms of section 39 of Spatial Planning and Land Use Management Act co-opts the National Directorate of the Department of Rural Development and Land Reform responsible for Spatial Planning as a Provincial Technical Advisers in the following capacities –
 - (a) Registered Professional Town and Regional Planners
 - (b) Registered GISc Practitioners
- (3) The Municipality in terms of section 39 of Spatial Planning and Land Use Management Act co-opts the National Directorate of the Department of Rural Development and Land Reform responsible for National Geomatic Management as a Provincial Technical Advisers in the following capacities –
 - (a) Registered Professional Land Surveyors
- (4) The Municipality in terms of section 39 of Spatial Planning and Land Use Management Act co-opts the Municipal Infrastructure Support Agency of the National Department of Cooperative Governance as a Provincial Technical Advisers in the following capacities –
 - (a) Registered Professional Town and Regional Planners
 - (b) Registered Professional Engineers

73. APPLICATIONS FOR EXTENSION OF VALIDITY PERIODS

- (1) The Municipality may approve an application for the extension of a validity period imposed in terms of this By-law, on a date before or after the expiry of the validity period of an approval, if the application for the extension of the period was submitted before the expiry of the validity period.
- (2) When the Municipality considers an application in terms of subsection (1), it must have regard to the following:
 - (a) whether the circumstances prevailing at the time of the original approval have materially changed; and
 - (b) whether the legislative or policy requirements applicable to the approval that prevailed at the time of the original approval, have materially changed.
- (3) If there are material changes in circumstances or in legislative or policy requirements that will necessitate new conditions of approval if an extension of a validity period is approved, an application contemplated in section 16(2)(h) must be submitted for consideration before or simultaneously with the application for the extension of a validity period.
- (4) The extended validity period takes effect on and is calculated from the expiry date of the validity period applicable to the original approval from the expiry date of the previous extended validity period approved in terms of this By-law.

CHAPTER VI – MUNICIPAL PLANNING DECISION-MAKING STRUCTURES**74. MUNICIPAL PLANNING DECISION-MAKING STRUCTURES**

- (1) Applications are decided by—
 - (a) an authorized employee who has been authorized by the Municipality to consider and determine the applications contemplated in subsection 75(1);
 - (b) the Municipal Planning Tribunal, where the powers and duties to consider and determine an application has not been delegated to an authorized employee contemplated in section 75(2);
 - (c) the Appeal Authority where an appeal has been lodged against a decision of the authorized employee or the Municipal Planning Tribunal.

75. CONSIDERATION OF APPLICATIONS

- (13) Category 2 applications must be considered and determined by an authorized employee and the municipality must delegate the powers and duties to decide on those applications to an authorized employee, as contemplated in Section 35(2) of the Spatial Planning and Land Use Management Act.
- (2) The Municipal Planning Tribunal considers and determines all applications, other than those in respect of which the powers and duties to consider and determine them have been delegated and assigned to an authorized employee in terms of subsection (1).

76. ESTABLISHMENT OF MUNICIPAL PLANNING TRIBUNAL

- (14) The Municipality must—
 - (a) establish a Municipal Planning Tribunal for its municipal area; or
 - (b) by agreement with one or more municipalities establish a joint Municipal Planning Tribunal; or
 - (c) agree to the establishment of a district Municipal Planning Tribunal by the District Municipality.
- (2) An agreement referred to in subsection (1)(b) or (c) must be published in the *Provincial Gazette* and must provide for—
 - (a) the composition of the Municipal Planning Tribunal;
 - (b) the terms and conditions of appointment of members of the Municipal Planning Tribunal; and
 - (c) the determination of rules and proceedings of the Municipal Planning Tribunal.

77. COMPOSITION OF MUNICIPAL PLANNING TRIBUNAL FOR MUNICIPAL AREA

- (15) A Municipal Planning Tribunal established in terms of subsection 76(1)(a) must consist of the following members:
 - (a) *[insert number of members who are employees]* employees in the full-time service of the Municipality, appointed by the Municipality; and
 - (b) *[insert number of members who are not employees]* who are not municipal employees or councillors and who have knowledge and experience of spatial planning, land use management and land development or the law related thereto, appointed by the Municipality.

- (c) a Land Development Officer in the full time employ of the Municipality, with the necessary qualifications, skills and knowledge of spatial planning, land use management and land development.
- (2) The members of the Municipal Planning Tribunal referred to in subsection (1)(b) may be appointed only after the Council, by notice in the *Provincial Gazette* and in other media that the Council considers appropriate, has invited interested parties to submit within the period mentioned in the notice, names of persons who are fit and proper persons to be so appointed.
- (3) Nominations, in respect of the notice placed in terms of subsection (2), must be submitted within 30 days of the publication date, accompanied by the following:
- (a) Personal details of the applicant or nominee;
 - (b) Particulars of the applicant's or nominee's qualifications or experience in the matters listed in section 36(1)(b) of the Spatial Planning and Land Use Management Act;
 - (c) In the case of a nomination, a letter of acceptance of nomination by the nominee;
 - (d) A sworn declaration by the applicant or nominee that he is not disqualified in terms of section 38 of the Spatial Planning and Land Use Management Act;
 - (e) A disclosure of the information contemplated in section 38(3) and (4) of the Spatial Planning and Land Use Management Act;
 - (f) Permission from the applicant or nominee to verify the information provided by him.
- (4) The council must appoint Municipal Planning Tribunal members within 30 days of the expiry date of the notice, as contemplated in subsection (2).
- (5) The Council must designate from among the members contemplated in subsection (1)(a)—
- (a) a chairperson; and
 - (b) another member as deputy chairperson, to act as chairperson of the Municipal Planning Tribunal when the chairperson is absent or unable to perform his duties.
- (6) The Municipal Manager must, within 30 days of the first appointment of members to a Municipal Planning Tribunal—
- (a) obtain written confirmation from the Council that it is satisfied that the Municipal Planning Tribunal is in a position to commence its operations; and
 - (b) after receipt of the confirmation referred to in paragraph (a), publish a notice in the *Provincial Gazette* of the date that the Municipal Planning Tribunal will commence its operation.
- (7) The Municipal Planning Tribunal may only commence its operations after publication of the notice contemplated in subsection (4).

78. TERM OF OFFICE AND CONDITIONS OF SERVICE OF MEMBERS OF MUNICIPAL PLANNING TRIBUNAL FOR MUNICIPAL AREA

- (1) A member of the Municipal Planning Tribunal is appointed for a term of *[insert number of years which may be five years or a shorter period]*, which is renewable once.
- (2) The office of a member becomes vacant if—
 - (a) the member is absent from two consecutive meetings of the Municipal Planning Tribunal without the leave of the chairperson of the Municipal Planning Tribunal;
 - (b) the member tenders his resignation in writing to the chairperson of the Municipal Planning Tribunal;
 - (c) the member is removed from the Municipal Planning Tribunal under subsection (3); or
 - (d) the member dies.
- (3) The Council may, after having given the member an opportunity to be heard, remove a member of the Municipal Planning Tribunal if—
 - (a) sufficient grounds exist for his removal;
 - (b) a member contravenes the code of conduct referred to in section 80;
 - (c) a member becomes subject to a disqualification from membership of the Municipal Planning Tribunal as referred to in section 38(1) of the Spatial Planning and Land Use Management Act.
- (4) A vacancy on the Municipal Planning Tribunal must be filled by the Council in terms of section 77(1)(a) or, in the case of a member contemplated in section 77(1)(b), in terms of section 77(2).
- (5) A member who is appointed by virtue of subsection (4) holds office for the unexpired portion of the period for which the member he replaces was appointed.

- (6) Members of the Municipal Planning Tribunal referred to in section 77(1)(b) must be appointed on the terms and conditions, and must be paid the remuneration and allowances and be reimbursed for expenses as determined by the relevant legislation.
- (7) The council must publish a notice in terms of section 77(2), 90 days before the expiry of every term of office, as contemplated in subsection (1).

79. MEETINGS OF MUNICIPAL PLANNING TRIBUNAL FOR MUNICIPAL AREA

- (1) The Municipal Planning Tribunal contemplated in section 76(1)(a) must determine its own internal arrangements, proceedings and procedures and those of its committees by drafting rules for—
 - (a) the convening of meetings;
 - (b) preparation and distribution of agendas
 - (c) the procedure at meetings including
 - (i) formal meeting procedures
 - (ii) apologies
 - (iii) attendance, and
 - (d) the frequency of meetings.

A quorum for a meeting of the Municipal Planning Tribunal or its committees is a majority of its members.

- (3) Decisions of the Municipal Planning Tribunal are taken by resolution of a majority of all the members present at a meeting of the Municipal Planning Tribunal, and in the event of an equality of votes on any matter, the person presiding at the meeting in question will have a deciding vote in addition to his deliberative vote as a member of the Municipal Planning Tribunal.
- (4) Meetings of the Municipal Planning Tribunal must be held at the times and places determined by the chairperson of the Municipal Planning Tribunal in accordance with the rules of the Municipal Planning Tribunal.

80. CODE OF CONDUCT FOR MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL FOR MUNICIPAL AREA

The code of conduct in Schedule 2 applies to every member of the Municipal Planning Tribunal.

81. ADMINISTRATOR FOR MUNICIPAL PLANNING TRIBUNAL FOR MUNICIPAL AREA

- (1) The Municipal Manager must appoint an employee as the Administrator and other staff for the Municipal Planning Tribunal in terms of the Systems Act.
- (2) The Administrator must—
 - (a) liaise with the relevant Municipal Planning Tribunal members and the parties in relation to any application or other proceedings filed with the Municipal Planning Tribunal;
 - (b) maintain a diary of hearings of the Municipal Planning Tribunal;
 - (c) allocate meeting dates for and application numbers to applications;
 - (d) arrange the attendance of meetings by members of the Municipal Planning Tribunal;
 - (e) arrange venues for Municipal Planning Tribunal meetings;
 - (f) perform the administrative functions in connection with the proceedings of the Municipal Planning Tribunal;
 - (g) ensure the efficient administration of the proceedings of the Municipal Planning Tribunal in accordance with the directions of the chairperson of the Municipal Planning Tribunal;
 - (h) arrange the affairs of the Municipal Planning Tribunal so as to ensure that time is available to liaise with other authorities regarding the alignment of integrated applications and authorisations;
 - (i) notify parties of decisions and procedural directives given by the Municipal Planning Tribunal;
 - (j) keep a record of all applications submitted to the Municipal Planning Tribunal and the outcome of each, including—
 - (i) decisions of the Municipal Planning Tribunal;
 - (ii) on-site inspections and any matter recorded as a result thereof;
 - (iii) reasons for decisions; and
 - (iv) proceedings of the Municipal Planning Tribunal; and
 - (k) keep records by any means as the Municipal Planning Tribunal may deem expedient.

82. FUNCTIONING OF MUNICIPAL PLANNING TRIBUNAL FOR MUNICIPAL AREA

- (1) The meetings of the Municipal Planning Tribunal contemplated in section 79(1)(a) must be held at the times and places as the chairperson may determine.
- (2) The meetings of the Municipal Planning Tribunal must be held at least once per month if there are applications to consider.
- (3) If the chairperson and the deputy chairperson fail to attend a meeting of the Municipal Planning Tribunal, the members who are present at the meeting must elect one from among them to preside at that meeting.
- (4) If an applicant or a person whose rights or legitimate expectations will be affected by the approval of an application wishes to make a verbal representation at a meeting of the Municipal Planning Tribunal, he must submit a written request to the Administrator, at least 14 days before that meeting.
- (5) The Chairperson may approve a request to make a verbal representation subject to reasonable conditions.

83. APPEALS

- (1) The *[Executive Mayor/Executive Authority/Committee of the Council]* is the Appeal Authority in respect of decisions contemplated in section 64(1)(a) and (b) and a failure to decide on an application as contemplated in section 61(1).
- (2) A person whose rights are affected by a decision of the Municipal Planning Tribunal or an authorized employee may appeal in writing, stating reasons, to the Municipal Manager within 21 days of notification of the decision, as contemplated in section 51(1) in the Spatial Planning and Land Use Management Act.
- (3) An applicant may appeal verbally or in writing to the Municipal Manager in respect of the failure of the Municipal Planning Tribunal or an authorized employee to take a decision within the period contemplated in section 60(1) of (2), any time after the expiry of the applicable period contemplated in section 61.

84. PROCEDURES FOR APPEAL

- (1) An appeal that is not lodged within the applicable period contemplated in section 83 or that does not comply with this section, is invalid.
- (2) An appeal must set out the grounds on which the appellant believes the decision-maker erred in coming to the conclusion it did or the decision-maker failed to take a decision.
- (3) An applicant who lodges an appeal must simultaneously serve notice of the appeal on any person who commented or made representations on, or objected to, the application concerned.
- (4) The notice must be served in accordance with section 115 of the Municipal Systems Act and the additional requirements as may be determined by the Municipality.
- (5) The notice must invite persons to object, comment or make a representation on the appeal within 21 days of being notified of the appeal.
- (6) The appellant must submit proof of the notification contemplated in subsections (3) and (4) to the Municipality within 14 days of the date of notification.
- (7) If a person other than the applicant lodges an appeal, the Municipality must give notice of the appeal to the applicant within 14 days of receipt thereof.
- (8) An applicant who has received notice of an appeal in terms of subsection (7) may comment on the appeal within 21 days of being notified.
- (9) The Municipality may refuse to accept any comments on an appeal after the closing date for those comments.
- (10) The Municipality—
 - (a) may request National and Provincial departments to comment in writing on an appeal within 60 days of receipt of the request; and
 - (b) must notify and request the National and Provincial departments to comment on an appeal in respect of the following applications within 60 days of receipt of the request:

- (i) a development outside the Municipality's planned outer limit of urban expansion as reflected in its municipal spatial development framework;
 - (ii) if the Municipality has no approved municipal spatial development framework, a development outside the physical edge, including existing urban land use approvals, of the existing urban area;
 - (iii) a rezoning of land zoned for agricultural or conservation purposes;
 - (iv) any development or category of land use applications as may be prescribed by legislation and national and provincial policies.
- (11) The authorized employee must draft a report assessing an appeal and must submit it to the Municipal Manager within—
- (a) 30 days of the closing date for comments requested in terms of subsection (8) if no comments were requested in terms of subsection (10); or
 - (b) within 30 days of the closing date for comments requested in terms of subsection (10).
- (12) The Appeal Authority must decide on an appeal within 60 days of receipt of the assessment report contemplated in subsection (11).
- (13) The parties to an appeal must be notified in writing of the decision of the Appeal Authority within 21 days from the date of the decision.
- (14) The Municipality must—
- (a) on receipt of an appeal in terms of this section notify the applicant in writing whether or not the operation of the approval of the application is suspended; and
 - (b) if a decision on the appeal upholds an approval, notify the applicant in writing that he may act on the approval.
- (15) The operation of the approval of a land use application that is the subject of an appeal is suspended pending the decision of the appeal authority on the appeal, as contemplated in subsection 14.
- (16) If an appeal is lodged only against conditions imposed in terms of section 71, the Municipality may determine that the approval of the land use application is not suspended.

85. HEARING OF APPEAL AUTHORITY

- (1) The appeal authority must notify the relevant parties of the date, time and place of the hearing, 5 days prior to the hearing.
- (2) A hearing must commence within 15 days after the completed notice of appeal has been delivered to the appeal authority, unless otherwise stated by the appeal authority.
- (3) An appellant of any respondent may at any time before the appeal hearing withdraw an appeal or opposition to an appeal and must give notice of such withdrawal to the registrar and all other parties to the appeal.
- (4) The hearing of the appeal authority may take place as an oral hearing or a written hearing.
- (5) Procedural arrangements for an oral hearing include that:
 - (a) An oral hearing must take place in an area within the jurisdiction of the municipality excluding the office of the Municipal Planning Tribunal or the official authorized in terms of section 74(1).
 - (b) The appellant will first present his case, followed by the Municipal Planning Tribunal or the official authorized in terms of section 74(1).
 - (c) Each party has the right to call witnesses to give evidence.
 - (d) If a party does not appear at an oral hearing, the appeal authority may proceed in the absence of the party, after it was determined if the absent party was notified. If the party was not notified the hearing cannot proceed and the presiding officer must reschedule the hearing.
 - (e) Hearings of the appeal authority may be recorded.
 - (f) Witnesses and parties are required to give evidence under oath or confirmation.
 - (g) Any additional documentation not included in the appeal record should be provided three days before the hearing to the appeal authority.
 - (h) The registrar must distribute the documentation to all parties to the appeal authority and members of the appeal authority.

- (i) If the additional documentation, as contemplated in subsection (g) is not provided at least 3 days prior to the hearing, it may be provided at the hearing, where the party must bring copies of the additional documentation for the members of the appeal authority.
- (j) If the additional documentation, as contemplated in subsection (g), is substantive or voluminous, the other party may request an adjournment.
- (6) Procedural arrangements for an oral hearing include that:
 - (a) Each party must be provided an opportunity to provide written submissions to support their case.
 - (b) the appellant will be given seven days to provide a written submission.
 - (c) Upon receipt of the appellant's written submission the appeal authority must forward it to the Municipal Planning Tribunal or the official authorized in terms of section 74(1).
 - (d) The Municipal Planning Tribunal or the authorized official has seven days in which to provide the written response, if no written submission is received it will be deemed that the party has declined the opportunity.
 - (e) An extension of time maybe requested in writing in advance of the due date for submissions, accompanied by reasons for the request of extension.
 - (f) Following receipt of a request the appeal authority must issue a written decision to all parties.
 - (g) Following receipt of any written submissions the registrar must forward the appeal record to the appeal authority, including written submissions.
 - (h) If no written submissions are received from the parties the registrar will forward the existing appeal record to the appeal authority for adjudication.
 - (i) The presiding officer of the appeal authority will decide whether or not to accept the late written submissions.
 - (j) The appeal authority issues a decision in writing to all other parties, who have seven days to respond.

86. DECISION OF APPEAL AUTHORITY

- (1) After hearing all parties the appeal authority:
 - (a) May request any further information from any party;
 - (b) May postpone the matter for a reasonable period;
 - (c) Must within 21 days after the last day of the hearing, issue its decision with reasons
- (2) The appeal authority may confirm, amend or rescind the decision of the Municipal Planning Tribunal or official authorized in terms of section 74(1) and may include an award of costs.
- (3) The presiding officer must sign the decision of the appeal authority and any order made by it.
- (4) The registrar must notify the parties of the decision of the appeal authority within 7 days, together with reasons.
- (5) The appeal authority must, in its decision, give directives to the municipality as to how such a decision must be implemented.
- (6) Where an appeal is uphold the municipal manager must within 21 days of the decision publish the decision in the Provincial Gazette.

CHAPTER VII – PROVISION OF ENGINEERING SERVICES

87. RESPONSIBILITY FOR PROVISION OF ENGINEERING SERVICES

- (1) An applicant is responsible for the provision, installation and costs of internal engineering services required for a development when an application is approved, as contemplated in section 49(1) of the Spatial Planning and Land Use Management Act.
- (2) The Municipality is responsible for the provision and installation of external engineering services, as contemplated in section 49(2) of the Spatial Planning and Land Use Management Act.
- (3) When the Municipality is not the provider of an engineering service, the applicant must satisfy the Municipality that adequate arrangements have been made with the relevant service provider for the provision of that service, as contemplated in section 49(3) of the Spatial Planning and Land Use Management Act.
- (4) The Municipality may enter into a written agreement with an applicant to provide that—
 - (a) the applicant will install the external engineering service instead of paying the applicable development charges; or
 - (b) the fair and reasonable cost of the external engineering service may be set off against the development charges payable by the applicant.

88. DEVELOPMENT CHARGES

- (1) The applicant must pay development charges to the Municipality in respect of the provision of an external engineering service.
- (2) The external engineering service for which development charges is payable must be set out in a policy adopted by the Municipality.
- (3) The amount of the development charges payable by an applicant must be calculated in accordance with the policy adopted by the Municipality.
- (4) The date by which a development charges must be paid and the means of payment must be specified in the conditions of approval.
- (5) The development charges imposed are subject to escalation at the rate calculated in accordance with the policy on development charges.
- (6) The Municipality must annually submit a report to the Council on the amount of development charges paid to the Municipality, together with a statement of the expenditure of the amount and the purpose of the expenditure.
- (7) When determining the contribution contemplated in sections 71(4) and (5), the Municipality must have regard to provincial norms and standards and—
 - (a) the municipal service infrastructure and amenities for the land concerned that are needed for the approved land use;
 - (b) the public expenditure on that infrastructure and those amenities incurred in the past and that facilitates the approved land use;
 - (c) the public expenditure on that infrastructure and those amenities that may arise from the approved land use;
 - (d) money in respect of contributions contemplated in subsection 71(4) paid in the past by the owner of the land concerned; and
 - (e) money in respect of contributions contemplated in subsection 71(4) to be paid in the future by the owner of the land concerned.

89. LAND FOR PARKS, OPEN SPACES AND OTHER USES

- (1) When the Municipality approves a development application which provides for the use of land for residential purposes, the applicant may be required to provide land for parks or public open spaces.
- (2) The extent of land required for parks or public open spaces is determined by the Municipality in accordance with a policy approved by the Municipality.
- (3) The land required for parks or public open spaces must be provided within the land area of the development application or may, with the consent of the Municipality, be provided elsewhere within the municipal area, as contemplated in section 50(2) of the Spatial Planning and Land Use Management Act.
- (4) When a development application is approved without the required provision of land for parks or open spaces within the land area of the development, the applicant may be required to pay money to the Municipality in lieu of the provision of land.

CHAPTER VIII - ENFORCEMENT**90. ENFORCEMENT**

- (1) The Municipality must comply and enforce compliance with—
 - (a) the provisions of this By-law;
 - (b) the provisions of a land use scheme;
 - (c) conditions imposed in terms of this By-law or previous planning legislation; and
 - (d) conditions of Deed of Title.
- (2) The Municipality may not do anything that is in conflict with subsection (1).

