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[PROVINCIAL NOTICE NO.161 OF 2015]

METSIMAHOLO LOCAL MUNICIPALITY

REZONING AND SUBDIVISION OF ERF RE/1448 AND ERF 124/1872, SASOLBURG, Ext. 1

Notice is hereby given in terms of Section 51 of the Metsimaholo Local Municipality's (MLM) Planning By-laws of the said Municipality's intent to rezone Erf 124/1872 from "Residential Special 1" to "Streets" and rezone Erf Re/1448 from "Educational Facility (Government)" to "Residential Special 1" and "Streets" as well as subdividing Erf Re/1448 into 75 portions in order to permit a residential development of 74 erven and a street on the property. The properties are located in between Grobler- and Nic Ferreira Streets. A copy of the application, which includes the owners' details, can be viewed at the MLM's Town Planning Department, located on the Second Floor.

The public is hereby invited to submit written comments, objections or representations, together with reasons, in writing at:

- Via registered post, addressed to the Municipal Manager, Metsimaholo Local Municipality, PO BOX 60, Sasolburg, 1947.
- In hard copy at the Records Department of Metsimaholo Local Municipality, 10 Fichardt Street, Sasolburg.

Any person who is unable to express their comments in writing may present their comments to Mr S Molefe at the Town Planning Department.

All comments, objections or representations must reach the applicable destination on or before 15 January 2016 at 16h00. All contributors will be notified if a hearing will be held in respect of the application.

[PROVINSIALE NR 161 KENNISGEWING]

METSIMAHOLO PLAASLIKE MUNISIPALITEIT

HERSONERING EN ONDERVERDELING VAN ERF RE/1448 EN ERF 124/1872, SASOLBURG, Uitbr. 1

In terme van Artikel 51 van die Metsimaholo Plaaslike Munisipaliteit (MPM) se Beplannings By-wet word die publiek hiermee in kennis gestel van MPM se voorneme om Erf 124/1872 te hersoneer vanaf "Spesiale Woon 1" na "Strate" en Erf Re/1448 te