91. OFFENCES AND PENALTIES

- (1) Any person who—
 - (a) contravenes or fails to comply with sections 16(1) and (6), 64(2) and 88(3);;
 - (b) fails to comply with a compliance notice served in terms of section 90;
 - (c) uses land in a manner other than prescribed by a land use scheme without the approval of the municipality;
 - (d) upon registration of the first land parcel arising from a subdivision, fails to transfer all common property arising from the subdivision to the owners' association;
 - (e) supplies particulars, information or answers in an application, or in an appeal to a decision on a land development application, knowing it to be false, incorrect or misleading or not believing them to be correct;
 - (f) falsely professes to be an authorized employee or the interpreter or assistant of an authorized employee; or
 - (g) hinders or interferes with an authorized employee in the exercise of any power, or the performance of any duty, of that employee, is guilty of an offence and is liable upon conviction to a fine or imprisonment not exceeding a period of 20 years or to both a fine and such imprisonment.
- (2) An owner who permits his land to be used in a manner set out in subsection (1)(c) and who does not cease that use or take reasonable steps to ensure that the use ceases, or who permits a person to breach the provisions of a land use scheme, is guilty of an offence and liable upon conviction to a fine or imprisonment for a period not exceeding 20 years or to both a fine and such imprisonment.
- (3) A person convicted of an offence in terms of this By-law who, after conviction, continues with the action in respect of which he was so convicted, is guilty of a continuing offence and liable upon conviction to imprisonment for a period not exceeding three months or to an equivalent fine or to both such fine and imprisonment, in respect of each day on which he so continues or has continued with that act or omission.
- (4) A Municipality must adopt fines and contravention penalties to be imposed in the enforcement of this By-law.

92. SERVING OF COMPLIANCE NOTICE

- (1) The Municipality must serve a compliance notice on a person if it has reasonable grounds to suspect that the person or owner is guilty of an offence in terms of section 90.
- (2) A compliance notice must instruct the occupier and owner to cease the unlawful land use or construction activity or both without delay or within the time period determined by the Municipality, and may include an instruction to—
 - (a) demolish unauthorized building work and rehabilitate the land or restore the building, as the case may be, to its original form within 30 days or another period determined by the Municipal Manager; or
 - (b) submit an application for land use or construction activity in terms of this By-law within 30 days of the service of the compliance notice and to pay the contravention penalty.
- (3) A person who has received a compliance notice with an instruction contemplated in subsection (2)(a) may not submit an application in terms of subsection (2)(b).
- (4) An instruction to submit an application in terms of subsection (2)(b) must not be construed as an indication that the application will be approved.
- (5) In the event that the application submitted in terms of subsection (2)(b) is refused, the owner must demolish the unauthorized building work.
- (6) A person who received a compliance notice in terms of this section may object to the notice by lodging representations to the Municipality within 30 days of receipt of the notice.

93. CONTENT OF COMPLIANCE NOTICES

- (1) A compliance notice must—
 - (a) identify the judicial person as registered owner to whom it is addressed;
 - (b) describe the alleged unlawful use of land or construction activity concerned and the land on which it occurs;
 - (c) state that the activity is unlawful and inform the person of the particular offence contemplated in section 90 which that person allegedly has committed or is committing through the continuation of that activity on the land;

- (d) the steps that the person must take and the period within which those steps must be taken;
 - (e) anything which the person may not do and the period during which the person may not do it;
 - (f) provide for an opportunity for a person to submit representations in terms of section 92(6) with the contact person stated in the notice; and
 - (g) issue a warning to the effect that—
 - (i) the person may be prosecuted for and convicted of an offence contemplated in section 90;
 - (ii) on conviction of an offence, the person will be liable for the penalty as provided for;
 - (iii) the person may be required by an order of court to demolish, remove or alter any building, structure or work illegally erected or constructed or to rehabilitate the land concerned or to cease the activity;
 - (iv) in the case of a contravention relating to a consent use or temporary departure, the approval may be withdrawn;
 - (v) in the case of an application for authorisation of the activity or development parameter, that a contravention penalty, including any costs incurred by the Municipality, will be imposed.
- (2) Any person on whom a compliance notice is served must comply with that notice within the time period stated in the notice, unless the Municipality has agreed to suspend the operation of the compliance notice in terms of section 92.

94. OBJECTIONS TO COMPLIANCE NOTICE

- (1) Any person or owner who receives a compliance notice in terms of section 92 may object to the notice by making written representations to the Municipal Manager within 30 days of receipt of the notice.
- (2) After the consideration of any objections or representations made in terms of subsection (1) and any other relevant information, the Municipal Manager—
 - (a) may suspend, confirm, vary or cancel a compliance notice or any part of the notice; and
 - (b) must specify the period within which the person who received the notice must comply with any part of the notice that is confirmed or varied.

95. FAILURE TO COMPLY WITH COMPLIANCE NOTICE

- (16) If a person fails to comply with a compliance notice, the Municipality may—
 - (a) lay a criminal charge against the person;
 - (b) apply to the High Court for an order—
 - (i) restraining that person from continuing the unlawful use of the land,
 - (ii) directing that person to, without the payment of compensation—
 - (aa) demolish, remove or alter any building, structure or work illegally erected or constructed without the payment of compensation; or
 - (bb) rehabilitate the land concerned.
 - (c) in the case of a temporary departure or consent use, withdraw the approval granted and act in terms of section 88.

96. URGENT MATTERS

- (1) The Municipality does not have to comply with sections 92(6), 93(1)(f) and 94 in a case where an unlawful use of land must be stopped urgently and may issue a compliance notice calling upon the person or owner to cease the unlawful use of land immediately.
- (2) If the person or owner fails to cease the unlawful use of land immediately, the Municipality may apply to the High Court for an urgent interdict or any other relief necessary.

97. SUBSEQUENT APPLICATION FOR AUTHORISATION OF ACTIVITY

- (1) If instructed to rectify or cease an unlawful use of land, a person may apply to the Municipality for an appropriate land development contemplated in subsection 16(2), unless the person is instructed in terms of section 92(2)(a) to demolish the building work.
- (2) The applicant must, within 30 days after approval is granted, pay to the Municipality a contravention penalty in the amount determined by the Municipality.

98. GENERAL POWERS AND FUNCTIONS OF AUTHORIZED EMPLOYEES

- (1) An authorized employee may, with the permission of the occupier or owner of land, at any reasonable time, without a warrant and without previous notice, enter upon land or enter a building or premises for the purpose of ensuring compliance with this By-law.
- (2) An authorized employee must be in possession of proof that he has been designated as an authorized employee for the purposes of subsection (1).
- (3) An authorized employee may be accompanied by an interpreter, a police official or any other person who may be able to assist with the inspection.

99. POWERS OF ENTRY, SEARCH AND SEIZURE

- (1) In ensuring compliance with this By-law in terms of section 90, an authorized employee may—
 - (a) question any person on land entered upon, or in a building or on premises entered, who, in the opinion of the authorized employee, may be able to furnish information on a matter that relates to the enforcement of this By-law;
 - (b) question any person on that land or premises or in that building about any act or omission in respect of which there is a reasonable suspicion that it might constitute—
 - (i) an offence in terms of this By-law;
 - (ii) a contravention of this By-law; or
 - (iii) a contravention of an approval or a term or condition of that approval;
 - (c) question that person about any structure, object, document, book, record or written or electronic information or inspect any structure, object, document, book or record which may be relevant for the purpose of this subsection;
 - (d) copy or make extracts from any document, book, record or written or electronic information referred to in paragraph (c), or remove that document, book, record or written or electronic information in order to make copies or extracts;
 - (e) require that person to produce or deliver to a place specified by the authorized employee, any document, book, record or any written or electronic information referred to in paragraph (c) for inspection;
 - (f) examine that document, book, record or any written or electronic information or make a copy thereof or an extract therefrom;
 - (g) require from that person an explanation of any entry in that document, book, record or any written or electronic information;
 - (h) inspect any article, substance, plant or machinery which is or was on the land, or any work performed on the land or any condition prevalent on the land, or remove for examination or analysis any article, substance, plant or machinery or a part or sample thereof;
 - (i) take photographs or make audio-visual recordings of anything or any person on that land or those premises or in that building that is relevant to the purposes of the investigation; or
 - (j) seize that book, record or any written or electronic information or that article, substance, plant or machinery or a part or sample thereof that in his opinion may serve as evidence at the trial of the person to be charged with an offence under this By-law or the common law, provided that the user of the article, substance, plant or machinery on the land or premises or in the building concerned may make copies of such book, record or document before the seizure.
- (2) When an authorized employee removes or seizes any article, substance, plant or machinery, book, record or other document as contemplated in this section, he must issue a receipt to the owner or person in control thereof.
- (3) An authorized employee may not have a direct or indirect personal or private interest in the matter to be investigated.

100. WARRANT OF ENTRY FOR ENFORCEMENT PURPOSES

- (1) A judge of a High Court or a magistrate for the district in which the land is situated may, at the request of the Municipality, issue a warrant to enter upon the land or building or premises if the—
 - (a) prior permission of the occupier or owner of land cannot be obtained after reasonable attempts; or
 - (b) purpose of the inspection would be frustrated by the occupier or owner's prior knowledge thereof.
- (2) A warrant may only be issued if it appears to the judge or magistrate from information on oath that there are reasonable grounds for believing that—
 - (a) an authorized employee has been refused entry to land or a building that he is entitled to inspect;
 - (b) an authorized employee reasonably anticipates that entry to land or a building that he is entitled to inspect will be refused;
 - (c) there are reasonable grounds for suspecting that an offence contemplated in section 90 has occurred and an inspection of the premises is likely to yield information pertaining to that contravention; or
 - (d) the inspection is reasonably necessary for the purposes of this By-law.
- (3) A warrant must authorize the Municipality to enter upon the land or to enter the building or premises to take any of the measures referred to in section 98 as specified in the warrant, on one occasion only, and that entry must occur—
 - (a) within one month of the date on which the warrant was issued; and
 - (b) at a reasonable hour, except where the warrant was issued on grounds of urgency.

101. REGARD TO DECENCY AND ORDER

- (17) The entry of land, a building or structure under this Chapter must be conducted with strict regard to decency and order, which must include regard to—
 - (a) a person's right to respect for and protection of his dignity;
 - (b) the right to freedom and security of the person; and
 - (c) the right to a person's personal privacy.

102. ENFORCEMENT LITIGATION

- (18) Whether or not a Municipality lays criminal charges against a person for an offence contemplated in section 90, the Municipality may apply to the High Court for an interdict or any other appropriate order including an order compelling that person to—
 - (a) demolish, remove or alter any building, structure or work illegally erected or constructed;
 - (b) rehabilitate the land concerned; or
 - (c) cease with the unlawful use of land.

CHAPTER IX - MISCELLANEOUS**103. NAMING OF STREETS AND NUMBERING OF PROPERTIES**

- (1) If as a result of the approval of a development application streets or roads are created, whether public or private, the Municipality must approve the naming of the street and must allocate a street number to each of the erven land parcels located in such street or road.
- (2) The proposed names of the streets and numbers of properties must be submitted as part of an application for subdivision.
- (3) In considering the naming of streets, the Municipality must take into account the relevant policies regarding street naming and numbering of properties.
- (4) The Municipality must notify the Surveyor-General of the approval of new streets as a result of the approval of an amendment or cancellation of a general plan. The Surveyor-General must endorse the records of the Surveyor-General's office to reflect the amendment to the street names on an approved general plan.

104. REPEAL

The by-laws listed in Schedule 1 are repealed.

105. SHORT TITLE AND COMMENCEMENT

- (1) This By-law is called the By-law on Municipal Land Use Planning, Bylaw 3 of 2014.
- (2) This By-law comes into operation on the date that the Spatial Planning and Land Use Management Act comes into operation in the municipal area of the Municipality.

SCHEDULE 1
REPEAL OF BY-LAWS BY SECTION 100

Each Municipality to insert relevant information here

SCHEDULE 2**CODE OF CONDUCT FOR MEMBERS OF THE MUNICIPAL PLANNING TRIBUNAL****General conduct**

1. A member of the Municipal Planning Tribunal must at all times—
 - (a) act in accordance with the principles of accountability and transparency;
 - (b) disclose his personal interests in any decision to be made in the planning process in which he serves or has been requested to serve;
 - (c) abstain completely from direct or indirect participation as an adviser or decision-maker in any matter in which he has a personal interest, and leave any chamber in which such matter is under deliberation, unless the personal interest has been made a matter of public record and the Council has given written approval and has expressly authorized his participation.

2. A member of the Municipal Planning Tribunal may not—
 - (a) use the position or privileges of a Municipal Planning Tribunal member or confidential information obtained as a Municipal Planning Tribunal member for private gain or to improperly benefit another person; and
 - (b) participate in a decision concerning a matter in which that Municipal Planning Tribunal member or that members spouse, partner or business associate, has a direct or indirect personal or private business interest.

Gifts

3. A member of the Municipal Planning Tribunal may not receive or seek gifts, favours or any other offer under circumstances in which it might reasonably be inferred that the gifts, favours or offers were intended or expected to influence a participant's objectivity as an adviser or decision-maker in the planning process.

Undue influence

4. A member of the Municipal Planning Tribunal may not—
 - (a) use the power of any office to seek or obtain special advantage for private gain or to improperly benefit another person that is not in the public interest;
 - (b) use confidential information acquired in the course of his duties to further a personal interest;
 - (c) disclose confidential information acquired in the course of his duties, unless required by law to do so or by circumstances to prevent substantial injury to third persons; and
 - (d) commit a deliberately wrongful act that reflects adversely on the Municipal Planning Tribunal, the Municipality, the government or the planning profession by seeking business by stating or implying that he is prepared, willing or able to influence decisions of the Municipal Planning Tribunal by improper means.

**Annexure A – Comprehensive application form
Setsoto Local Municipality**

Applications for land use amendments (give full details in the motivation report, if space provided is not enough)

SECTION 1 Details of Applicant(See Planning Profession Act, Act 36 of 2002)	
Name: _____	Contact person: _____
Postal address: _____ _____	Physical address: _____ _____
Code: _____	_____
Tel no: _____	Cell no: _____
Fax no: _____	E-mail address: _____
SACPLAN Reg No: _____	_____

SECTION 2 Details of Land Owner(If different from Applicant)	
Name: _____	Contact person: _____
Postal address: _____ _____	Physical address: _____ _____
Code: _____	_____
Tel no: _____	Cell no: _____
Fax no: _____	E-mail address: _____

If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application. This also applies if the person applying is still busy obtaining the land parcel and if the land parcel is owned by a company or more than one person.

SECTION 3 Details of Property(In accordance with Title deed)	
Erf/ Farm No and portion description: _____	Area (m ² or ha): _____
Physical address of erf/farm: _____	Existing zoning: _____
Location from nearest town: _____	Existing land use: _____
Town/suburb: _____	Area applicable to application: _____
Registration Division: _____	Title deed no: _____

SECTION 4

Type of Application being Submitted (Mark with an X and give detail)

Application for:
(Please mark applicable block with a cross)

Rezoning/ Zoning:	
Creation of an overlay zoning	
Removal, suspension or amendment of Title Deed Restrictions:	
Township Establishment	
Temporary use to allow the use of a building or land for a period of at most five years, for a purpose for which no specific zone has been provided for in these regulations:	
Consent use:	
Incorporation of an erf into a general plan;	
The subdivision of land:	
The removal, suspension or amendment of the original approval conditions as provided by the relevant authorities:	
General Plan Cancellation:	
Amendment of General Plan by Closure of Park or Public Road:	
Consolidation of one or more properties:	
The extension of the approval period:	
Any other application in terms of provincial legislation or municipal by-law:	

Please give a short description of the scope of the project:

SECTION 5

Detail of application(Mark with an X and give detail where applicable)

Is the land parcel currently developed (buildings etc.)?	YES	NO	If answered YES, what is the nature & condition of the developments/improvements?	
Is the current zoning of the land used?	YES	NO	If answered NO, what is the application/ use of land?	
Is the property subjected to a bond?	YES	NO	If answered YES, attach the bondholder's consent to the application:	
Has any application on the property previously been considered?	YES	NO	If answered YES, when and provide particulars, including type of application, all authority reference numbers and decisions:	
Does the proposal apply to the entire land parcel?	YES	NO	If answered NO, indicate the size of the portion of the land parcel concerned, as well as what it will be used for, including the remaining extent:	
Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land parcel in terms of the deed of transfer that should be removed, as it might have an influence on this application?	YES	NO	If answered YES, please provide detail description:	
Are there any physical restrictions (e.g. steep inclines, unstable land formations, marshes, etc.) that might influence the intended development	YES	NO	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:	
Is any portion of the land parcel in a flood plain of a river beneath the 1:50/1:100 year flood-line, or subject to any flooding?	YES	NO	If answered YES, please provide detail description:	
Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES	NO	If answered YES, please provide detail description:	
Is the proposed application in line with the approved spatial development frameworks?	YES	NO	If answered NO, please provide site specific circumstances in accordance with section 22(2) of the SPLUMA.	
What arrangements will be made regarding the following services for the development? (Full Engineering Reports must be supplied, where applicable)	Water supply:			
	Electricity supply:			
	Sewerage and waste-water			
	Storm-Water:			
	Road Network:			

SECTION 6

List of Attachments and supporting information required/ submitted with checklist for Municipal use (Mark with an X/ number annexure)

Checklist (for the completion by the Applicant only)				Checklist (for the use of Responsible Authority only)		
YES	NO	ANNEXURE	DOCUMENT ATTACHED	YES	NO	N/A
			Completed Comprehensive Application form			
			Complete Motivation Report			
			Board of Directors' / Trustees' resolution / consent			
			Power of Attorney			
			Certified copy of Title Deed(s)			
			Orientating Locality Map			
			Basic Layout Map			
			Land Use Scheme Zoning Map Extract			
			Land Use Map			
			Detail Layout Map			
			Ortophoto / Aerial survey map			
			Site Development Plan			
			Extract of Spatial Development Framework			
			Contour map			
			Surveyor general diagrams (cadastral information)			
			Conveyancer's certificate			
			Bondholder's consent			
			Home Owners' Association consent / stamp of approval			
			Special endorsement/proxy			
			Mineral rights certificate (together with mineral holder's consent)			
			Prospecting contract			
			Registered servitudes (deed and map/plan)			
			Status report from Surveyor General – street closure or state owned land			
			Detail Engineering Services plan (Bulk and internal)			
			Environmental Impact Study/Assessment (EIA – Environmental Authorisation)			
			Archaeological Impact Assessment (AIA) - approval from relevant Department			
			Heritage Impact Assessment - approval from relevant Department			
			Traffic impact study/assessment			

			Geotechnical report (NHBR Standards)			
			Flood line certificate - certificate from relevant Dept			
			Subdivision of Agricultural land - permission from relevant Department Agriculture			
			List of sections in Title Deed conditions to be removed /amended			
			Public participation report and minutes of meetings			
			Other (specify):			
			Seven (7) sets of full colour documentation copies			

SECTION 7

Declaration

Note: *If application is made by a person other than the owner, a Power of Attorney is compulsory. If the property is owned by more than one person, the signature of each owner is compulsory. Where the property is owned by a company, trust, or other juristic person, a certified copy of the Board of Directors/Trustees' resolution is compulsory*

I hereby certify the information supplied in this application form to be complete and correct and that I am properly authorized to make this application.

Applicant's/ Owner's Signature:	_____	Date:									
Full name (print):	_____										
Professional capacity (Reg no):	_____										
Applicant's ref:	_____										

SECTION 8

Prescribed Notice and advertisement procedures (for the completion and use of Responsible Authority only)

Checklist for required advertisement procedure			Checklist for required proof of advertisement		
YES	NO	DOCUMENTATION AND STEPS TO BE TAKEN	YES	NO	DOCUMENTATION TO BE PROVIDED AS PROOF
		Notice to be placed in the Local Newspaper			Proof of Notice in Local Newspaper Note: The original newspaper advertisement or full colour copy, indicating page number and date.
		Notice to be placed in the Provincial Gazette (for 2 consecutive weeks)			Proof of Notice in the Provincial Gazette Note: The original newspaper advertisement or full colour copy, indicating page number and date.
		Notices to neighbours Note: The map indicating the neighbouring erven and list of neighbours will be provided. If the applicant chooses to deliver the notices per hand (Option 1), two copies of the notice must be provided on or before the date of the notice to each neighbour. One copy of the notice must be signed by the respective party (neighbour) to be handed back to the Responsible Authority. Alternatively (Option 2), the notices can be sent via registered post.			Proof of Notice to neighbours Note: Option 1: The signed notices of all surrounding neighbours, as identified by the Responsible Authority, must be provided. Note: Option 2: The proof of the registered mail must be provided to the Responsible Authority
		Notice to be placed on the site Note: The notice provided must be placed on the site in a laminated A3 format (two language formats separate on A3) on or before the date of the notice.			Proof of Notice in site Two colour photos of the notice on site must be provided of which one is close up and the other one is taken from a distance in order to see the placing on the site itself.

	<p>Public Meeting Note: The holding of a public meeting in order to inform the general public of the application.</p>		<p>Proof of Public Meeting The applicant must provide proof of the agenda, the attendance register and minutes of the meeting to the Responsible Authority.</p>
	<p>Any Additional components</p>		<p>Proof of additional components</p>

SECTION 9
Power of Attorney/Proxy

 I/We, the undersigned

 (FULL NAMES, ID NO & PROFESSIONAL REGISTRATION NUMBER IF APPLICABLE)

Nominate, constitute and hereby appoint

 (FULL NAMES AND ID NO, AS WELL AS NAME OF FIRM REPRESENTED)

With the power of substitution to be my lawful agent in my name, place and to handle all aspects in my stead, pertaining to the application(s) for

 (FULL DETAILS OF THE APPLICATION LODGED)

with regards to

 (DESCRIPTION OF PROPERTY)

and in general to realize the proposed goals and whatever may be necessary, in a fashion as complete and efficient as I/we would have done if I/we were personally representing this matter. I/we ratify, allow and confirm herewith, and promise to ratify, allow and confirm whatever my/our agent does lawfully within this matter.

SIGNED at _____ on this _____ day of _____ 20____
 (TOWN) (DAY) (MONTH) (YEAR)

In the presence of the undersigned witnesses

 Signature of Assigner/ Land Owner

 Witness 1

 Witness 2

**Annexure B – Abridged Application Form
Setsoto Local Municipality**

Applications for land use amendments (give full details in the attached motivation report, if space provided is not enough)

SECTION 1

Details of Applicant(See Planning Profession Act, Act 36 of 2002)

Name: _____	Contact person: _____
Postal address: _____ _____	Physical address: _____ _____
_____ Code: _____	_____
Tel no: _____	Cell no: _____
Fax no: _____	E-mail address: _____
SACPLAN Reg No: _____	_____

SECTION 2

Details of Land Owner(If different from Applicant)

Name: _____	Contact person: _____
Postal address: _____ _____	Physical address: _____ _____
_____ Code: _____	_____
Tel no: _____	Cell no: _____
Fax no: _____	E-mail address: _____

If the applicant is not the registered owner(s), attach a power of attorney from the registered owner(s) to the application. This also applies if the person applying is still busy obtaining the land parcel and if the land parcel is owned by a company or more than one person.

SECTION 3

Details of Property(In accordance with Title deed)

Erf/ Farm No and portion description: _____	Area (m ² or ha): _____
Physical address of erf/farm: _____	Existing zoning: _____
Location from nearest town: _____	Existing land use: _____
Town/suburb: _____	Area applicable to application: _____
Registration Division: _____	Title deed no: _____

SECTION 4

Type of Application being Submitted (Mark with an X and give detail)

Application for:

(Please mark applicable block with a cross)

The removal, amendment or suspension of a restrictive condition, servitude or reservation registered against the title of land which is necessary in order to allow for an application for rezoning and subdivision by the Responsible Authority.	
Temporary departure to allow the use of a building or land for a period of at most five years, for a purpose for which no specific zone has been provided for in these regulations	
Application for Consent Use, including Occupational Practice, excluding Temporary Housing.	
Application for Subdivision in accordance with the LUS	
Application for subdivision requiring abridged processes.	
The amendment or cancellation of a general plan of a township.	
The permanent closure of a municipal road (public road) or a public open place.	
The consolidation of any land portion.	
Application for the extension of the approval period of an application before the lapsing thereof.	

Please give a short description of the scope of the project:

SECTION 5

Detail of application(Mark with an X and give detail where applicable)

Is the property subjected to a bond?	YES	NO	If answered YES, attach the bondholder's consent to the application:	
Has any application on the property previously been considered?	YES	NO	If answered YES, when and provide particulars, including type of application, all authority reference numbers and decisions:	
Does the proposal apply to the entire land parcel?	YES	NO	If answered NO, indicate the size of the portion of the land parcel concerned, as well as what it will be used for, including the remaining extend:	
Are there any restrictions, such as servitudes, rights, bonds, etc. with regard to the land parcel in terms of the deed of transfer that should be removed, as it might have an influence on this application?	YES	NO	If answered YES, please provide detail description:	
Are there any physical restrictions (e.g. steep inclines, unstable land formationsmarshes, etc.) that might influence the intended development?	YES	NO	If answered YES, name full particulars and state how the problem will be solved and submit detail layout plan:	

Is any portion of the land parcel in a flood plain of a river beneath the 1:50/1:100 year flood-line, or subject to any flooding?	YES	NO	If answered YES, please provide detail description:	
Is any other approval that falls outside of this Act, necessary for the implementing of the intended development?	YES	NO	If answered YES, please provide detail description:	
What arrangements will be made regarding the following services for the development? (where applicable)	Water supply:			
	Electricity supply:			
	Sewerage and waste-water:			
	Storm-Water			
	Road Network			

SECTION 6

List of Attachments and supporting information required/ submitted with checklist for Municipal use(Mark with an X/ number annexure)

Checklist (for the completion by the Applicant only)				Checklist (for the use of Responsible Authority only)		
YES	NO	ANNEXURE	DOCUMENT ATTACHED	YES	NO	N/A
			Completed Abridged Application form			
			Board of Directors' / Trustees' resolution / consent			
			Power of Attorney			
			Certified copy of Title Deed(s)			
			Orientating Locality Map			
			Basic Layout Map			
			Bondholder's consent			
			Home Owners' Association consent / stamp of approval			
			Special endorsement/proxy			
			Registered servitudes (deed and map/plan)			
			Surveyor general diagrams (cadastral information)			
			Status report from Surveyor General – street closure or state owned land			
			Flood line certificate / coastal setback report - certificate from relevant Department			
			Subdivision of Agricultural land - permission from relevant Department Agriculture			
			List of sections in Title Deed conditions to be removed /amended			
			Other (specify):			
			Seven (7) sets of full colour documentation copies			

SECTION 7
Declaration

Note: *If application is made by a person other than the owner, a Power of Attorney is compulsory. If the property is owned by more than one person, the signature of each owner is compulsory. Where the property is owned by a company, trust, or other juristic person, a certified copy of the Board of Directors/Trustees' resolution is compulsory*

I hereby certify the information supplied in this application form to be complete and correct and that I am properly authorized to make this application.

Applicant's/ Owner's Signature:	_____	Date:							
Full name (print):	_____								
Professional capacity:	_____								
Applicant's ref:	_____								

SECTION 8
Prescribed Notice and advertisement procedures (for the completion and use of Responsible Authority only)

Checklist for required advertisement procedure			Checklist for required proof of advertisement		
YES	NO	DOCUMENTATION AND STEPS TO BE TAKEN	YES	NO	DOCUMENTATION TO BE PROVIDED AS PROOF
		Notice to be placed in the Local Newspaper			Proof of Notice in Local Newspaper Note: The original newspaper advertisement or full colour copy, indicating page number and date.
		Notice to be placed in the Provincial Gazette (for 2 consecutive weeks)			Proof of Notice in the Provincial Gazette Note: The original newspaper advertisement or full colour copy, indicating page number and date.
		Notices to neighbours Note: The map indicating the neighbouring erven and list of neighbours will be provided. If the applicant chooses to deliver the notices per hand (Option 1), two copies of the notice must be provided on or before the date of the notice to each neighbour. One copy of the notice must be signed by the respective party (neighbour) to be handed back to the Responsible Authority. Alternatively (Option 2), the notices can be sent via registered post.			Proof of Notice to neighbours Note: Option 1: The signed notices of all surrounding neighbours, as identified by the Responsible Authority, must be provided. Note: Option 2: The proof of the registered mail must be provided to the Responsible Authority
		Notice to be placed on the site Note: The notice provided must be placed on the site in a laminated A3 format (two language formats separate on A3) on or before the date of the notice.			Proof of Notice in site Two colour photos of the notice on site must be provided of which one is close up and the other one is taken from a distance in order to see the placing on the site itself.
		Public Meeting Note: The holding of a public meeting in order to inform the general public of the application.			Proof of Public Meeting The applicant must provide proof of the agenda, the attendance register and minutes of the meeting to the Responsible Authority.
		Any Additional components			Proof of additional components

PROPOSED BY-LAWS FOR THE SETSOTO LOCAL MUNICIPALITY**PUBLICATION OF DRAFT BY-LAWS FOR COMMENT:****STANDARD IMPOUNDMENT OF ANIMALS BYLAW**

1. Notice is hereby given that the Municipality of Setsoto is considering to adopt the Standard Impoundment of Animals Bylaw as published by the MEC for Local Government and Housing in the Provincial Gazette PN No. 166 of 2010 as a Bylaw.
2. Written comments must be handed in at the office of the Manager Administration, Municipal Offices, Ficksburg or posted to the Manager Administration, P.O. Box 116, Ficksburg, 9730 or faxed to the Manager Administration at number (051) 933-9309 or sent by e-mail: corporate@setsoto.co.za.
3. Comments must reach the office of the Manager Administration not later than 05 December 2014. Comments received after this date will not be considered.
4. Copies of the draft By-Laws will also be available for perusal at the Libraries and Municipal Offices in Ficksburg, Clocolan, Marquard and Senekal, both in town and the township during normal office hours. A copy of these draft By-Laws may also be obtained from the aforementioned offices at a nominal fee applicable for copies. These draft By-Laws are also published on the municipal website at www.setsoto.co.za
5. Persons who are not able to read or write and who wish to comment on these draft By-Laws will be assisted by the Committee Services Administrator, Me Moeng during office hours at the Municipal Offices in Ficksburg. Ms Moeng can be contacted at (051) 933-9340 for an appointment.

.....
MUNICIPAL MANAGER
S T R RAMAKARANE

PROPOSED BY-LAWS FOR THE SETSOTO LOCAL MUNICIPALITY**PUBLICATION OF DRAFT BY-LAWS FOR COMMENT:****DRAFT PARKING OF VEHICLES ON PUBLIC ROADS BYLAW**

1. The following draft Parking of Vehicles on Public Roads Bylaw for the Setsoto Local Municipality contained in the Schedule hereto, are hereby in terms of Section 12(3)(b) of the Local Government: Municipal Systems Act No. 32 of 2000 published for public comment to enable the Council to consider the adoption thereof after comments have been received and considered.
2. Written comments must be handed in at the office of the Manager Administration, Municipal Offices, Ficksburg or posted to the Manager Administration, P.O. Box 116, Ficksburg, 9730 or faxed to the Manager Administration at number (051) 933-9309 or sent by e-mail: corporate@setsoto.co.za.
3. Comments must reach the office of the Manager Administration not later than 05 December 2014. Comments received after this date will not be considered.
4. Copies of the draft By-Laws will also be available for perusal at the Libraries and Municipal Offices in Ficksburg, Clocolan, Marquard and Senekal, both in town and the township during normal office hours. A copy of these draft By-Laws may also be obtained from the aforementioned offices at a nominal fee applicable for copies. These draft By-Laws are also published on the municipal website at www.setsoto.co.za
5. Persons who are not able to read or write and who wish to comment on these draft By-Laws will be assisted by the Committee Services Administrator, Me Moeng during office hours at the Municipal Offices in Ficksburg. Ms Moeng can be contacted at (051) 933-9340 for an appointment.

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MUNICIPAL MANAGER
S T R RAMAKARANE

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1. Definitions

The words and expressions used in this bylaw shall have the meaning assigned thereto in section 1 of the National Road Traffic Act, 1996 (Act 93 of 1996), Unless inconsistent with the context:-

"after hours" means from 20:00 to 06:00.

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

"authorized officer" means an inspector of licenses, examiner of vehicles, examiner for driving licenses, traffic warden or a traffic officer, police officers and includes any other person appointed as an inspector of licenses, examiner of vehicles, examiner for driving licenses, traffic warden or a traffic officer in terms of section 3A of the National Road Traffic Act, 1996(Act No. 93 of 1996), and includes any person nominated by any organization and authorized by the Municipality;

"authorized official" means any employee of the Municipality who is responsible for the performance of any function or the exercise of any power in terms of this by-law or any employee of the Municipality assigned or delegated to perform any function or exercise any power in the implementation of this by-law;

“**business hours**” means from 06:00 to 20:00

“**Chief Traffic Officer**” means the Chief Traffic Officer of the Municipality to whom any function, or duty has been delegated, and includes any other officer under his or her control. Official appointed by Council in terms of National Road Traffic Act, Section

“**council**” means the council of the municipality;

“**driver**” means any person who drives or attempt to drive any vehicle or who rides or attempts to ride any pedal cycle and drive or any like word has corresponding meaning;

“**heavy motor vehicle**” means a motor vehicle or a combination of motor vehicles the gross vehicle mass of which vehicle or combination of vehicles exceeds 3,500kg;

“**light vehicle**” means any type of self-propelled vehicle with a gross vehicle mass of 3,500 kg and less.

“**municipality**” means the Setsoto Local Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councilor, duly authorized 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, councilor, agent or employee;

“**prohibited vehicle**” means any vehicle with gross vehicle mass of 3 500 kg or more; any trailer; boat, whether on a trailer or not; any container of any description, whether on a trailer or not, and includes any caravan, implement or animal-drawn wagon or cart.

“**public road**” means any road, street or thoroughfare or any other place (whether a thoroughfare or not) which is commonly used by the public or any section thereof or to which the public or any section thereof has a right of access, and includes-

- (a) the roadway and the verge of any such road, street or thoroughfare;
- (b) any bridge, ferry or drift traversed by any such road, street or thoroughfare, and
- (c) any other work or object forming part of or connected with or belonging to such road, street or thoroughfare.

“**residential area**” means those areas in Ficksburg/Meqheleng, Clocolan/Hloholwane, Marquard/Moemaneng, Senekal/Matwabeng used exclusively for residential purposes;

“**road reserve**” means the portion of the road, street or thoroughfare that does not include the roadway; and

“**roadway**” means that portion of a road, street or thoroughfare improved, constructed or intended for vehicular and pedestrian traffic and includes the shoulder of the road, any kerbs, verges or sidewalks.

2. Purpose

The purpose of this By-law is to control parking within the area of jurisdiction of Setsoto Local Municipality in order to provide a safe environment.

Chapter 1 General provisions relating to parking Part 1 – General provision

3. Control of parking

- (1) Whenever the public or a number of persons are entitled or allowed to use, as a parking place, an area of land, including land which is not part of a public road or a public place, an authorized officer may, in cases of emergency or when it is desirable in the public interest, direct and regulate traffic thereon.
- (2) The Municipality may manage parking and collect any fees related to parking or appoint a service provider to manage parking and to collect any fees related to parking.
- (3) No person may without the prior written approval of the municipality erect or place any sign or notice in any position or place indicating that parking in any parking bay is either reserved for a person or a class of persons.
- (4) The municipality may operate a parking management system in areas and during times determined by the municipality from time to time.
- (5) A person who disregards an instruction of an authorized officer in terms of subsection (1) or who erects or places a sign or notice in contravention of subsection (3) or who contravenes subsection (4) commits an offence.

4. Parking in a loading zone

- (1) No person who operates or who is in charge of a vehicle on a public road may allow, subject to subsections (2) and (3), the vehicle to remain stationary in a loading zone—
 - (a) Between the hours of 07:00 and 18:00 on Mondays to Saturdays, except where such day is a Public Holiday;
 - (b) Between the hours of 07:00 to 14:00 on Sundays, except where such day is a Public Holiday; or
 - (c) Between other restricted hours as may be specified in respect of a particular loading zone by a road traffic sign or marking.
- (2) No person who operates or who is in charge of a vehicle on a public road may allow a vehicle, other than a goods vehicle, to remain stationary in a loading zone for more than five minutes continuously, except while actually loading or off-loading persons or goods and while a licensed driver is in attendance at the vehicle.

No person who operates or who is in charge of a vehicle on a public road may allow a goods vehicle to remain stationary in a loading zone for more than 30 minutes continuously, except while the vehicle is being actually loaded or off-loaded.

- (4) The driver of a vehicle, other than a goods vehicle, stationary in a loading zone must immediately remove the vehicle from the loading zone upon being directed to do so by an authorized officer, even if the vehicle has not been stationary therein for longer than the maximum period allowed in respect of a vehicle of that class.
- (5) A person who contravenes a provision of this section commits an offence.

5. Restriction on parking in public roads

- (1) No person who operates or who is in charge of a vehicle on a public road may park any prohibited vehicle/vehicle within the municipal area for a period that is indicated on a road traffic sign relevant to the specific area in a public road or within a residential area between the hours of 20h00 and 06h00-
 - (a) Except with the written permission of the Chief Traffic Officer, and
 - (b) Otherwise than in accordance with such conditions as may be determined by the council.
2. No person shall park a vehicle with gross vehicle mass exceeding 3 500 kg, or any trailer with gross mass exceeding 1 000kg, on a public road for a period in excess of one hour during business hours, namely from 06:00 to 20:00, except with the written permission of the Chief Traffic Officer.
- (3) Any person who is granted permission in terms of subsection (1) or (2), shall display such permission on the prohibited vehicle in accordance with the conditions as determined by the council.

6. Restriction on parking in road reserves

- (1) No person may park any light vehicle or prohibited vehicle in a road reserve except-
 - (a) Where parking is allowed by means of a traffic sign erected by the Chief Traffic Officer;
 - (b) With the written permission of the Chief Traffic Officer, and
 - (c) Otherwise than in accordance with such conditions as may be determined by the council.
- (2) Any person who is granted permission in terms of subsection (1), shall display such permission on the light vehicle or prohibited vehicle in accordance with the conditions determined by the council.

7. Parking by a dealer or seller of a vehicle

- (1) No dealer or seller of a vehicle may park or allow to be parked on the verge of a public road within the municipal area a vehicle which is for sale or for rental, whether advertised as such or not.

A dealer or seller who contravenes subsection (1) commits an offence.

8. Parking of a vehicle under repair

- (1) No person responsible for the control of a business of recovering or repairing vehicle may park, cause or permit to be parked, in any public road or public space within the municipal area any vehicle that is in a state of disrepair, which has been placed in his or her charge in the course of the business of recovering or repairing.
- (2) A person who contravenes subsection (1) commits an offence.

9. Parking of heavy vehicles and caravans

- (1) No person may, for an uninterrupted period exceeding two hours, except on places reserved for the parking of heavy vehicles, park on a public road within the municipal area –
 - (a) A motor vehicle with a tare exceeding 3,500kg;
 - (b) A trailer not attached to a vehicle;
 - (c) A semi-trailer, or
 - (d) A caravan not attached to a vehicle.
- (2) Whenever a vehicle is parked in contravention of subsection (1), it is deemed that the owner thereof has parked such vehicle illegally unless the contrary is proved.
- (3) A person who contravenes subsection (1) commits an offence.

Outspanning in public roads

- (1) No person may outspan or allow to be outspanned in any public road or public place any vehicle drawn by animals, or detach or leave in any public road or public place any trailer, caravan or vehicle which is not self-propelled, however, this provision Unlawful parking and clamping or removal of unlawfully parked vehicles

Part 2 – Parking Permits**11. Resident parking permit**

- (1) Subject to any conditions the Municipality may impose a resident parking permit may be granted to persons-
- (a) Who reside in a residence –
 - (i) Situated on a section of road in circumstances where parking immediately adjacent to the residence is regulated by time.
 - (ii) In circumstances where not more than one person who resides in the residence is the holder of a current permit; and
 - (iii) Situated on a section of road in circumstances where the issue of the permit would not unduly impede the flow of traffic either on the road or in the area; and
 - (b) Whose residence does not have and cannot reasonably provide off-street parking.
 - (c) Who reside in a residence that is situated in an area that is in the vicinity of a sports stadium, field or facility, or any field or facility where an event is hosted; and
 - (d) In circumstances where such an area is cordoned off or declared zone.
- (2) A person who parks a vehicle in contravention of subsection (1) commits an offence.

12. Temporary parking permit

- (1) Subject to any conditions the Municipality may issue, a temporary parking permit may be granted to allow the holder of the permit to park one or more vehicles in a designated parking space for a period specified in the permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space.
- (2) A temporary parking permit may only be granted if the Municipality is satisfied that—
- (a) The applicant is engaged in some temporary activity affecting premises immediately adjacent to the designated parking space to which the application relates; and
 - (b) It is not reasonably practical for the applicant to carry out that activity unless the designated parking space to which the application relates are allocated to the exclusive use of the applicant for the duration of the activity.
- (3) A person who parks a vehicle in contravention of subsection (1) commits an offence.

13. Work zone permit

- (1) Subject to any conditions the Municipality may impose a work zone parking permit may be granted for driving, parking or building or construction purposes in a parking bay or parking ground or on the verge of a road or elsewhere on a public road if the Municipality is satisfied that—
- (a) The part of the road or other area referred in subsection (1) to which the application relates is adjacent to or at the site of proposed building, construction or other work; and
 - (b) The carrying out of the building, construction or other work is lawful; and
 - (c) Having regard to the nature of the building, construction or other work and the characteristics of the site of the work, it is not reasonably practical for all work activity involving the vehicle, including loading and off-loading and associated vehicle movements, to be confined within the site, or to areas within close proximity where parking is permitted.
- (2) Holders of work zone permits may only use such permits for the parking of any vehicle in the execution of their duties.
- (3) A person who parks a vehicle in contravention of subsection (1) or who uses a work zone permit whilst not executing his or her duties commits an offence.

14. Municipal works parking permit

- (1) Subject to any conditions the Municipality may impose a municipal works parking permit may be granted to allow a person to park one or more vehicles in a designated parking space, and for a period specified in the permit despite an indication on an official traffic sign to the contrary and despite the fact that paid parking would otherwise apply to the space if the person is—
- (a) An employee, contractor or agent of the Municipality; and
 - (b) Parking the vehicle or vehicles in the space—
 - (i) For the purpose of carrying out work for or on behalf of the Municipality; and
 - (ii) In the course of carrying out his or her duties for or on behalf of the Municipality.

15. Conditions and originality of parking permits

- (1) (a) The holder of a parking permit must affix the original permit on the windshield of the vehicle identified in the permit facing outwards, and as near as practicable to the registration label for the vehicle.
- (b) The Municipality may only issue a replacement permit after the permit holder has declared the facts and circumstances of a loss, destruction or damage of the original permit to the satisfaction of the Municipality.

- (2) (a) A resident parking permit must be used only in respect of the parking of a vehicle at the location identified in the permit which must be—
- (i) The road adjacent to the place of residence identified in the permit; or
 - (ii) The one or more segments of road in close proximity to the place of residence identified in the permit;
- (b) The holder of a resident parking permit must only use the permit whilst the holder remains a resident at the place of residence identified in the permit.
- A resident parking permit is not specific to any particular vehicle.
- (d) The Municipality may only issue a maximum of one parking space per residence.
- (3) (a) A work zone permit must specify the part of the road to which the permit relates.
- (b) The holder of a work zone permit must pay the prescribed fee, as determined by the Municipality, for the installation of official traffic signs, or other signs and markings to identify the boundaries of the work zone identified in the permit.
- (c) No person may be stack, place or otherwise leave materials of any kind on the road or footpath within or outside of a work zone.
- (d) No person may park, and load or off-load a vehicle or carry out any other operation in a manner which obstructs pedestrian movement along a footpath within or adjacent to a work zone.
- (e) The holder of a work zone permit must keep the permit on site and produce upon request by an authorized officer.
- (4) No person to whom a permit has been granted may stop, park or leave a vehicle at any time in a designated parking space unless the vehicle displays an original parking permit.
- (5) Any person who contravenes any provision of this section, or who displays a copy of a parking permit commits an offence.

16. Reserved parking for the disabled, South African Police Services and other identified groups

- (1) The Municipality may reserve parking areas for the disabled, diplomatic corps, South African Police Services and any other groups identified by the Municipality, and may designate such areas by notice or road signage and may impose conditions pertaining to the issue of special parking facility permits.
- (2) No person may stop, park or leave a vehicle at any time in any designated parking space other than a vehicle displaying a designated parking permit.
- (3) Any person who contravenes subsection (2) commits an offence.

Chapter 2

Unlawful parking

17. Unlawful parking and clamping or removal of unlawfully parked vehicles

- (1) (a) No person may cause, allow, permit or any vehicle to be parked in a parking bay, except as permitted by the provisions of this By-law.
- (b) No person shall turn with any vehicle that draws a semi-trailer, trailer or combination of vehicles at any crossing for the purpose of driving in the opposite's direction.
- (2) Where any vehicle is found to have been parked in contravention of this By-law, it is deemed to have been parked, or caused to be parked, or allowed to have been parked by the person in whose name the vehicle is registered unless and until he or she adduces evidence to the contrary.
- (3) The Municipality may—
- Attach a wheel clamp to any unlawfully parked vehicle;
- (b) Or cause an unlawfully parked vehicle to be removed to a place designated/identified by the Municipality; and
 - (c) Charge a fee for the removal of a wheel clamp attached in terms of subsection (3)(a) or the release of a vehicle which was removed in terms of subsection (3)(b), which fees will be payable upon removal of such wheel clamp or release of such vehicle.
- (4) A person who contravenes subsection (1) commits an offence.

18. Exemptions

- (1) Notwithstanding any other provision in this By-law, the driver or person in charge of the following vehicles may, subject to the provisions of this section, park in any area without being charged:
- (a) A vehicle used as an ambulance and being at the time used to attend to a life threatening situation;
 - (b) A vehicle used by a fire brigade for attendance at fires and being at the time used by the brigade in attending to a fire; and
 - (c) A vehicle used by a member of the South African Police Service, the Law Enforcement division(traffic) of the Municipality and being at the time used in connection with a crime that is either in progress or in connection with the collection or protection of evidence in the aftermath of a crime.

Chapter 3**Parking Ground****Part 1 – General provision****19. The Municipality not liable for loss or damage**

- (1). The Municipality is not liable for the loss of or damage howsoever caused, to any vehicle or person or any accessories or contents of a vehicle which has been parked in a parking ground.

20. Interference with authorized officials, authorized officers and parking marshals

- (1) No person may obstruct, hinder or in any manner interfere with an authorized official, authorized officer or a parking marshal in the performance of his or her duties under this By-law.
(2) A person who contravenes subsection (1) commits an offence.

21. Payment of prescribed fee

- (1) A person making use of a parking ground or parking bay must, where fees have been determined in respect of the parking ground or parking bay, pay the prescribed fee in any way or format prescribed by the Municipality. Either payment at the municipal office or at the bank identified by the municipality.
(2) The Municipality may in respect of a parking ground controlled by the issue of payment slip which will have all the details of vehicle to be released,
(3) A person who contravenes subsection (1) commits an offence.

22. Observance of signs

- (1) A person in a parking ground must observe and comply with any traffic or other sign, notice or surface marking which is placed or displayed on the parking ground for the purpose of directing and regulating vehicles using the parking ground or the entrance or exit to the parking ground.
(2) A person who contravenes subsection (1) commits an offence.

23. Abandoned vehicle

- (1) The Municipality may remove to the pound, a vehicle which has been left in the same place in a parking ground for a continuous period of more than seven days.
(2) The Municipality must take all reasonable steps to trace the owner of a vehicle which was removed in terms of subsection (1), and if the owner of the vehicle or the person entitled to possession of the vehicle cannot be found within a period of 90 days after the vehicle has been removed, the Municipality may, subject to subsection (3) and sections 59 and 60, sell the vehicle at a public auction.
(3) The Municipality must, 14 days before the auction contemplated in subsection (2), publish or cause to be published in at least two newspapers circulating within the municipal area, a notice of the auction, however, if the owner or the person entitled to possession of the vehicle claims the vehicle before the auction commences, the vehicle may not be sold at the auction, and the person must pay to the Municipality all prescribed fees payable in terms of this By-law and the applicable costs in terms of subsection (4).
(4) The proceeds of a sale concluded in terms of this section must be applied first in payment of the fees referred to in subsection (3) and thereafter to defray the following:
(a) The costs incurred in endeavoring to trace the owner in terms of subsection (2);

The costs of removing the vehicle;

- (c) The costs of publishing the notice of the auction;
(d) The costs of effecting the sale of the vehicle;
(e) The costs, calculated at a rate determined by the Municipality, of keeping the vehicle in the pound;
(f) The parking fees applicable for having left the vehicle in the parking ground as contemplated in subsection (1); and
(g) Any unpaid parking fees or unpaid traffic fines in respect of such vehicle and the balance, if any, of the proceeds must be paid, upon claim, to the owner of the vehicle or the person entitled to the vehicle if he or she can prove his or her right to the vehicle.
(5) If no claim is established within one year of the date of the sale, the balance of the proceeds contemplated in subsection (4) is forfeited to the Municipality.
(6) No person may leave a vehicle in the same place in a parking ground for a continuous period of more than seven days, and a person who does so commits an offence.

24. Damage to notices

- (1) No person may remove, mutilate, obscure or in any manner damage or interfere with a notice, notice-board, sign or other thing placed by the Municipality on a parking ground/pound.
- (2) A person who contravenes subsection (1) commits an offence.

25. Negligent and dangerous driving and speed restriction

- (1) No person may, on a parking ground, drive a vehicle negligently or in a manner dangerous to the public or to another vehicle.
- (2) The municipality may by sign indicate the maximum speed that may be travelled in a parking ground.
- (3) A person who contravenes subsection (1) and a person who exceeds the maximum speed prescribed in terms of subsection (2), commits an offence.

26. Entering or remaining in parking ground/pound

- (1) No person may enter, remain or be on a parking ground otherwise than for the purpose of parking on the parking ground a vehicle, or law- fully removing from the parking ground a vehicle, in respect of which he or she has paid the prescribed parking fee, however this section does not apply to—
 - (a) A person in the company of a person who is parking or removing a vehicle;

Officials of the Municipality engaged in official activities or on instruction from the Municipality; and
 - (c) A person employed by an appointed parking management service provider engaged in the execution of his or her duties.
- (2) A person who contravenes subsection (1) commits an offence.

27. Tampering with vehicle

- (1) No person may, on a parking ground/pound, without reasonable cause or without the knowledge or consent of the owner or person in lawful charge of a vehicle, in any way interfere or tamper with the machinery, accessories, parts or contents of the vehicle, or enter or climb upon the vehicle, or set the machinery of the vehicle in motion.
- (2) A person who contravenes subsection (1) commits an offence.

28. Defacing municipal payment slip

- (1) No person may, in a parking ground with intent to defraud the Municipality, forge, imitate, deface, mutilate, alter or make a mark upon a parking payment slip issued in terms of this By-law.
- (2) A person who contravenes subsection (1) commits an offence

29. Cleaning of vehicle

- (1) No person may, without the prior approval of the Municipality, clean or wash a vehicle in a parking ground/pound
- (2) A person who contravenes subsection (1) commits an offence.

30. Parking hours and classes of vehicles

- (1) The Municipality may, subject to the provisions of this By-law, permit the parking on a parking ground during the hours when the parking ground is open for parking of such classes of vehicles as it may determine.
- (2) The Municipality must, in a notice posted at the entrance to the parking ground, set out the classes of motor vehicles which may be parked in the parking ground, and the opening and closing hours of the parking ground.
- (3) The Municipality may, notwithstanding a notice posted in terms of subsection (2), by notice exhibited on a parking ground, close the parking ground or a portion of a parking ground, either permanently or for a period stated in the notice, for the parking of vehicles.
- (4) No person may park a vehicle or allow a vehicle to remain parked on a parking ground or portion of a parking ground which has been closed under subsection (3), or at any time other than during the hours for the parking of vehicles on the parking ground as determined by the Municipality from time to time.
- (5) No person may park on the parking ground a vehicle which is not of the class or classes which may use the parking ground for parking as set out in the notice erected at the entrance to the parking ground.
- (6) No person may, unless he or she is the holder of a parking coupon issued in terms of this By-law authorizing him or her to do so, park a vehicle or cause or permit it to be parked in a parking ground before the beginning or after the expiry of the parking period determined for the parking ground.
- (7) A person who contravenes subsection (4), (5) or (6) commits an offence.

CHAPTER 4**Miscellaneous provisions****31. Obeying and interfering with an authorized officer**

- (1) An authorized officer may direct all traffic by means of visible or audible signals, and no person may disobey such signals.
- (2) No person may obstruct, hinder, abuse or interfere with any authorized officer in the exercise of the power referred to in subsection (1).
- (3) A person who contravenes a provision of this section commits an offence.

32. Appeal

- (1) A person whose rights are affected by a decision made under this By-law and in the event of the power or duty to make that decision is delegated or sub-delegated to the decision-maker, may appeal against that decision by giving written notice of the appeal and reasons to the Municipal Manager within 21 days of the date of the notification of the decision.
- (2) The appeal authority must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (3) When the appeal is against a decision taken by—
 - (a) A staff member other than the Municipal Manager, the Municipal Manager is the appeal authority; or
 - (b) The Municipal Manager, the Executive Committee of the Council is the appeal authority.
- (4) The appeal authority must commence with an appeal within six weeks and decide the appeal within a reasonable time.

33. Sale of impounded vehicles

- (1) The Municipality must—
 - (a) Within 14 days of the impounding of a vehicle, apply to the Court for authority to sell the vehicle; and
 - (b) In the application contemplated in paragraph (a), provide the Court with proof that he or she has lodged a statement as contemplated in subsection (2) with the owner.
- (2) The statement contemplated in subsection (1)(b) must include the fees and costs due in terms of this By-law.

34. Procedure to be followed in application to Court

An application to Court for the sale of an impounded vehicle in terms of this By-law, must comply with the procedure contemplated in section 66 of the Magistrates' Courts Act, 1944 (Act No. 32 of 1944), and Rule 41 of the Rules of Court, made by the Rules Board for Courts of Law in terms of section 6 of the Rules Board for Courts of Law Act, 1985 (Act No. 107 of 1985), and published under Government Notice No. R.1108 in Regulation Gazette No. 980 of 21 June 1968, as amended from time to time, read with the necessary changes.

35. Compliance notices and the recovery of costs

- (1) Notwithstanding any other provision of this By-law, the Municipality may—
 - (a) Where the permission of the Municipality is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained; and
 - (b) Where any provision of this By-law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance,

serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the Municipality may require to rectify such contravention within the period stated in such notice.

- (2) Any person who fails to comply with a notice in terms of subsection (1) commits an offence, and the Municipality may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

36. Presumptions

- (1) For the purpose of this By-law, the person in whose name a vehicle is licensed and which is parked in a parking ground, is deemed to be the person having control or charge of the vehicle, unless and until he or she adduces evidence to the contrary.

- (2) A motor vehicle that is found on a taxi facility or bus stop or that has stopped at a taxi facility or bus stop is presumed to be playing for hire, unless the contrary is proved.
- (3) (a) Where in any prosecution in terms of the common law relating to the driving of a vehicle on a public road, or in terms of this By-law it is necessary to prove who was the driver of such vehicle, it is presumed, in the absence of evidence to the contrary, that such vehicle was driven by the owner thereof.
- (b) Whenever a vehicle is parked in contravention of any provision of this By-law, it shall be presumed, in the absence of evidence to the contrary, that such vehicle was parked by the owner thereof.
- (c) For the purposes of this By-law it is presumed, in the absence of evidence to the contrary, that where the owner of the vehicle concerned is a corporate body, such vehicle was driven or parked by a director or servant of the corporate body in the exercise of his or her powers or in the carrying out of his or her duties as such director or servant, or in furthering, or endeavoring to further the interests of the corporate body.
- (4) In any prosecution in terms of this By-law, the fact that any person purports to act or has purported to act as a traffic officer or peace officer is prima facie proof of his or her appointment and authority so to act, however, this section does not apply to a prosecution on a charge for impersonation.
- (5) Any person, who, by means of any motor vehicle, conveys passengers will be presumed to have conveyed such passengers for hire or reward, and such vehicle shall be presumed to be a taxi unless the contrary is proved.
- (6) A document which purports to be a receipt of prepaid registered post, a telefax transmission report or a signed acknowledgement of hand delivery, will on submission by a person being prosecuted under this By-law, be admissible in evidence and prima facie proof that it is such receipt, transmission report or acknowledgement.

37. Offences and Penalties

A person who has committed an offence in terms of this By-law is, on conviction, and subject to penalties prescribed in any other law, liable to—

- (a) 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; and
- (b) In the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.

38. Repeal of by-law

The Parking of Vehicles on Public Road Bylaw, Bylaw 1 of 2008 is hereby repealed and replaced with this Bylaw.

39. Date of commencement

These by-laws commence on the date of publication in the Provincial Gazette.

40. Short title

This By-law is called Parking of Vehicles on Public Road Bylaw, Bylaw 4 of 2014.

PROPOSED BY-LAWS FOR THE SETSOTO LOCAL MUNICIPALITY

PUBLICATION OF DRAFT BY-LAWS FOR COMMENT:

DRAFT WATER SERVICES BYLAW

1. The following draft Water Services Bylaw for the Setsoto Local Municipality contained in the Schedule hereto, are hereby in terms of Section 12(3)(b) of the Local Government: Municipal Systems Act No. 32 of 2000 published for public comment to enable the Council to consider the adoption thereof after comments have been received and considered.
2. Written comments must be handed in at the office of the Manager Administration, Municipal Offices, Ficksburg or posted to the Manager Administration, P.O. Box 116, Ficksburg, 9730 or faxed to the Manager Administration at number (051) 933-9309 or sent by e-mail: corporate@setsoto.co.za.
3. Comments must reach the office of the Manager Administration not later than 05 December 2014. Comments received after this date will not be considered.
4. Copies of the draft By-Laws will also be available for perusal at the Libraries and Municipal Offices in Ficksburg, Clocolan, Marquard and Senekal, both in town and the township during normal office hours. A copy of these draft By-Laws may also be obtained from the aforementioned offices at a nominal fee applicable for copies. These draft By-Laws are also published on the municipal website at www.setsoto.co.za
5. Persons who are not able to read or write and who wish to comment on these draft By-Laws will be assisted by the Committee Services Administrator, Me Moeng during office hours at the Municipal Offices in Ficksburg. Ms Moeng can be contacted at (051) 933-9340 for an appointment.

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MUNICIPAL MANAGER
S T R RAMAKARANE

SCHEDULE

CHAPTER 1: DEFINITIONS

1 Definitions

For the purpose of these by-laws, any word or expressions to which a meaning has been assigned in the Water Services Act 108 of 1997, the Local Government: Municipal Systems Act 32 of 2000 or the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 shall bear the same meaning in these by-laws and unless the context indicates otherwise and a word in any one gender shall be read as referring also, to the other two genders:

“account” means an account rendered for municipal services provided;

“Act” means the Water Services Act 108 of 1997 as amended from time to time;

“agreement” means a contractual relationship between the municipality and a customer that arises, either as a result of the municipality's approval of a written application for municipal services made in terms of the municipality's by-laws relating to credit control and debt collection;

“approved” means approved by the municipality in writing;

“authorised official or agent” means any person who has been authorized by the municipality to administer, implement or enforce the provisions of these by-laws;

“basic sanitation” means the minimum standard of safe and hygienic sanitation services and sewage disposal rendered to households, prescribed in terms of the Act, under regulation 2 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;

“basic water supply” means the minimum standard of water supply services cc

“borehole” means a hole sunk into the earth for the purpose of locating, abstracting or using subterranean water and includes a spring;

“Building Regulations” means the National Building Regulations made in terms of the National Building Regulations and Building Standards, 1977;

“charge” means the rate, charge, tariff, flat rate or subsidy prescribed by the municipal council;

“combined water and fire-fighting installation” means a water installation used for fire-fighting and domestic, commercial or industrial purposes;

“commercial customer” means any customer other than domestic customer, including, but not limited to, a business, industrial, governmental or institutional customers;

“communal water connection” means a connection through which water services are supplied to more than one customer, and “communal water services work” has a corresponding meaning;

“connecting sewer” means a pipe owned by the municipality and installed by it for the purpose of conveying sewage from a drainage installation on a premises to a sewer beyond the boundary of those premises or within a servitude area or within an area covered by a way-leave or by agreement;

“connection” means the point at which a customer gains access to water services;

“customer” means a person with whom the municipality has concluded an agreement, or is deemed to have concluded, an agreement for the provision a municipal service as provided for in the municipality’s by-laws relating to credit control and debt collection;

“determined” means determined by the municipality;

“domestic customer” means a customer who, primarily for residential purposes, occupies a dwelling, structure or premises;

“domestic purposes” in relation to the supply of services means services supplied to premises used predominantly for residential purposes;

“drainage installation” means a system situated on any premises and vested in the owner thereof and which is used for or intended to be used for or in connection with the reception, storage, treatment or conveyance of sewage on that premises to the connecting sewer and includes drains, fittings, appliances, septic tanks, conservancy tanks, pit latrines and private pumping installations forming part of or ancillary to such systems;

“estimated consumption” means the consumption that a customer, whose consumption is not measured or accurately measured during a specific period is deemed to have consumed during a specific period, based on an estimate by the municipality on rational grounds such as the average consumption of municipal services by the users of a service within the area where the service is rendered or the average consumption of municipal services by the customer during a prior or later period;

“farm dweller” means any person living permanently on a farm, but excludes the household of the farm owner.

“farm dweller water services system” means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto which are used or intended to be used in connection with the supply of water services to farm dwellers.

“fire installation” means a potable water installation that conveys water for fire-fighting purposes only;

“french drain” means a soil soak pit for the disposal of sewage and effluent from a septic tank;

“household” means a family unit, as determined by the municipality as constituting a household by taking into account the number of persons comprising a household, the relationship between the members of a household, the age of the persons who are members of it and any other factor that the municipality considers to be relevant;

“indigent household” means a household as defined as an indigent household for purposes of receiving subsidised services in accordance with the municipality’s credit collection and debt collection by-laws;

“industrial effluent” means effluent emanating from the use of water for industrial purposes and includes for purposes of these by-laws any effluent other than standard domestic effluent or storm water;

“infrastructure” means the facilities, installations or devices required for the rendering of a municipal service, or for the functioning of a community including, but not limited to, facilities, installation or devices relating to water, power, electricity, transport, sewerage, gas and waste disposal;

“interest” means interests as may be prescribed by the Minister of Justice in terms of section 1 of the Prescribed Rate of Interest Act 55 of 1975;

“intermediary consumer” means a household in which at least one member is employed by the water services intermediary and which receives water services from the intermediary;

“**intermediary water services system**” means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto which are used or intended to be used by the water services intermediary in connection with the supply of water services to intermediary consumers.

“**manhole**” means any access chamber to the interior of the sewer provided for the purpose of maintenance and internal cleaning;

“**main**” means a pipe, other than a connection pipe, of which the ownership vests in the municipality and which is used by it for the purpose of conveying water to customers;

“**municipality**” means—

- (a) the Setsoto Municipality, a local municipality established in terms of section 12 of the Structures Act and its successors-in-title; or
- (b) the municipal manager or
- (c) an authorised official or agent of the municipality;

“**municipal consumer**” means a person receiving water services from the municipality;

“**municipal council**” means a municipal council as referred to in section 157(1) of the Constitution of the Republic of South Africa, 1996;

“**municipal services**” means, for purposes of these by-laws, services provided by a municipality, including refuse removal, water supply, sanitation, electricity services and rates;

“**occupier**” includes any person who occupies any, or any part of any, land, building, structure or premises without regard to the title under which he or she occupies it or them, and includes any person who, for someone else’s remuneration or reward, allows a lodger or tenant, or any other similar person, to use or occupy any, or any part of any, land, building, structure or premises;

“**on-site sanitation services**” means any sanitation services other than water borne sewerage disposal through a sewerage disposal system;

“**operating costs**” means the ongoing cost of providing water services to intermediary consumers and includes the cost of maintaining the intermediary water supply system;

“**owner**” means—

- (a) the person in whose name the ownership of the premises is registered from time to time or his agent;
- (b) where the registered owner of the premises is insolvent or deceased, or for any reason lacks legal capacity, or is under any form of legal disability, that has the effect of preventing him from being able to perform a legal act on his own behalf, the person in whom the administration and control of such premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative;
- (c) where the municipality is unable to determine the identity of the owner, a person who has a legal right in, or the benefit of the use of, any premises, building, or any part of a building, situated on them;
- (d) where a lease has been entered into for a period of 30 (thirty) years or longer, or for the natural life of the lessee or any other person mentioned in the lease, or is renewable from time to time at the will of the lessee indefinitely or for a period or periods which, together with the first period of the lease, amounts to 30 years, the lessee or any other person to whom he has ceded his right title and interest under the lease, or any gratuitous successor to the lessee;
- (e) in relation to—
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986, the developer or the body corporate in respect of the common property, or
 - (ii) a section as defined in the Sectional Titles Act, the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person; or
 - (iii) a person occupying land under a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;

“**person**” means any person, whether natural or juristic;

“**plumber**” means a person who has passed a qualifying Trade Test in Plumbing or has been issued with a certificate of proficiency in terms of the Manpower Training Act 56 of 1981 or such other qualification as may be required under national legislation;

“**pollution**” means the introduction of any substance into the water supply system, a water installation or a water resource that may make the water harmful to health or environment or impair its quality for the use for which it is normally intended;

“**pre-payment meter**” is a measuring device that includes a mechanism that limits the volume of water supplied through the measuring device to a free basic amount per month and an amount in excess of the free basic amount in proportion to the amount pre-paid by the customer;

“**premises**” means any piece of land, the external surface boundaries of which are delineated on—

- (a) a general plan or diagram registered in terms of the Land Survey Act, 1927 or in terms of the Deeds Registries Act, 1937
- (b) a sectional plan registered in terms of the Sectional Titles Act, 1986 ; or
- (c) a register held by a tribal authority or in accordance with a sworn affidavit made by a tribal authority;

“**prescribed**” means adopted by the Municipal Council by means of a Council resolution.

“**professional engineer**” means a person registered in terms of the Engineering Profession Act, 2000 as a professional engineer;

“**public notice**” means publication in the media including one or more of the following:

- (a) publication of a notice, in the official languages determined by the municipal council:
 - (i) in any local newspaper or newspapers circulating in the area of supply of the municipality;
 - (ii) in the newspaper or newspapers circulating in the area of supply of the municipality determined by the municipal council as a newspaper of record; or
 - (iii) on the official website of the municipality;
 - (iv) by means of radio broadcasts covering the area of supply of the municipality;
- (b) displaying a notice in or at any premises, office, library or pay-point of either the municipality, or of its authorised agent, to which the public has reasonable access; and
- (c) communication with customers through public meetings and ward committee meetings;

“**SANS**” means the South African National Standard;

“**sanitation services**” has the same meaning assigned to it in terms of the Act and includes for purposes of these by-laws the disposal of industrial effluent;

“**sanitation system**” means the structures, pipes, valves, pumps, meters or other appurtenances used in the conveyance through the sewer reticulation system and treatment at the sewage treatment plant under the control of the municipality and which may be used by it in connection with the disposal of sewage;

“**septic tank**” means a water tight tank designed to receive sewage and to effect the adequate decomposition of organic matter in sewage by bacterial action;

“**sewage**” means waste water, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but shall not include storm water;

“**sewage conservancy tank**” means a covered tank used for the reception and temporary retention of sewage and which requires emptying at intervals;

“**sewer**” means any pipe or conduit which is the property of or is vested in the municipality and which may be used for the conveyance of sewage from the connecting sewer and shall not include a drain as defined;

“**standpipe**” means a tap and associated fittings that is free standing and is located outside of any structure;

“**standard domestic effluent**” means domestic effluent with the characteristics normally associated with sewage discharges from domestic premises within the jurisdiction of the municipality, but shall not include industrial effluent;

“**stormwater**” means water resulting from natural precipitation or accumulation and includes rainwater, subsoil water or spring water;

“**subsidised water service**” means a water service which is provided to a consumer at an applicable rate which is less than the cost of actually providing the service and includes services provided to consumers at no cost;

“**tap**” means water fitting at an outlet of a water installation that controls the discharge of water from a water installation;

“**trade premises**” means premises upon which industrial effluent is produced;

“**trap**” means a pipe fitting or portion of a sanitary appliance designed to retain water seal which serves as a barrier against the flow of foul air or gas, in position;

“**unauthorised connection**” means a connection to any system through which a municipal service is provided which is not in terms of an agreement with, authorised or approved by, the municipality;

“**unauthorised service**” means the receipt, use or consumption of any municipal service which is not in terms of an agreement with, authorised or approved by, the municipality;

“**water connection pipe**” means a pipe, owned by the municipality and installed by it for the purpose of conveying water from a main to the customer's water installation, and includes a “water communication pipe” referred to in SANS 0252 Part I;

“**water installation work**” means any work done in respect of a water installation, including construction, rehabilitation, improvement and maintenance;

“**water installation**” means the pipes and water fittings which are situated on any premises and ownership thereof vests in the owner thereof and is used or intended to be used in connection with the use of water on such premises, and includes a pipe and water fitting situated outside the boundary of the premises, which either connects to the connection pipe relating to such premises or is otherwise laid with the permission of the municipality;

“**water meter**” means any meter, method, procedure, process, device, apparatus or installation that enables the quantity of water services provided to be quantified and includes any method, procedure or process whereby the quantity is estimated or assumed;

“**water services**” means water supply services (including basic water supply) and sanitation services as defined in the Act, or either, as may be appropriate in the context, which are provided to intermediary consumers;

“**water services intermediary**” has the same meaning as that assigned to it in terms of the Act; and

“**water supply services**” has the same meaning assigned to it in terms of the Act and includes for purposes of these by-laws water for industrial purposes and fire extinguishing services;

“**water supply system**” means the structures, aqueducts, pipes, valves, pumps, meters or other apparatus relating thereto of which the ownership vests in the municipality and which are used or intended to be used by it in connection with the supply of water, and includes any part of the system; and

“**working day**” means a day other than a Saturday, Sunday or public holiday.

CHAPTER 2: APPLICATION OF CREDIT CONTROL AND DEBT COLLECTION BY-LAWS

Application of Credit Control and Debt Collection By-laws

Water services rendered to a customer by the municipality are subject to the municipality's by-laws relating to credit control and debt collection.

CHAPTER 3: SERVICE LEVELS**Service Levels**

(1) The Municipality may provide the following levels of service-

- (a) Level 1: A metered or un-metered communal stand pipe within 200 meter of a stand and a ventilated improved pit latrine on each stand;
- (b) Level 2: A metered stand pipe on each stand and a ventilated improved pit latrine on each stand;
- (c) Level 4: A metered stand pipe on each stand and a pour flush toilet not directly connected to a water connection but connected only to a sewer connection;
- (d) Full service: A metered water connection on each stand and a sewer connection on each stand.

(2) A meter may be a credit meter or a pre-payment meter.

CHAPTER 4: CONDITIONS FOR WATER SUPPLY SERVICES**Part 1: Connection to Water Supply System****4. Provision of Water Supply Connection Pipe**

(1) If an agreement for water supply services in respect of premises has been concluded in accordance with the municipality's by-laws relating to credit control and debt collection and no connection pipe exists in respect of the premises, the owner shall make application on the approved form and pay the prescribed charge for the installation of such a pipe.

(2) If an application is made for water supply services, in accordance with the municipality's by-laws relating to credit control and debt collection, which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the municipality may agree to the extension provided that the owner shall pay for the cost of the extension, as determined by the municipality.

(3) Only the municipality may install a connection pipe but the owner may connect the water installation to the connection pipe.

(4) No person may commence any development on any premises zoned for a level of service other than a communal level of service unless the municipality has installed a connection pipe and water meter.

5. Location of Water Connection Pipe

(1) A water connection pipe provided and installed by the municipality shall—

(a) be located in a position determined by the municipality and be of a suitable size as determined by the municipality;

(b) terminate at—

(i) the boundary of the land owned by or vested in the municipality, or over which it has a servitude or other right; or

(ii) at the outlet of the water meter or isolating valve if it is situated on the premises.

(2) The municipality may on application agree, subject to such conditions as the municipality may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises; provided that the applicant shall be responsible for any extension of the water installation to the connecting point designated by the municipality and for obtaining at his cost, any servitudes over other premises that may be necessary.

(3) The prescribed connection charge must be paid before a connection is made to the connection pipe.

6. Disconnection of Water Installation from the Connection Pipe

The municipality may disconnect a water installation from the connection pipe and remove the connection pipe on termination of an agreement for the provision of water supply services in accordance with the municipality's by-laws relating to credit control and debt collection.

Part 2: Standards**7. Quantity, Quality and Pressure**

Water supply services provided by the municipality must comply with the Compulsory National Standards and Measures to Conserve Water Published under GN R509 in GG 22355 of 8 June 2001..

8. Testing of Pressure in Water Supply Systems

The municipality may, on application by an owner and on payment of the prescribed charge, record and furnish the owner with the minimum and maximum pressure recorded in the water supply system relating to his premises over such period as the owner may request.

9. Pollution of Water

An owner must provide and maintain approved measures to prevent the entry of any substance into—

- (a) the water supply system; and
- (b) any part of the water installation on his premises.

10 Water Restrictions

(1) The municipality may for purposes of water conservation or where, in its opinion, drought conditions are imminent or existing, by public notice—

(a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction—

- (i) in general or for specified purposes;
- (ii) during specified hours of the day or on specified days; and
- (iii) in a specified manner; and

(b) determine and impose—

- (i) a restriction on the quantity of water that may be consumed over a specified period;
- (ii) charges additional to those prescribed in respect of the supply of water in excess of the restricted quantity; and
- (iii) a general surcharge on the prescribed charges in respect of the supply of water; and

(c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.

(2) The municipality may restrict the application of the provisions of a notice contemplated by sub-section (1) to specified areas and categories of customers or users of premises, and activities, and may permit deviations and exemptions from, and the relaxation of, any of its provisions where there is reason to do so.

(3) The municipality—

(a) may take, or by written notice require a customer at his own expense to take, such measures, including the installation of water saving devices, as may in its opinion be necessary to ensure compliance with a notice published in terms of sub-section (1); or

(b) may, subject to notice, and for such period as it may consider fit, restrict the supply of water to any premises in the event of a contravention of these by-laws that takes place on or in such premises or a failure to comply with the terms of a notice published in terms of sub-section (1); and

(c) shall where the supply has been discontinued, restore it only when the prescribed charge for discontinuation and reconnecting the supply has been paid.

11. Specific Conditions of Supply

(1) The granting of a supply of water by the municipality shall not constitute an undertaking by it to maintain at any time or any point in its water supply system—

a) an uninterrupted supply, subject to the provisions of regulations 4 and 14 of Regulation 22355 promulgated in terms of the Act on 8 June 2003; or

(b) a specific pressure or rate of flow in such supply other than requires in terms of regulation 15(2) of Regulation 22355 promulgated in terms of the Act on 8 June 2003.

(2) The municipality may, subject to the provisions of sub-section (1)(b), specify the maximum pressure to which water will be supplied from the water supply system.

(3) The municipality may, in an emergency or during maintenance, interrupt the supply of water to any premises without prior notice.

(4) If in the opinion of the municipality the consumption of water by a customer adversely affects the supply of water to another customer, it may apply such conditions or restrictions as it may consider fit, to the supply of water to customer in order to ensure a reasonable supply of water to the other customer and must notify that customer about the restrictions.

(5) The municipality shall not be liable for any damage to property caused by water flowing from any water installation that is left open when the water supply is re-instated, after an interruption in supply.

(6) Every steam boiler, hospital, industry and any premises which requires, for the purpose of the work undertaken on the premises, a continuous supply of water shall have a storage tank, which must comply with the specification for water storage tanks as stipulated in SANS 0252 Part 1, with a capacity of not less than 24 hours water supply calculated as the quantity required to provide the average daily consumption, where water can be stored when the continuous supply is disrupted.

(7) No customer shall resell water supplied to him by the municipality unless approved by the municipality, and only subject to the maximum prescribed reselling price and such other conditions that the municipality may impose.

Part 3: Measurement**12. Measurement of Quantity of Water Supplied**

(1) The municipality—

(a) shall provide either a credit meter or a pre-payment meter on every new water supply connection pipe used to supply water to a customer,

(b) shall progressively fit a credit meter or a pre-payment meter on every existing water supply connection pipe used to supply water to a customer; and

(c) may provide a credit meter or a pre-payment meter on a water supply connection pipe used for a communal water supply.

(2) The municipality may replace a credit meter with a prepayment meter as a means of limiting the flow to a customer who is in arrears, after meeting the notice requirements provided for in the municipal by-laws relating to credit control and debt collection.

(3) The municipality shall, at regular intervals, record the quantity of water that was supplied through a credit meter.

(4) Any water meter and its associated apparatus through which water is supplied to a customer by the municipality, shall be provided and installed by the municipality, shall remain its property and may be changed and maintained by the municipality when it consider it necessary to do so.

The municipality may install a water meter, and its associated apparatus, at a point on the water installation instead of or in addition to installing a meter on the water connection pipe.

(6) If the municipality installs a measuring device together with its associated apparatus on a water installation, the owner shall—

- (a) provide a place satisfactory to the municipality in which to install it;
- (b) ensure that unrestricted access is available to it at all times;
- (c) be responsible for its protection and be liable for the costs arising from damage to it, excluding damage arising from normal fair wear and tear;
- (d) ensure that no connection is made to the pipe in which the measuring device is installed between the measuring device and the connection pipe serving the installation;
- (e) make provision for the drainage of water which may be discharged from the pipe, in which the measuring device is installed, in the course of work done by the municipality on the measuring device; and
- (f) not use, or permit to be used on any water installation, any fitting, machine or appliance which causes damage or which, in the opinion of the municipality, is likely to cause damage to any meter.

(7) No person other than the municipality shall—

- (a) disconnect a water meter and its associated apparatus from the pipe on which they are installed;
- (b) break a seal which the municipality has placed on a meter; or
- (c) in any other way interfere with a water meter and its associated apparatus.

13. Measuring of Water Supply to Several Customers on the Same Premises

(1) Where water is supplied to any premises on which several occupiers are located, the municipality may, in its discretion, provide and install either—

- (a) a single water meter in respect of the premises as a whole or any number of such occupiers; or
- (b) a separate water meter for each occupier or any number thereof.

(2) Where the municipality has installed more than one meter, there shall be a separate agreement for water supplied through each meter in terms of the credit control and debt collection by-laws.

14. Quantity of Water Supplied to Customer

The quantity of water supplied to a customer during a billing period will be measured or estimated in accordance with the credit control and debt collection by-laws.

15. Special Measurement

If the municipality requires, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, the municipality may, after

written notice and at own cost, install a water meter at any point in the water installation that it may specify.

No reduction of Amount Payable for Water Wasted

A customer shall not be entitled to a reduction of the amount payable for water wasted or lost in a water installation.

Part 4: Audit

17. Water Audit

(1) The municipality may require a customer to undertake a water audit at the customer's own cost.

(2) The audit may include a report on the following —

- (a) the amount of water used during the financial year of the municipality;
- (b) the amount paid for water during the financial year of the municipality;
- (c) the number of people living on the stand or premises;
- (d) the number of people permanently working on the stand or premises;
- (e) the seasonal variation in demand through monthly consumption figures for the financial year of the municipality;
- (f) the water pollution monitoring methods;

- (g) the current initiatives for the management of the demand for water;
- (h) the plans to manage the demand for water;
- (i) a comparison of the report with any report that may have been made during the previous three years;
- (j) estimates of consumption by various components of use; and
- (k) a comparison of the above factors with those reported in each of the previous three years, where available.

Part 5: Installation Work

18. Approval of Installation Work

(1) An owner must obtain the municipality's approval prior to doing installation work; provided that approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SANS 0400 or in terms of any Municipal by-laws, or for the repair or replacement of an existing pipe or water fitting.

(2) Application for the approval referred to in sub-section (1) shall be made on an approved form and shall be accompanied by—

- (a) the prescribed charge, if applicable; and
- (b) copies of the drawings as may be determined by the municipality, giving information in the form required by Clause 4.1.1 of SANS Code 0252: Part I;
- (c) a certificate certifying that the installation has been designed in accordance with SANS Code 0252: Part I by a professional engineer.

(3) The municipality may specify the validity period for any approval to do installation work.

(4) A complete set of approved drawings of the installation work must be available at the site of the work at all times until the work has been completed.

(5) If installation work has been done in contravention of sub-section (1) or (2), the municipality may on notice order the owner—

- (a) to rectify the contravention within a specified period;
- (b) if work is in progress, to cease the work; and
- (c) to remove all such work which does not comply with these by-laws.

19. Persons Permitted to do Installation and Other Work

(1) Only a plumber, a person working under the control of a plumber, or another person authorised in writing by the municipality, shall be permitted to

- (a) do installation work other than the replacement or repair of an existing pipe or water fitting;
- (b) replace a fixed water heater or its associated protective devices;
- (c) inspect, disinfect and test a water installation, fire installation or storage tank;
- (d) service, repair or replace a back-flow preventer; or
- (e) install, maintain or replace a meter provided by an owner in a water installation.

(2) No person shall require or engage a person who is not a plumber to do the work referred to in sub-section (1).

(3) Notwithstanding the provisions of sub-section (1), the municipality may permit a person who is not a plumber to do installation work on his own behalf on premises owned and occupied solely by himself and his immediate household, provided that such work must be inspected and approved by a plumber at the direction of the municipality.

20. Provision and Maintenance of Water Installations

(1) An owner must provide and maintain his water installation at his own cost and except where approved by the municipality, must ensure that the installation is situated within the boundary of his premises.

(2) An owner must install an isolating valve at a suitable point on the service pipe immediately inside the boundary of the property in the case of a meter installed outside the boundary, and in the case of a meter installed on the premises at a suitable point on his service pipe.

(3) Before doing work in connection with the maintenance of a portion of his water installation, which is situated outside the boundary of his premises, an owner shall obtain the written consent of the municipality or the owner of the land on which the portion is situated, as the case may be.

21. Technical Requirements for a Water Installation and an Electrical Storage Water Heater

All water installations shall comply with SANS 0252 Part 1 and all fixed electrical storage water heaters shall comply with SANS 0254.

22. Use of Pipes and Water Fittings to be Approved

(1) No person shall, without the prior approval of the municipality, install or use a pipe or water fitting in a water installation unless it—

- (a) bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SANS specification issued by the Bureau;
- (b) bears a certification mark issued by the South African Bureau of Standards to certify that the pipe or water fitting complies with an SANS Mark specification or a provisional specification issued by the SANS; or
- (c) is on a schedule of pipes and fittings specifically approved by the municipality.

(2) The municipality may, in respect of any pipe or water fitting whether or not certified by SANS or whether or not it is included on a schedule of pipes and fittings specifically approved by the municipality, impose such conditions, as it may consider necessary in respect of the use or method of installation.

(3) The municipality may sell copies of the schedule of specifically approved pipes and fittings as well as its conditions of use and installation at the prescribed charge.

23. Water Demand Management

(1) Where the plumbing has been designed to balance the water pressures on the hot and cold water supplies to the shower control valve, a shower head with a maximum flow rate of greater than 10 litres per minute may not be installed.

(2) The maximum flow rate from any tap installed on a wash hand basin may not exceed 6 litres per minute.

Part 6: Communal Water Supply Services**24. Water Supply from a Communal Standpipe**

(1) The municipality may install a communal standpipe for the provision of water supply services to several customers at a location it considers appropriate provided that the maximum walking distance to the stand pipe from any premises is not greater than 200 (two hundred) meters.

Part 7: Temporary Water Supply Services**25. Water Supplied from a Hydrant**

(1) The municipality may approve a temporary supply of water from one or more fire hydrants specified by it, subject to such conditions imposed by it and for any period and on payment of such prescribed charges, including a deposit.

(2) Application for such a water supply from a fire hydrant must be made on an approved form.

(3) The municipality shall install a water meter and the fittings necessary to enable the temporary supply of water from a fire hydrant on payment of the prescribed deposit.

(4) The water meter and fittings provided by the municipality for the temporary supply of water from a fire hydrant remain the property of the municipality.

Part 8: Boreholes**26. Notification of Boreholes**

(1) No person may sink a borehole on premises situated in a dolomite area.

(2) The municipality may, by public notice, require—

(a) the owner or occupier of any premises to register the borehole on an approved form and to provide it with such information about the borehole that it may require; and

(b) that the sinking of a borehole may not commence without the prior approval of the municipality.

(3) The municipality may require the owner or occupier of any premises who applies to sink a borehole, to undertake an environmental impact assessment of the intended borehole, before granting approval for the borehole.

(4) The municipality may by notice to an owner or occupier or by public notice, require an owner or occupier who has an existing borehole that is used for water supply services to—

(a) obtain approval from it for the use of a borehole for potable water supply services in accordance with sections 6, 7 and 22 of the Act; and

(b) the municipality may impose conditions in respect of the use of a borehole for potable water services.

Part 9: Fire Extinguishing Connections and Installations**27. Fire Extinguishing Connections**

(1) The municipality may at its sole discretion grant or refuse an application for the connection of a fire extinguishing installation to the municipality's main and may at its sole discretion impose conditions for such a connection.

(2) No water connection shall be made to any fire extinguishing installation until the municipality has approved that the installation complies with the requirements of these and any other by-laws of the municipality.

(3) If in the municipality's opinion a fire extinguishing installation is not being properly maintained, or is being used for purpose other than for fire extinguishing, the municipality may on 14 (fourteen) working-days' notice order the installation to be disconnected from the main or may itself disconnect it at the customer's expense.

(4) A fire extinguishing installation must comply with the provisions of SANS Code 0252-1: 1994 or any revision or substitution thereof.

- (5) No new fire extinguishing installation may share a connection with a water supply installation unless otherwise approved by the municipality, and subject to any conditions that the municipality may impose.
- (6) Every connection pipe to a fire extinguishing installation must be fitted with valves and a water meter which shall be
- (a) supplied by the municipality at the expense of the owner of the premises; and
 - (b) installed in such a position as may be determined by the municipality.
- (7) The municipality does not guarantee any minimum or maximum pressure at any time in any connection used for fire extinguishing purposes.
- (8) The pipe leading from a header tank to a fire extinguishing sprinkler installation may be in direct communication with the main, provided that such a pipe must be equipped with a reflux valve which, if for any reason the pressure in the main fails or is reduced, will prevent backflow from the header tank to the main.
- (8) Where a fire extinguishing sprinkler installation is provided with a duplicate supply from a separate main, each supply pipe must be equipped with a reflux valve situated within the premises.

28. Use of Water from a Fire Installation Connection

- (1) A connection pipe for the sole purpose of fire extinguishing services may only be used for extinguishing fires or for servicing and testing the fire extinguishing installation and no water may be taken for any other purpose.
- (2) Except where a system is a combined fire extinguishing and general water supply installation with a combination meter, all private hydrants and hose-reels must be sealed by the municipality and the seals must not, except for the purposes of opening the hydrant or using the hose when there is a fire, be broken by any person other than by the municipality in the course of servicing and testing.
- (3) The owner must give the municipality at least 48 hours' notice prior to a fire extinguishing installation being serviced and tested.
- (4) The cost of resealing fire hydrants and fire hose-reels shall be borne by the owner except when the seals are broken by the municipality's authorised officers or agents for testing purposes.
- (5) Any water consumed through a fire installation or sprinkler system shall be paid for by the owner at the charges determined by the municipality.

CHAPTER 5: CONDITIONS FOR SANITATION SERVICES

Part 1: Connection to Sanitation System

29. Obligation to Connect to Sanitation System

- (1) All premises on which sewage is produced must be connected to the municipality's sanitation system if a connecting sewer is available, unless the municipality has approved the use of on-site sanitation services either for the individual premises or for a specified area.
- (2) The municipality may, by notice, order the owner of premises not connected to the municipality's sanitation system to connect to the sanitation system.
- (3) An owner of premises, who connects those premises to the municipality's sanitation system must inform the municipality in writing of any sanitation services, provided by the municipality on the site, which will no longer be required as a result of the connection to the sanitation system.
- (4) The owner of premises will be liable for any charge payable in respect of sanitation services on the site, until an agreement for rendering those services has been concluded in accordance with the municipality's by-laws relating to credit control and debt collection.
- (4) If the owner fails to connect premises to the sanitation system after having had a notice in terms of sub-section (2) the municipality, notwithstanding any other action that it may take in terms of these by-laws, may impose the prescribed penalty.

30. Provision of Connecting Sewer

- (1) If an agreement for sanitation services in respect of premises has been concluded in accordance with the municipality's by-laws relating to credit control and debt collection and no connecting sewer exists in respect of the premises, the owner shall make application on the approved form, and pay the prescribed tariffs and charges for the installation of a connecting sewer.

(2) If an application is made for sanitation services which are of such an extent or so situated that it will become necessary to extend, modify or upgrade the sanitation system in order to provide sanitation services to any premises, the municipality may require the owner to pay for the cost, as determined by the municipality, of the extension, modification or upgrading of the services.

(3) Only the municipality may install a connecting sewer; but the owner may connect the sanitation installation to the connection pipe.

(4) No person may commence any development on any premises that must be connected to the municipality's sanitation system unless the municipality has installed a connecting sewer.

31. Location of Connecting Sewer

(1) A connecting sewer that has been provided and installed by the municipality must—

(a) be located in a position determined by the municipality and be of a suitable size determined by the municipality; and

(b) terminate at—

(i) the boundary of the premises; or

(ii) at the connecting point if it is situated on the premises.

(2) The municipality may on the application of the owner, approve, subject to any conditions that it may impose, a connection to a connecting sewer other than one that is most readily available for the provision of sanitation services to the premises; in which event the owner shall be responsible for any extension of the drainage installation to the connecting point designated by the municipality and for obtaining, at his own cost, any servitude over other premises that may be necessary.

(3) Where an owner is required to provide a sewage lift as provided for in terms of the Building Regulations, or the premises are at a level where the drainage installation cannot discharge into the sewer by gravitation, the rate and time of discharge into the sewer must be approved by the municipality.

(4) The prescribed connection charges must be paid before a connection to the connecting sewer may be made.

32. Provision of One Connecting Sewer for Several Customers on Same Premises

(1) Unless otherwise approved, only one connecting sewer to the sanitation system may be provided for the disposal of sewage from any premises.

(2) Where the provision of more than one connecting sewer is approved by the municipality, the prescribed tariffs and charges for the provision of a connecting sewer are payable in respect of each sewage connection so provided.

33. Interconnection Between Premises

An owner of premises must ensure, unless he has obtained the prior approval of the municipality and complies with any conditions that it may have imposed, that no interconnection exists between the drainage installation on his premises and the drainage installation on any other premises.

34. Disconnection of Connecting Sewer

The municipality may disconnect a drainage installation from the connection pipe and remove the connection pipe on the termination of an agreement for the provision of water supply services in accordance with the municipality's by-laws relating to credit control and debt collection.

Part 2: Standards

35. Standards for Sanitation Services

Sanitation services provided by the municipality must comply with the minimum standards set for the provision of sanitation services in terms of the section 9 of the Act.

Part 3: Methods for Determining Charges

36. Measurement of Quantity of Domestic Effluent Discharged

The quantity of domestic effluent discharged shall be determined as a fixed percentage of water supplied by the municipality to the customer and supplied from other sources if any; provided that where the municipality is of the opinion that such a percentage in respect of specific premises is excessive, having regard to the purposes for which water is consumed on those premises, the municipality may reduce the percentage applicable to those premises to a figure which, in its opinion and in the light of the available information, reflects the proportion between the likely quantity of sewage discharged from the premises and the quantity of water supplied.

37. Measurement of Quantity and Determination of Quality of Industrial Effluent Discharged

(1) The quantity of industrial effluent discharged into the sanitation system must be determined—

(a) where a meter is installed on the connecting sewer, by the quantity of industrial effluent discharged from the premises as measured by that meter; or

(b) until the time that a meter is installed on the sewer connection, by a fixed percentage of the water supplied by the municipality and supplied from other sources to those premises.

(2) The municipality may require the owner of any premises to install on any drainage installation conveying industrial effluent to a sewer, a meter of an approved type and in the control of the municipality for the purpose of ascertaining to the satisfaction of the municipality, the tempo, volume and composition of the effluent.

(3) The municipality may install and maintain a meter referred to in sub-section (2) at the expense of the owner of the premises on which it is installed.

(4) The municipality may at its discretion enter into an agreement with any person discharging industrial effluent into the sanitation system, establishing an alternative method of assessing the quantity and tempo of effluent so discharged.

(5) Charges relating to the quality of industrial effluent will be based on the prescribed formula for industrial effluent discharge charges as prescribed in Schedule C.

(6) The following conditions apply in respect of the assessment of the concentrations and properties of the industrial effluent discharged for purposes of determining the effluent discharge quality charges:

(a) each customer must conduct the tests prescribed in the approval to discharge industrial effluent, and report the results to the municipality;

(b) the method of testing must comply with the methods established by SANS, and if not prescribed, then according to a method approved by the municipality;

(c) the municipality may conduct random compliance tests to confirm the tests referred to in sub-section (a) and, if discrepancies are found, the values of the municipality shall, unless proved otherwise be presumed to be correct;

(d) whenever the municipality takes a sample for testing purposes, a sample taken at the same point and at the same time must be made available to the customer;

(e) the weighted average results of the tests taken during the period of charge, will be used to determine the effluent discharge quality charges payable;

(7) At the discretion of the municipality, the charges for industrial effluent may be changed to a fixed monthly charge determined by taking into consideration the strength and volume of the effluent discharged by a customer.

Part 4: Drainage Installations

38. Technical Requirements for Drainage Installations

All drainage installations shall comply with SANS code 0252 and the National Building Regulations.

39. Installation of Drainage Installations

(1) An owner must maintain his drainage installation at his own cost, unless the installation constitutes a basic sanitation facility as determined by the municipality and the owner is registered as an indigent for purposes of receiving subsidised services in terms of the by-laws relating to debt collection and credit control, and except where otherwise approved by the municipality, must ensure that the installation is situated within the boundary of his premises.

(2) The municipality may prescribe the point in the sewer, and the depth below the ground, at which any drainage installation is to be connected and the route to be followed by the drain to the connecting point and may require the owner not to commence the construction or connection of the drainage installation until the municipality's connecting sewer has been laid.

(3) The top level of all service access holes, inspection chambers and gullies must be above the 1 in 50 years flood level.

(4) A drainage installations passing through ground which in the opinion of the municipality is susceptible to movement, shall be laid on a continuous bed of river sand or similar granular material not less than 100 mm thick under the barrel of the pipe and with a surround of similar material and thickness, and the joints of such drains must be flexible joints approved by the municipality.

(5) A drainage installation or part of it may only be laid within, or under or passing through a building, with the approval of the municipality.

(6) A drainage installation or part of it which is laid in an inaccessible position under a building may not bend or change gradient.

(7) After the completion of any drainage installation, or after any alteration to any drainage installation is completed, the plumber responsible for the execution of the work must submit to the building inspection section of the municipality a certificate certifying that the work was completed to the standards set out in the National Building Regulations, these by-laws and any other relevant law or by-laws.

(8) No person shall permit the entry of any liquid or solid substance whatsoever, other than clean water for testing purposes, to enter any drainage installation before the drainage installation has been connected to the sewer.

40. Approval of Drainage Installation Work

(1) A person may only commence with drainage installation work after obtaining the municipality's approval.

(2) Application for the approval referred to in sub-section (1) must be made on the approved form and shall be accompanied by—

(a) the prescribed charge, if such a charge is prescribed;

(b) copies of all drawings that may be required and approved by the municipality; and

(c) a certificate by a professional engineer certifying that the installation has been designed in accordance with any applicable SANS Codes.

(3) The municipality may specify the duration for which the approval is valid.

(4) When approval has been given in terms of sub-section (1), a complete set of the drawings that have been required and approved by the municipality must be available for inspection at the site during working hours until the work has been completed.

(5) If installation work has been done in contravention of sub-sections (1) or (2), the municipality may require the owner—

(a) to rectify the contravention within a specified time;

(b) if work is in progress, to cease the work; and

(c) to remove all work that does not comply with these by-laws.

41. Persons Permitted to do drainage Installation and Other Work

(1) No person who is not a plumber, or working under the control of a plumber, shall be permitted to—

(a) do drainage installation work other than the replacement or repair of an existing pipe or sanitation fitting;

(b) inspect, disinfect and test a drainage installation, fire installation or storage tank;

(c) service, repair or replace a back flow preventer; or

(d) install, maintain or replace a meter provided by an owner in a drainage installation.

(2) No person shall require or engage a person who is not a plumber to do the work referred to in sub-section (1).

(3) Notwithstanding the provisions of sub-sections (1) and (2), the municipality may permit a person, who is not a plumber, to do installation work at his own premises if they are occupied by himself or his own household, but if permission is given, the work must be inspected and approved by a plumber under the direction of or who has been nominated by, the municipality.

42. Use of Approved Pipes and Sanitation Fittings

(1) No person shall, without the prior approval of the municipality, install or use a pipe or sanitation fitting in a drainage installation within the municipality's area of jurisdiction unless—

(a) it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SANS specification issued by the Bureau; or

(b) it bears a certification mark issued by the South African Bureau of Standards to certify that the pipe or sanitation fitting—

(i) complies with an SANS Mark specification; or

(ii) a provisional specification issued by the SANS.

(c) is on a schedule of pipes and fittings specifically approved by the municipality.

(2) The municipality may, in respect of any pipe or fitting whether or not certified by SANS or whether or not it is included on a schedule of specifically approved pipes and fittings, impose such conditions, as it may consider necessary in respect of the use or method of installation.

(3) The municipality may sell copies of the schedule of specifically approved pipes and fittings and conditions of use and method of installation at the prescribed charge.

43. Testing of Drainage Installations

(1) No drainage installation, or any part of one, shall be connected to on-site sanitation services nor shall the municipality's sanitation system be connected to an existing approved installation, unless any one or more of the following tests have been applied in the presence and to the satisfaction of the municipality, before the draining installation has been enclosed

(a) the interior of every pipe or series of pipes between two points of access shall be inspected throughout its length by means of a mirror and a source of light, and during the inspection, a full circle of light must appear to the observer, and the pipe or series of pipes must be seen to be unobstructed;

(b) a smooth ball having a diameter 12mm less than the nominal diameter of the pipe shall, when inserted at the higher end of the pipe, roll down without assistance or interruption to the lower end.

(c) After all openings to the pipe or series of pipes to be tested have been plugged or sealed and after all traps associated with them have been filled with water, air shall be pumped into the pipe or pipes until a manometric pressure of 38mm of water is indicated, after which the pressure must remain greater than 25mm of water for a period of at least 3 (three) minutes without further pumping; and

(d) all parts of the drainage installation are subjected to and required to withstand an internally applied hydraulic test pressure of not less than a 3m head of water for a period of not less than 10 minutes.

(2) If the municipality has reason to believe that any drainage installation or any part of it is defective, it may require the owner of any premises to conduct any or all of the tests prescribed in sub-sections (1) and (2) and, if the installation fails to pass any test, or all the tests, to the satisfaction of the municipality, the municipality may by notice require the owner to take all reasonable measures that may be necessary to enable the installation to satisfy any or all of them.

44. Water Demand Management

(1) No flushing urinal that is not user-activated may be installed after the implementation of these by-laws.

(2) No cistern, and related pan designed to operate with such cistern, shall be installed after the implementation of these by-laws with a cistern capacity of greater than 9 litres and all cisterns not intended for public use shall be fitted with flushing devices allowing interruptible or multiple flushes, provided that such flushing device shall not be required in cisterns with a capacity of 4,5 litres or less.

45. Disconnection of Drainage Installations

(1) Except for the purpose of carrying out maintenance or repair work, no drainage installation may be disconnected from the connection point other than in accordance with this section.

(2) Where any part of a drainage installation is disconnected from the remainder because it will no longer be used, the disconnected part must be destroyed or entirely removed from the premises on which it was used, unless the municipality approves otherwise.

(3) When a disconnection has been made after all the requirements of the National Building Regulations in regard to disconnection have been complied with, the municipality must upon the request of the owner, issue a certificate certifying that the disconnection has been completed in terms of the Building Regulations.

(4) Charges raised in respect of the disconnected drainage installation shall cease to be levied from the end of the month during which such a certificate was issued.

(5) When a drainage installation is disconnected from a sewer, the municipality must seal the opening caused by the disconnection and may recover the cost of doing so from the owner of the premises on which the installation is disconnected.

46. Maintenance of Drainage Installations

(1) An owner must maintain his drainage installation at his own cost.

(2) Where any part of a drainage installation is used by two or more owners or occupiers, they shall be jointly and separately liable for the maintenance of the installation.

(3) The owner of any premises must ensure that all manholes and cleaning eyes on the premises are permanently visible and accessible.

47. Drainage installation and Sewer Blockages

(1) When the owner or occupier of premises has reason to believe that a blockage has occurred in the sewer system, he shall immediately inform the municipality.

(2) Where a blockage has been removed from a sewer system by the municipality and the removal necessitated the disturbance of an owners paving, lawn or other artificial surface, the municipality shall not be required to restore them to their previous condition and shall not be responsible for any damage to them unless caused by the wrongful act or negligence of the municipality.

(3) When the owner or occupier of premises has reason to believe that a blockage has occurred in any drainage installation in or on it, he shall take immediate steps to have it cleared.

(4) Should any drainage installation on any premises overflow as a result of an obstruction in the sewer, and if the municipality is reasonably satisfied that the obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation shall be liable for the cost of clearing the blockage.

(5) Where a blockage has been removed from a drainage installation or portion of a drainage installation which serves two or more premises, the owners are jointly and severally liable for the cost of clearing the blockage.

48. Grease Traps

(1) A grease trap of an approved type, size and capacity must be provided in respect of all premises that discharge sewage to on-site sanitation systems.

(2) Grease traps, tanks or chambers of an approved design must be provided in respect of all premises that discharge industrial and commercial effluent which contains, or which, in the opinion of the municipality, is likely to contain, grease, oil, fat of inorganic solid matter.

(3) No person may cause or permit an accumulation of grease, oil, fat, solid matter, or any other substance in any trap, tank, or chamber that may cause its blockage or ineffective operation.

(4) Any person discharging effluent to a tank or chamber must remove grease, oil, fat or solid matter regularly from the tank or chamber and must maintain a register recording—

- (a) the dates on which the tank or chamber was cleaned;
- (b) the name of any the persons employed by him to clean the tank or chamber or, if he cleaned it himself, that fact that he did so; and
- (c) a certificate from the person employed to clean it certifying that the tank or chamber has been cleaned and stating the manner in which the contents of the tank or chamber were disposed of, or, if he cleaned it himself, his own certificate to that effect.

49. Mechanical Appliances for Lifting Sewage

- (1) The owner of any premise must obtain the approval of the municipality before installing any mechanical appliance for the raising or transfer of sewage in terms of the Building Regulations.
- (2) Approval must be applied for by a professional engineer and must be accompanied by drawings prepared in accordance with the relevant provisions of the National Building Regulations and must show details of the compartment containing the appliance, the sewage storage tank, the stilling chamber and their position, and the position of the drains, ventilation pipes, rising main and the sewer connection.
- (3) Notwithstanding any approval given in terms of sub-section (1), the municipality shall not be liable for any injury, loss or damage to life or property caused by the use, malfunctioning or any other condition arising from the installation or operation of a mechanical appliance for the raising or transfer of sewage unless the injury or damage be caused by the wrongful intentional or negligent act or negligence of an employee of the municipality.
- (4) Every mechanical appliance installed for the raising or transfer of sewage shall be specifically designed for the purpose and shall be fitted with a discharge pipe, sluice valves and non-return valves located in approved positions.
- (5) Unless otherwise permitted by the municipality, such mechanical appliances shall be installed in duplicate and each such appliance shall be so controlled that either will immediately begin to function automatically in the event of failure of the other.
- (6) Every mechanical appliance forming part of a drainage installation shall be located and operated so as to not cause any nuisance through noise or smell or otherwise, and every compartment containing any such appliance must be effectively ventilated.
- (7) The maximum discharge rate from any mechanical appliance, and the times between which the discharge may take place, shall be as determined by the municipality who may, at any time, require the owner to install such fittings and regulating devices as may in his opinion, be necessary to ensure that the determined maximum discharge rate shall not be exceeded.
- (8) Except where sewage storage space is incorporated as an integral part of a mechanical appliance, a sewage storage tank must be provided in conjunction with such appliance and such a sewage storage tank must—
 - (a) be constructed of hard, durable materials and must be watertight and the internal surfaces of the walls and floor must be smooth and impermeable;
 - (b) have a storage capacity below the level of the inlet equal to the quantity of sewage discharged there into it in 24 hours or 900 litres, whichever is the greater quantity;
 - (c) be so designed that its maximum storage capacity shall be emptied at each discharge cycle of the mechanical appliance; and
 - (d) be provided with a ventilation pipe in accordance with the municipality's specifications.

Part 5: On-Site Sanitation Services and Associated Services

Installation of On-Site Sanitation Services

- (1) If approval for on-site sanitation services in respect of premises has been granted, or if it is not reasonably possible or cost effective for the municipality to install a connecting sewer, the owner must install sanitation services specified by the municipality on the site unless the owner is registered as an indigent in terms of the municipality's bylaws on credit control and debt collection and the municipality has undertaken to provide the service or subsidise the service.

(2) The municipality may undertake or require to be undertaken at the owner's expense such investigations as it may deem necessary to determine if a sanitation facility would have a detrimental impact on health or the environment.

51. Ventilated Improved Pit Latrines

(1) The municipality may, on such conditions as it may prescribe, having regard to factors such as the nature and permeability of the soil, the depth of the water table, the size of, and access to, the site and the availability of a piped water supply, approve the disposal of human excrement by means of a ventilated improved pit (VIP) latrine.

(2) A ventilated improved pit latrine must have—

- (a) a pit of 2 m³ capacity;
- (b) a slab covering the pit designed to support the superimposed loading;
- (c) protection preventing children from falling into the pit;
- (d) the pit must be ventilated by means of a pipe, sealed at the upper end with durable insect proof screening fixed firmly in place;
- (e) the ventilation pipe must project not less than 0.5 m above the latrines roof, must be of at least 150 mm in diameter, and must be installed vertically with no bend;
- (f) the interior of the superstructure must be finished smooth so that it can be kept in a clean and hygienic condition.
- (g) the superstructure must be well-ventilated in order to allow the free flow of air into the pit to be vented through the pipe;
- (h) the opening through the slab must be of adequate size as to prevent fouling. The rim must be raised so that liquids used for washing the floor do not flow into the pit. It shall be equipped with a lid to prevent the egress of flies and other insects when the toilet is not in use;
- (i) the pit latrine must be sited in a position that is independent of the dwelling unit;
- (j) the pit must be sited in a position that is accessible to road vehicles having a width of 3.0 m in order to facilitate the emptying of the pit;
- (k) in situations where there is the danger of polluting an aquifer due to the permeability of the soil, the pit must be lined with an impermeable material that is durable and will not crack under stress; and
- (l) in situations where the ground in which the pit is to be excavated is unstable, suitable support is to be given to prevent the collapse of the soil.

52. Septic Tanks and Treatment Plants

(1) The municipality may, on such conditions as it may prescribe, approve the disposal of sewage or other effluent by means of septic tanks or other on-site sewage treatment plants.

(2) A septic tank or other sewage treatment plant on a site must not be situated closer than 3 metres to any dwelling unit or to any boundary of the premises on which it is situated.

(3) Effluent from a septic tank or other on-site sewage treatment plant must be disposed of to the satisfaction of the municipality.

(4) A septic tank must be watertight, securely covered and provided with gas-tight means of access to its interior adequate to permit the inspection of the inlet and outlet pipes and adequate for the purpose of removing sludge.

(5) A septic tank serving a dwelling unit must—

- (a) have a capacity below the level of the invert of the outlet pipe of not less than 500 litres per bedroom or 2 500 litres, whichever is the greater;
- (b) have an internal width of not less than 1 metre measured at right angles to the direction of the flow;

- (c) have an internal depth between the cover and the bottom of the tank of not less than 1,7 metre; and
- (d) retain liquid to a depth of not less than 1,4 metre.

(6) Septic tanks serving premises other than a dwelling unit must be designed and certified by a professional civil engineer.

(7) No rainwater, storm-water, or effluent other than that approved by the municipality may be discharged into a septic tank.

53. French-drains

(1) The municipality may, on such conditions as it may prescribe having regard to the quantity and the nature of the effluent and the nature of the soil as determined by the permeability test prescribed by the South African Bureau of Standards, approve the disposal of waste-water or other effluent by means of a french-drain, soakage pit or other approved work.

(2) A french-drain, soakage pit or other similar work shall not be situated closer than 5 m to any dwelling unit or to any boundary of any premises on which it is situated, nor in any such position that will, in the opinion of the municipality, cause contamination of any borehole or other source of water which is, or may be, used for drinking purposes, or cause dampness in any building.

(3) The dimensions of any french-drain, soakage pit or other similar work shall be determined in relation to the absorbent qualities of the soil and the nature and quantity of the effluent.

(4) A french-drain serving premises other than a dwelling unit must be designed and certified by a professional engineer.

54. Conservancy Tanks

(1) The municipality may, on such conditions as it may prescribe; approve the construction of a conservancy tank and ancillary appliances for retention of sewage or effluent.

(2) No rainwater, storm-water, or effluent other than approved by the municipality may be discharged into a conservancy tank.

(3) No conservancy tank must be used as such unless—

(a) the invert of the tank slopes towards the outlet at a gradient of not less than 1 in 10;

(b) the tank is gas and water tight;

(c) the tank has an outlet pipe, 100 mm in internal diameter, made of wrought iron, cast iron or other approved material, and except if otherwise approved by the municipality, terminating at an approved valve and fittings for connection to the municipality's removal vehicles;

(d) the valve and fittings referred to in paragraph (c) or the outlet end of the pipe, as the case may be, are located in a chamber that has hinged cover approved by the municipality and which is situated in a position required by the municipality;

(e) access to the conservancy tank must be provided by means of an approved manhole fitted with a removable cast iron cover placed immediately above the visible spigot of the inlet pipe.

(4) The municipality may, having regard to the position of a conservancy tank or of the point of connection for a removal vehicle, require the owner or customer to indemnify the municipality, in writing, against any liability for any damages that may result from rendering of that service as a condition for emptying the tank.

(5) Where the municipality's removal vehicle has to traverse private premises for the emptying of a conservancy tank, the owner shall provide a roadway at least 3,5 m wide, so hardened as to be capable of withstanding a wheel load of 4 metric tons in all weather, and shall ensure that no gateway through which the vehicle is required to pass to reach the tank, shall be less than 3,5 m wide for such purposes.

(6) The owner or occupier of premises on which a conservancy tank is installed shall at all times maintain the tank in good order and condition to the satisfaction of the municipality.

55. Operation and Maintenance of On-Site Sanitation Services

(1) The operation and maintenance of on-site sanitation services and all costs pertaining to it remains the responsibility of the owner of the premises, unless the occupier is registered as an indigent in accordance with the municipality's by-laws relating to credit control and debt collection.

(2) The charges for removing or disposing of any sludge from on-site sanitation systems by the municipality shall be assessed in accordance with the prescribed charges.

Disused Conservancy and Septic Tanks

If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if approval for its use is withdrawn, the owner must either cause it to be completely removed or to be completely filled with earth or other suitable material, provided that the municipality may require a tank to be dealt with in another way, or approve its use for other purposes, subject to any conditions specified by him.

Part 6: Industrial Effluent

57. Approval to Discharge Industrial Effluent

(1) No person shall discharge or cause or permit industrial effluent to be discharged into the sanitation system except with the approval of the municipality.

(2) A person must apply for approval to discharge industrial effluent into the sanitation system of the municipality on the prescribed form attached as Schedule B to these by-laws.

(3) The municipality may, if in its opinion the capacity of the sanitation system is sufficient to permit the conveyance and effective treatment and lawful disposal of the industrial effluent, for such period and subject to such conditions it may impose, approve the discharge of industrial effluent into the sanitation system.

(4) Any person who wishes to construct or cause to be constructed, a building which shall be used as a trade premises, must at the time of lodging a building plan in terms of section 4 of the National Building Regulations and Building Standards 103 of 1977, also lodge applications for the provision of sanitation services and for approval to discharge industrial effluent.

58. Withdrawal of Approval to Discharge Industrial Effluent

(1) The municipality may withdraw any approval to a commercial customer, who has been authorised to discharge industrial effluent into the sanitation system, upon giving notice, if the customer—

(a) fails to ensure that the industrial effluent discharged conforms to the industrial effluent standards prescribed in Schedule A of these by-laws or a standard that has been otherwise approved by the municipality;

(b) fails or refuses to comply with any notice lawfully served on him in terms of these by-laws, or contravenes any provisions of these by-laws or any condition imposed in terms of any permission granted to him; or

(c) fails to pay the charges in respect of any industrial effluent discharged.

(2) The municipality may on withdrawal of any approval—

(a) in addition to any steps required by in these by-laws, and on written notice, authorise the closing or sealing of the connecting sewer of the said premises; and

(b) refuse to receive any industrial effluent until it is satisfied that adequate steps to ensure that the industrial effluent that is to be discharged conforms to the standards required by these by-laws.

59. Quality Standards for Disposal of Industrial Effluent

(1) A commercial customer, to whom approval has been granted must ensure that no industrial effluent is discharged into the sanitation system of the municipality unless it complies with the standards and criteria set out in Schedule A.

(2) The municipality may approve standards other than the standards in Schedule A, provided that it is satisfied that such a relaxation will not detrimentally affect the operations of the sewage treatment plant.

(3) Test samples may be taken at any time, without notice, by the municipality to ascertain whether the industrial effluent complies with Schedule A or any other approved standard.

60. Conditions for the Discharge of Industrial Effluent

(1) The municipality may on granting approval for the discharge of industrial effluent, or at any time that it considers appropriate, by notice, require a commercial customer to—

(a) subject the industrial effluent to such preliminary treatment as in the opinion of the municipality will ensure that the industrial effluent conforms to the standards prescribed in Schedule A or other approved standard before being discharged into the sanitation system;

(b) install equalising tanks, valves, pumps, appliances, meters and other equipment which, in the opinion of the municipality, will be necessary to control the rate and time of discharge into the sanitation system in accordance with the conditions imposed by it;

(c) install for the conveyance of the industrial effluent into the sanitation system at a given point, a drainage installation separate from the drainage installation for other sewage and may prohibit a commercial customer from disposing of his industrial effluent at any other point;

(d) construct on any pipe conveying industrial effluent to any sewer, a service access hole or stop-valve in such position and of such dimensions and materials as the municipality may prescribe;

(e) provide all information that may be required by the municipality to enable it to assess the tariffs or charges due to the municipality and compliance with the standards of the municipality;

(f) provide adequate facilities including, but not limited to, level or overflow detection devices, standby equipment, overflow catch-pits, or other appropriate means of preventing a discharge into the sanitation system in contravention of these by-laws;

(g) cause a meter installed in terms of this section to be calibrated by an independent authority at the cost of the commercial customer at such intervals as may be required by the municipality and copies of the calibration to be forwarded to it by the commercial customer; and

(h) cause industrial effluent to be tested as often, and in whatever manner, as may be determined by the municipality and to provide it with the results of these tests.

(2) The cost of any treatment, plant, work or analysis, which a person may be required to carry out, construct or install in terms of sub-section (1), shall be borne by the customer.

(3) If industrial effluent that neither complies with the standards in Schedule A nor has been otherwise approved by the municipality, is discharged into the sanitation system, the discharger must inform the municipality of the non-compliance and of the reasons for it, as soon as the discharger becomes aware of the non-compliant discharge.

Part 7: Sewage Delivered by Road Haulage**61. Acceptance of Sewage Delivered by Road Haulage**

The municipality may, in its discretion, and subject to such conditions as it may specify, accept sewage for disposal that is delivered to the municipality's sewage treatment plants by road haulage.

62. Approval for Delivery of Sewage by Road Haulage

(1) No person shall deliver sewage by road haulage in order to discharge it into the municipality's sewage treatment plants except with the approval of the municipality and subject to any conditions, and any times, that may on reasonable grounds be imposed by the municipality.

(2) The charges for any sewage delivered for disposal to the municipality's sewage treatment plants shall be assessed by the municipality in accordance with the prescribed tariffs of charges.

63. Withdrawal of Permission for Delivery of Sewage by Road Haulage

(1) The municipality may on notice withdraw any approval, given in terms of section 64 if a person who has been allowed to discharge sewerage by road haulage—

(a) fails to ensure that the sewage conforms to the standards prescribed either in Schedule A or other approved standard, or a condition of approval; or

(b) fails or refuses to comply with any notice served on him in terms of these by-laws or contravenes any provision of these by-laws or any condition has been imposed on him as a condition of approval; and

(c) fails to pay all the charges applicable to the delivery of sewage.

64. Conditions for Delivery of Sewage by Road Haulage

(1) When sewage is to be delivered by road haulage—

(a) the time and place when delivery is to be made shall be arranged in consultation with the municipality; and

(b) the municipality must approve before a delivery is made, that the sewerage is of a nature suitable for road haulage and that the delivery would comply with the provisions, of these by-laws.

Part 8: Other Sanitation Services

65. Stables and Similar Premises

(1) The municipality may approve the connection of a drainage installation to stables, cowsheds, dairies, kennels, other premises for the accommodation of animals, and tanneries, subject to the payment of all applicable charges and the fulfilment of any condition that the municipality may impose; but approval will be given only if—

(a) the floor of the premises is paved with an impervious material that is approved by the municipality and graded to a silt trap, grease trap or gully of adequate capacity; and

(b) every part of the floor of the premises is covered by a roof, or another protective device, in a way that adequately prevents the entry of rain or storm water into the drainage installation.

66. Mechanical Food-Waste or Other Disposal Units

(1) The municipality may approve the connection or incorporation of a mechanical waste food disposal unit or garbage grinder, into a drainage installation, that has a capacity in excess of 500W, subject to the payment of all applicable charges and to any condition that the municipality may impose, but approval will be given only if—

(a) a measurement device is installed by the municipality; and

(b) the municipality is satisfied that the municipality's sewerage and sewage treatment system will not be adversely affected.

CHAPTER 6: UNAUTHORISED WATER SERVICES

67. Unauthorised Services

(1) No person may gain access to water services unless it is in terms of an agreement entered into with the municipality for the rendering of those services in accordance with the municipality's by-laws on credit control and debt collection.

(2) The municipality may, irrespective of any other action it may take against a person in terms of these by-laws,

(a) by written notice of 14 (fourteen) working days

(i) order a person who is using unauthorised services to apply for such services; and undertake any work that may be necessary to ensure that the customer installation, by means of which access was gained, complies with the provisions of these or any other relevant by-laws, or

(ii) rectify the non-compliance and recover the cost from the unauthorised user; or

(b) disconnect the service,

68. Interference with Infrastructure for the Provision of Water Services

- (1) No person other than the municipality shall manage, operate or maintain infrastructure through which water services are provided.
- (2) No person other than the municipality shall make a connection to infrastructure through which water services are provided.
- (3) The municipality may recover any costs associated with repairing damage caused as a result of a contravention of sub-sections (1) and (2) including, but not limited to, the cost associated with repairing the damage, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the repairs and the environmental cost.

69. Obstruction of Access to Infrastructure for the Provision of Water Services

- (1) No person shall prevent or restrict the physical access of the municipality to infrastructure through which water services are provided.
- (2) If a person contravenes sub-section (1), the municipality may—
- (a) by written notice require such person to restore access at his own expense within a specified period; or
 - (b) on notice restore access itself and recover the cost from such person.
- (3) The costs recoverable by the municipality is the full cost associated with restoring access including, but not limited to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by restoring access and the environmental cost.

70. Waste of Water

- (1) No customer shall permit—
- (a) the purposeless or wasteful discharge of water from terminal water fittings;
 - (b) pipes or water fittings to leak;
 - (c) the use of maladjusted or defective water fittings; or
 - (d) an overflow of water to persist.
- (2) An owner shall repair or replace any part of his water and sanitation installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in sub-section (1).
- (3) If an owner fails to take measures as contemplated in sub-section (2), the municipality shall, by written notice, require the owner to comply with the provisions of sub-section (1).
- (4) The municipality may, by written notice, prohibit the use by a customer of any equipment in a water or sanitation installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the municipality.

71. Unauthorised and Unlawful Discharges

- (1) No person may discharge or cause or permit any sewage to be discharged directly or indirectly into a storm water drain, river, stream or other watercourse, whether natural or artificial.
- (2) No person shall allow the discharge or leakage of any liquid other than natural runoff or potable water to any street, storm water drain or watercourse, whether natural or artificial, except where the municipality has approved such discharge.
- (3) Where the hosing down or flushing by rainwater of an open area on any premises is in the opinion of the municipality is likely to cause the discharge of objectionable matter into any street, storm water drain, river, stream or other watercourse, whether natural or artificial, or to cause or contribute towards the pollution of any such watercourse, the municipality may, by notice, require the owner of the premises to take reasonable measures to prevent or minimise such discharge or pollution.

(4) No person may discharge or cause or permit the discharge into a drainage installation of—

(a) any substance, including storm water or swimming pool backwash, other than sewage, domestic waste water or approved industrial effluent;

(b) any sewage, industrial effluent or other liquid or substance which—

(i) in the opinion of the municipality may be offensive to or may cause a nuisance to the public;

(ii) is in the form of steam or vapour or has a temperature exceeding 44° C at the point where it enters the sewer;

(iii) has a pH value less than 6.0;

(iv) contains any substance of whatsoever nature likely to produce or release explosive, flammable, poisonous or offensive gases or vapours in any sewer or treatment plant;

(v) contains any material of whatsoever nature, including oil, grease, fat or detergents capable of causing obstruction to the flow in sewers or drains or interference with the proper operation of a sewerage treatment works;

(vi) shows any visible signs of tar or associated products or distillates, bitumens or asphalts;

(vii) contains any substance in such concentration to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam;

(viii) has either a greater PV or COD (Chemical Oxygen Demand) value, a lower pH value, or a higher caustic alkalinity or electrical conductivity than specified in Schedule A, without the prior approval and subject to the payment of relevant charges and such conditions as the municipality may impose;

(ix) contains any substance which in the opinion of the municipality—

(aa) cannot be treated at the sewage treatment work to which it could be discharged; or

(bb) will negatively affect the treatment processes at the sewage treatment work to which it could be discharged or

(cc) will negatively impact on the ability of the sewage treatment work to produce discharges that meet the waste water discharge standards set in terms of the National Water Act, 1998 (Act No 36 of 1998), or

(x) either alone or in combination with other substance may—

(aa) generate or constitute a toxic substance dangerous to the health of persons employed at the sewage treatment works or entering the council's sewers or manholes in the course of their duties; or

(bb) be harmful to sewers, treatment plant or land used for the disposal of treated waste water; or

(cc) adversely affect any of the processes whereby sewage is treated or any re-use of sewage effluent.

(5) No person shall cause or permit the accumulation of grease, oil, fat or solid matter in any drainage installation that will adversely affect its effective functioning.

(6) The municipality may, notwithstanding any other actions that may be taken in terms of these by-laws, recover from any person who discharges industrial effluent or any substance which is unauthorised or illegal all costs incurred, by the municipality as a result of such discharges, including costs that result from injury to persons, damage to the sanitation system.

72. Unauthorised and Unlawful Re-Connections

(1) No customer whose access to water supply services have been restricted or disconnected may reconnect to services without approval.

(2) A customer who contravenes sub-section (1) shall on written notice be disconnected.

73. Interference with Infrastructure

(1) No person may interfere with infrastructure through which the municipality provides municipal services.

(2) If a person contravenes sub-section (1), the municipality may—

(a) by written notice require such person to seize or rectify the interference at his own expense within a specified period; or

(b) on notice itself, prevent or rectify the interference and recover the cost from such person.

74. Pipes in Streets or Public Places

No person shall lay or construct a pipe or associated component on, in or under a street, public place or other land owned by or under the control of any municipality, except with the approval of the municipality and subject to such conditions as it may impose.

75. Use of Water from Sources Other than the Water Supply System

(1) No person shall use or permit the use of water for domestic, commercial or industrial purposes obtained from a source other than from the water supply system or from rain water tanks which are not connected to the water installation, except with the prior approval of the municipality, and in accordance with such conditions as it may impose

(2) Any person applying for the approval referred to in sub-section (1) shall provide the municipality with evidence that the quality of the water referred to in sub-section (1) complies, whether as a result of treatment or otherwise, with the requirements of SANS 241: Drinking Water, or that the use of such water does not or will not constitute a danger to health.

(3) Any consent given in terms of sub-section (1) may be withdrawn if, in the opinion of the municipality —

(a) a condition imposed in terms of sub-section (1) is breached; or

(b) the water quality no longer conforms to the requirements referred to in sub-section (2).

(4) The municipality may take samples of water obtained from a source, other than the water supply system and cause the samples to be tested for compliance with the requirements referred to in sub-section (2).

(5) The prescribed charge for the taking and testing of the samples referred to in sub-section (4) above shall be paid by the person to whom consent was granted in terms of sub-section (1).

(6) If water obtained from a borehole or other source of supply on any premises is used for a purpose which gives rise to the discharge of such water or a portion thereof into the municipality's sewerage system, the municipality may install a water meter in the pipe leading from such borehole or other source of supply to the point or points where it is so used.

(7) The provisions of section 13 shall apply insofar as they may be applicable in respect of the water meter referred to in sub-section (4).

CHAPTER 7: EMERGENCY SITUATIONS**76. Declaration of Emergency Situations**

(1) The municipal council may at any time declare by public notice, that an emergency situation exists in a supply zone or geographical area in respect of a municipal service, if, in its opinion, a significant risk to the financial viability or sustainability of the municipality, or the sustainable rendering of a specific municipal service to the community exists.

(2) In the event of the declaration of a supply zone as an emergency area in accordance with sub-section (1) the municipal services to that supply zone may be limited

(3) The municipality must submit a monthly report to the municipal council on the status of the emergency and of actions being taken to relieve the emergency:

(4) The municipal council must by public notice declare an area no longer to be an emergency area if the situation on which the declaration was based improves to such an extent that the risks referred to in sub-section (1) no longer warrants that supply zone being declared an emergency area.

CHAPTER 8: WATER SERVICES INTERMEDIARY AND FARM DWELLERS**77. Obligations of Water Services Intermediaries and Farm Owners**

(1) Water services intermediaries must ensure that all intermediary consumers have access to at least a basic level of water services as defined in the water services bylaws.

(2) Farm owners must ensure that all farm dwellers have access to at least a basic level of water services as defined in the water services bylaws.

78. Enrolment or Registration

The municipality may by public notice require water services intermediaries or farm owners to enrol or register with the municipality.

79. Grant Funding to Water Services Intermediaries

(1) The municipality may, at its sole discretion, provide a grant to a water services intermediary or a farm owner in order to assist the intermediary or farmer provide at least a basic level of water services, as defined in the water services by-laws, to intermediary consumers and farm dwellers.

(2) In exercising the discretion in sub-section (1) above, the municipality may have regard to—

(a) the capacity of the water services intermediary or farm owner to maintain a proper financial record;

(b) the ability of the water services intermediary or farm owner to provide the required services to intermediary consumers or farm dwellers; and

(b) the number of indigent households to be supplied by the intermediary or farmer.

(3) A grant provided to water services intermediary or farm owner in terms of sub-section (1) above, may be calculated to cover the cost of—

(a) providing or upgrading the intermediary or water services system; or

(b) the operating costs of the intermediary or water services system; or

(c) the costs described in both sub-section (a) and (b)

(4) The municipality shall not approve a grant to a water services intermediary or farm owner unless the water services intermediary or farm owner has—

(a) applied for the grant on the prescribed form;

(b) has provided all of the information stipulated on the form and requested separately by the municipality; and

(c) has accepted any conditions prescribed by the municipality.

80. Conditions for Grant Funding

(1) If the municipality approves grant funding to a water services intermediary or farm owner, it may impose conditions on the provision of grant funding, including—

(a) whether the grant will take the form of a rebate on property rates or a cash payment;

(b) the purpose and levels of service for which the grant may be used;

(c) the property on which the grant may be used;

(d) the beneficiary intermediary consumers or farm dwellers;

(e) the right of the municipality to monitor the use of the grant and the right of the municipality to recoup the grant if it is not used in terms of the conditions;

(f) any other condition which it might impose on the use of the grant.

81. Charges for Water Services Provided

(1) A water services intermediary or farm owner may not charge for water services provided to intermediary consumers or farm dwellers at a price which does not comply with any norms and standards prescribed under the Water Services Act 108 of 1997 or any of the municipalities by-laws.

(2) If a water services intermediary or farm owner receives a municipal grant to cover the full cost of operating and maintaining a basic level of service to specified beneficiaries, it must provide a basic level of service free of charge to those beneficiaries.

82. Default by the Water Services Intermediary or farm owner

(1) If the water serviced intermediary or farm owner has not used any portion of the grant provided by the municipality in accordance with the conditions prescribed by the municipality, the municipality may demand immediate repayment of that portion of the grant after giving 14 (fourteen) working days notice of its intention to do so.

83. Termination of Grant Funding

(1) The municipality may, at its sole discretion, reduce or stop any grant intended to support operating expenditure on one months prior notice if—

(a) the circumstances of the intermediary, or farm owner, or intermediary consumers, or farm dwellers change to the extent that such a grant is no longer warranted, or

(b) the financial situation of the municipality changes to the extent that it can no longer afford to pay such a grant.

(2) The municipality may at its sole discretion, for any other reason, on three months prior notice, stop or reduce any grant intended to support operating expenditure.

CHAPTER 9: WATER CONSERVATION AND WATER DEMAND MANAGEMENT

84. GENERAL

The municipality must ensure that regular awareness and education programs are held with the communities in order to achieve the overall objective to minimise Water losses, the care and protection of water resources and the efficient and effective use of water.

85. WATER

(1) Where the plumbing has been designed to balance the water pressures on the hot and cold water supplies to the shower control valve, a shower head with a maximum flow rate of greater than 10 litres per minute may not be installed.

(2) The maximum flow rate from any tap installed on a wash hand basin may not exceed 6 litres per minute.

86. SANITATION

(1) No flushing urinal that is not user-activated may be installed after the implementation of these by-laws.

(2) No cistern, and related pan designed to operate with such cistern, shall be installed after the implementation of these by-laws with a cistern capacity of greater than 9 litres and all cisterns not intended for public use shall be fitted with flushing devices allowing interruptible or multiple flushes, provided that such flushing device shall not be required in cisterns with a capacity of 4, 5 litres or less.

87. OUTDOOR WATERING/LANDSCAPING

(1) No Outdoor Watering Between 11:00 and 15:00: No person may without prior written authority from the [Director: Water], water a garden, sports field, park, or other grassed area using potable water, between the hours of [11:00 and 15:00]. (Restrictions of this kind to be climate specific)

(2) Hosepipes for Outdoor Water Must Be Fitted with Self-Closing Device: Where a hosepipe is used to irrigate a garden, park, or sports field or to wash a car from a potable water source, the end of the hosepipe must be fitted with an automatic self-closing device.

(3) No Watering of Hard Surfaces: No person may without prior written authority from the [Director: Water] hose down a hard-surfaced or paved area, including driveways, parking area, sidewalks, or walls, using water from a potable source except where necessary for immediate fire or sanitation hazards.

(4) Swimming Pool Covers, Filling, and Fountain Recirculation:

- a. All newly installed pools must have covers.
- b. Automatic top up systems using a float valve fed from a potable water source to supply swimming pools and garden ponds are not allowed.
- c. All decorative water features (i.e. fountains, ect) shall re-circulate water within the device.

88. OTHER PIPES AND TAPS

(1) Control on Terminal Water Fittings Outside of Buildings: Terminal water fitting installed outside any buildings other than a residential dwelling must:

- a. Incorporate a self-closing device;
- b. Have a removable handle for operating purposes;
- c. Be capable of being locked to prevent unauthorized use; or
- d. Be of a demand type that limits the quantity of water discharged in each operation.

89. INDUSTRIAL AND COMMERCIAL FOCUS

(1) Recirculation on Commercial Car Washes [and Laundering facilities]: New Commercial Car Washes must re circulate at least 50% of the portable water used, [and New laundering facilities must recirculate [50%] of the portable water used]. For commercial Car Wash [and laundering facilities] already established, recirculation required must be met by **[2015]**.

(2) Eating or Drinking Establishment Requirement: In eating or drinking establishments, including but not limited to a restaurant, hotel, café, cafeteria, bar or other public space where food or drinks are sold, served, or offered for sale:

- a. The maximum flow rate for a pre-rinse spray valve in a commercial/institutional kitchen to remove food waste from cookware and dishes prior to cleaning shall be 6 litres per minute.
- b. Drinking water may only be provided to persons when expressly requested.

(3) Commercial lodging Option to Decline Daily Linen Service: Hotels, motels and other commercial lodging establishments must provide customers the option of not having towels and linen laundered daily. Commercial lodging establishments must prominently display notice of this option in each bathroom using clear and understood language.

(4) Demolition and Construction Water Re-Use and Dust Control:

- a. Recycled or non-potable water shall be used for demolition construction purposes when possible.
- b. Potable water may not be used to dampen building sand and other building material to prevent it from being blown away.

(5) Heat Exchange Requirement: No person may allow water, used as a heat exchange medium in any equipment or plant and supplied from a water installation, to run continuously to waste except for maintaining a prescribed level of total dissolved solids in a recirculating plant.

(6) No Single Pass Cooling Systems: Single-pass cooling systems are strictly prohibited for use in devices, processes, or equipment installed in commercial, industrial, or multi-family residential buildings. This prohibition shall not apply to devices, processes, or equipment installed for health or safety purposes that cannot operate safely otherwise.

(7) Measures in Case of Violation: For a first violation by any resident of the requirements of this ordinance, the local unit of government shall issue a written notice. For a second violation within the preceding twelve **(12)** calendar months, a surcharge in the amount of **[RX]** shall be added to the customer's water bill. Each subsequent offence shall have a fine of **[RX]**.

CHAPTER 10: NOTICES**90. Power to Serve and Compliance with Notices**

(1) The municipality may, by written notice, order an owner, customer or any other person who fails, by act or omission, to comply with the provisions of these by-laws, or to fulfil any condition imposed in it, to rectify his failure within a reasonable period specified in the notice.

(2) If a person fails to comply with a written notice served on him by the municipality in terms of these by-laws within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including—

- (a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, customer or other person;
- (b) restricting or discontinuing the provision of services; and
- (c) instituting legal proceedings.

(3) A notice in terms of sub-section (1) must—

- (a) give details of any provision of the by-laws that has not been complied with;
- (b) give the owner, customer or other person a reasonable opportunity to make representations and state his case, in writing, to the municipality within a specified period, unless the owner, customer or other person was given such an opportunity before the notice was issued;
- (c) specify the steps that the owner, customer or other person must take to rectify the failure to comply;
- (d) specify the period within which the owner, customer or other person must take the steps specified to rectify such failure; and
- (e) indicate that the municipality—
 - (i) may undertake any work that is necessary to rectify a failure to comply with a notice and the cost to the municipality of rectification may be recovered from the owner, customer or other person who has failed to comply with it; and
 - (ii) may take any other action that it considers necessary for ensuring compliance.

(4) In the event of an emergency the municipality may, without prior notice to anyone, undertake the work required by sub-section (3)(e)(i) and recover the costs from a person who, but for the emergency, would have to be notified in terms of sub-section (1).

(5) The costs recoverable by the municipality in terms of sub-sections (3) and (4) are the full costs associated with that work including, but not limited to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the work and the environmental cost.

CHAPTER 11: APPEALS**91. Appeals Against Decisions of the Municipality**

(1) A customer may appeal in writing against a decision of, or a notice issued by, the municipality in terms of these by-laws.

(2) An appeal in terms of sub-section (1) must be made in writing and lodged with the municipality within 14 (fourteen) working days after a customer was informed of the decision or notice and must—

- (a) set out the reasons for the appeal; and
- (b) be accompanied by any security determined by the municipality for the testing of a water meter, if the testing of a water meter was requested.

(3) The customer must be informed of the outcome of the appeal and the reasons for the municipality's decision within 21 (twenty one) working days after an appeal was lodged, or if the municipality is unable to decide the matter within that time, the municipality must inform the customer when the appeal will be decided.

(4) The decision of the municipality is final.

(5) The municipality may condone the late lodging of appeals or other procedural irregularities.

CHAPTER 12: OFFENCES**92. Offences**

(1) Subject to sub-section (2), any person who—

- (a) obstructs or hinders the municipality in the exercising of the powers or performance of functions or duties under these by-laws;
- (b) uses, tampers or interferes with municipal equipment, the water supply system, sanitation system and reticulation network or consumption of services rendered;
- (c) contravenes or fails to comply with a provision of these by-laws other than a provision relating to payment for municipal services;
- (d) fails to comply with the terms of a notice served upon him in terms of these by-laws;
- (e) reconnects or restores services that have been disconnected or limited without the municipality's approval.

is guilty of an offence and liable on conviction to a fine or in default of payment to imprisonment for a period not exceeding 6 months.

(2) No person shall be liable to imprisonment if he is unable to afford to pay a fine, and shall instead be liable to a period of community service.

(3) Any person committing a breach of the provisions of these by-laws shall be liable to recompense the municipality for any loss or damage suffered or sustained by it in consequence of the breach.

CHAPTER 13: GENERAL PROVISIONS**93. Provision of Information**

An owner, occupier, customer or person within the area of supply of the municipality must provide the municipality with accurate information requested by the municipality that is reasonably required by the municipality for the implementation or enforcement of these by-laws.

94. Power of Entry and Inspection

(1) An authorised official or agent of the municipality may enter and inspect any premises for any purpose connected with the implementation or enforcement of these by-laws, at all reasonable times, after having given reasonable written notice to the occupier of the premises of the intention to do so.

(2) Any entry and inspection must be conducted in conformity with the requirements of the Constitution of South Africa, 1996, and any other law and, in particular, with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.

(3) The authorised official or agent of the municipality may be accompanied by an interpreter and any other person reasonably required to assist the authorised official in conducting the inspection.

(4) The authorised official or agent of the municipality must, on request, provide his identification.

95. Indemnification from Liability

Neither employees of the municipality nor any person, body, organisation or corporation acting on behalf of the municipality is liable for any damage arising from any omission or act done in good faith in the course of their duties.

96. Exemption

(1) The municipality may, in writing exempt an owner, customer, any other person or category of owners, customers, ratepayers, users of services from complying with a provision of these by-laws, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable, provided that the municipality shall not grant exemption from any section of these by-laws that may result in—

- (a) the wastage or excessive consumption of water supply services;
- (b) significant adverse effects on public health, safety or the environment;
- (c) the non-payment for services, other than as provided for in the bylaws on credit control and debt collection;
- (d) the Act, or any regulations made in terms of it, not being complied with.

(2) The municipality may at any time after giving written notice of at least 14 (fourteen) working days, withdraw any exemption given in terms of sub-section (1).

97. Conflict of Law

If there is any conflict between these by-laws and any other by-laws of the municipality, the most recently approved by-laws will prevail.

98. Repeal of Existing Municipal Water Services By-laws

The provisions of any by-laws relating to water supply and sanitation services by the municipality are hereby repealed insofar as they relate to matters provided for in these by-laws.

99. Transitional Arrangements

(1) Installation work authorised by the municipality prior to the commencement date of these by-laws or authorised installation work in progress on that date shall be deemed to have been authorised in terms of these by-laws; and the municipality may, for a period of 90 (ninety) working days after the commencement of these by-laws, authorise installation work in accordance with the by-laws that regulated that work immediately prior to the promulgation of these by-laws.

(2) Any reference in these by-laws to a charge prescribed by the municipal council shall be deemed to be a reference to a charge prescribed by the municipal council under the by-laws repealed by these by-laws, until the effective date of any applicable charges that may be prescribed by the municipal council in terms of these by-laws, or the by-laws relating to credit control and debt collection, and any reference to a provision in the by-laws repealed by these by-laws shall be deemed to be a reference to a corresponding provision in these by-laws.

(3) Any approval, consent or exemption granted under the by-laws repealed by these by-laws shall, save for the provisions of sub-sections (2) and (4), remain valid.

(4) No customer shall be required to comply with these by-laws by altering a water installation or part of it which was installed in conformity with any by-laws applicable immediately prior to the commencement of these by-laws; provided that if, in the opinion of the municipality, the installation, or part, is so defective or in a condition or position that could cause waste or undue consumption of water, pollution of the water supply or a health hazard, the municipality may by notice require the customer to comply with the provisions of these by-laws.

100. Short Title and Commencement

(1) These by-laws are called the Water Services By-laws, Bylaw 1 of 2014.

(2) The municipality may, by notice in the Provincial Gazette, determine that provisions of these by-laws, listed in the notice, do not apply in certain areas within its area of jurisdiction listed in the notice from a date specified in the notice.

(3) Until any notice contemplated in sub-section (2) is issued, these by-laws are binding.

SCHEDULE A: LIMITS OF CONCENTRATION OF SUBSTANCES THAT MAY BE DISCHARGED TO THE MUNICIPALITY'S SANITATION SYSTEM

Parameter	Allowed Specification
PV-not exceed	1400 ml/l
Ph within range	6,0 – 10,0
Electrical conductivity— not greater than	500 mS / m at 20 °C
Caustic alkalinity (expressed as CaCO ₃)	2 000 mg / l
Substance not in solution (including fat, oil, grease waxes and like substances)	2 000 mg / l
Substances soluble in petroleum ether	500 mg / l
Sulphides, hydro-sulphides and polysulphides (expressed as S)	50 mg / l
Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or sewage treatment works (expressed as HCN)	20 mg / l
Formaldehyde (expressed as HCHO)	50 mg / l
Non— organic solids in suspension	100 mg / l
Chemical oxygen demand (CO)	5 000 mg / l
All sugars and / or starch (expressed as glucose)	1 500 mg / l
Available chlorine (expressed as Cl)	100 mg / l
Sulphates (expressed as SO ₄)	1 800 mg / l
Fluorine— containing compounds (expressed as F)	5 mg / l
Anionic surface active agents	500 mg / l

METALS:

Group 1:

Metal	Expressed as
Manganese	Mn
Chromium	Cr
Copper	Cu
Nickel	Ni
Zinc	Zn
Iron	Fe
Silver	Ag
Cobalt	Co
Tungsten	W
Titanium	Ti
Cadmium	Cd

The total collective concentration of all metals in Group 1 (expressed as indicated above) in any sample of the effluent, shall not exceed 50 mg / l, nor shall the concentration of any individual metal in a sample exceed 20 mg / l.

Group 2:

Metal	Expressed as
Lead	Pb
Selenium	Se
Mercury	Hg

The total collective concentration of all metals in Group 2 (expressed as indicated above) in any sample of the effluent shall not exceed 10 mg / l, nor shall the concentration of any individual metal in any sample exceed 5 mg / l.

OTHER ELEMENTS

Element	Expressed as
Arsenic	As
Boron	B

The total collective concentration of all elements (expressed as indicated above) in any sample of the effluent shall not exceed 20 mg / l.

RADIO-ACTIVE WASTES

Radio-active wastes or isotopes: Such concentration as may be laid down by the Atomic Energy Board or any National Department:

Provided that, notwithstanding the requirements set out in this Part, the municipality reserves the right to limit the total mass of any substance or impurity discharged per 24 hours into the sanitation system from any premises.

METHOD OF TESTING

The method of testing in order to ascertain the concentration of any substance in this Schedule, shall be the test normally used by the municipality for these purposes. Any person discharging any substance referred to in this Schedule shall ascertain the details of the appropriate test from the municipality

SCHEDULE B: APPLICATION FORM FOR THE DISCHARGE OF INDUSTRIAL EFFLUENT TO THE MUNICIPALITY'S SANITATION SYSTEM

(Please complete application in block capitals)

I (name): _____

the undersigned, duly authorised to set on behalf of

and hereinafter referred to as the applicant, hereby apply in terms of the Water Services By-laws of the municipality for approval to discharge industrial effluent into the municipality's sanitation system in accordance with the information provided herein.

PART I

1. NATURE OF THE BUSINESS OR INDUSTRY CONCERNED:

2. NAME OR STYLE UNDER WHICH THE BUSINESS OR INDUSTRY IS CONDUCTED:

3. POSTAL ADDRESS OF THE BUSINESS OR INDUSTRY:

4. PHYSICAL STREET ADDRESS:

ERF NO OR FARM PTN: _____ TOWNSHIP OR FARM: _____

5. If the business or industry is conducted by a company or closed corporation, state the name of the secretary, and if it is a partnership state the names of the partners:

6. IS THIS A NEW OR ESTABLISHED BUSINESS:

7. DESCRIPTION OF INDUSTRIAL OR TRADE PROCESS BY WHICH THE EFFLUENT WILL BE PRODUCED:

8. INFORMATION RELATING TO EMPLOYEES:

	Office	Factory
(1) Total number of daily employees (not included in (4)):		
(2) Number of shifts worked per day:		
(3) Number of days worked per week:		
(4) Number of persons resident on the premises:		
(5) Is a canteen provided?:		

PART II

INFORMATION RELATING TO THE CONSUMPTION OF WATER

1. TOTAL NUMBER OF LITRES OF WATER CONSUMED IN SIX MONTHS:

	Meter No	Meter No	Meter No	Total
Water purchased from the municipality				
Water from borehole or other source				
Water entering with raw materials				
Section of plant served by meter				
Total A				

2. WATER CONSUMPTION

(1) Industrial	kl/Month
(i) Quantity of water in product	.....
(ii) Quantity of water lost by evaporation	.....
(iii) Quantity of water used as boiler make-up	.....
(iv) Quantity of water for other uses (e.g. cooling, gardens, etc)	.....
TOTAL B	_____
(2) Domestic use	kl/Month
(i) Total number of employees (Allow 1 kilolitre/person/month)	.....
(ii) Total number of employees permanently resident on the premises eg. hostels (Allow 1 kilolitre/person/month)	.....
TOTAL C	_____

3. EFFLUENT DISCHARGE INTO SANITATION SYSTEM

(1) Metered volume (if known)	.....kl/ Month
(2) Estimated un-metered volume (see below*)	.....kl/ Month
(3) Estimated rate of discharge	.....
(4) Period of maximum discharge (eg. 07:00 to 08:00)	.....

* In the event that no effluent meter is installed on the premises, the estimated volume of un-metered effluent discharge to sewer is calculated as follows:

A – (B + C) =Kl /Month

PART III

INFORMATION REGARDING THE COMPOSITION OF INDUSTRIAL EFFLUENT

Information relating to the chemical and physical characteristics of the effluent to be discharged:

- (1) Maximum temperature of effluent °C
- (2) pH value Ph
- (3) Nature and amount of settleable solids
- (4) Organic Content (Expressed as Chemical Oxygen Demand)
- (5) Maximum total daily discharge (kilolitres)
- (6) Maximum rate of discharge (kilolitres / hr)
- (7) Periods of maximum discharge, (e.g. 7:00 am to 8:00 am)
- (8) If any of the substances or their salts, specified in the table, are formed on the premises, a cross must be placed in the space in which the substance appears, and, if possible, the average concentration of this substance likely to be present in any effluent must also be stated.

TABLE

ELEMENTS	COMPOUNDS	OTHER SUBSTANCES
Arsenic mg/l	Ammonium mg/l	Grease and / or oil mg/l
Boron mg/l	Nitrate mg/l	Starch and / or sugars mg/l
Cadmium mg/l	Sulphide mg/l	Synthetic detergents mg/l
Chromium mg/l	Sulphate mg/l	Tar and / or tar oils mg/l
Cobalt mg/l	Others (Specify) mg/l	Volatile Solvents mg/l
Copper mg/l	Others (Specify) mg/l	
Cyanide mg/l		
Iron mg/l		
Lead mg/l		
Manganese mg/l		
Mercury mg/l		
Nickel mg/l		
Selenium mg/l		
Tungsten mg/l		
Titanium mg/l		
Zinc mg/l		
Other (Specify) mg/l		

(9) Any further information as to kind or character, chemical compositions, concentrations or other properties peculiar to the industrial effluent to be furnished on a separate sheet and attached hereto.

PART IV

CONDITIONS RELATING TO THE ACCEPTANCE OF INDUSTRIAL EFFLUENT

1. The applicant shall attach descriptions and a statement of the dimensions of grease and oil traps, screens, dilution and neutralising tanks and any other provision made for the treatment of the effluent prior to discharge to the sanitation system.
2. The applicant shall submit to the municipality, if requested, plans showing the reticulation systems on his premises for water and industrial effluent.
3. The applicant shall, in addition to complying with the provisions of the municipality's Water Services By-laws aimed at the protection of its employees, sewers and treatment plant from damage, comply with any direction concerned with such protection given by the municipality verbally or in writing for the purpose of ensuring the applicant's compliance with the said by-laws.
4. The applicant shall notify the municipality, as soon as possible after he becomes aware thereof, or at least 14 days before anything is done to cause material alteration in the nature or quantity of the industrial effluent specified in this application or in any of the facts stated by him therein.
5. The applicant shall, within 30 days from the date of signature of this application, procure an accurately representative sample of not less than 5 litre of the industrial effluent to be discharged into the sewer, which sample shall be free of domestic sewage, and shall submit one half thereof to the municipality for analysis and also submit to the municipality a report on the sample made by an analyst appointed by him: Provided that in the case of a newly established industry the period specified may be extended by the municipality for a period not exceeding six months or such further extended periods as the municipality in its discretion may approve.
6. The applicant hereby declares and warrants that the information given by him in this form, or otherwise, in connection with this application is, to the best of his knowledge and belief, in all respects correct.
7. The applicant agrees that the said information, being in all respects correct, shall form the basis on which this application is granted by the municipality.

Thus done at by the applicant this day of20

.....

Signature and capacity of the applicant

SCHEDULE C: FORMULA FOR THE CALCULATION OF EFFLUENT DISCHARGE CHARGES

1. The additional charge for industrial effluent for the disposal of high strength sewage to a waste water treatment plant shall be determined in accordance with the following formula:

$$T_c = Q_c t \left[a \left(\frac{COD_c - COD_d}{COD_d} \right) + b \left(\frac{P_c - P_d}{P_d} \right) + c \left(\frac{N_c - N_d}{N_d} \right) \right]$$

Where T_c = Extraordinary Treatment Cost to Customer

Q_c = Waste water Volume discharged by customer in kl

t = Unit Treatment cost of waste water in R/kl

COD_c = Total COD of waste water discharged by customer in milligrams/litre and is inclusive of both the biodegradable and non-biodegradable portion of the COD

COD_d = Total COD of domestic waste water in milligrams per litre

P_c = Ortho-phosphate concentration of waste water discharged by customer in milligrams phosphorus per litre

P_d = Ortho-phosphate concentration of domestic waste water in milligrams phosphorus per litre

N_c = Ammonia concentration of waste water discharged by customer in milli grams of nitrogen per litre

N_d = Ammonia concentration of domestic waste water in milligrams of nitrogen per litre

a = Portion of the costs directly related to COD

b = Portion of the costs directly related to the removal of phosphates

c = Portion of the costs directly related to the removal of nitrates

Different terms	Value
T	R0.82/kl
CODd	600 mg/l
Pd	10 mg/l
Nd	25 mg/l
A	0.6
B	0.25
C	0.15

NOTICE

PLEASE TAKE NOTE: THE LAST PUBLICATION OF THE PROVINCIAL GAZETTE FOR THE YEAR 2014 WILL BE ON 12 DECEMBER 2014.

THE NEXT PUBLICATION WILL BE ON 16 JANUARY 2015

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 20.90
HALF-YEARLY	R523.70
YEARLY	R1 047.20

SUBSCRIPTION: (OVER THE COUNTER / E-MAIL)

PRICE PER COPY	R 12.40
HALF-YEARLY	R 310.00
YEARLY	R 619.90

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: **R29.50** 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.

Printed and published by the Free State Provincial Government

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:

INTEKENGELD: (POS)

PRYS PER EKSEMPLAAR	R 20.90
HALFJAARLIKS	R523.70
JAARLIKS	R1 047.20

INTEKENGELD: (OOR DIE TOONBANK / E-POS)

PRYS PER EKSEMPLAAR	R 12.40
HALFJAARLIKS	R 310.00
JAARLIKS	R 619.90

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: **R29.50** 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.

Gedruk en uitgegee deur die Vrystaatse Provinsiale Regering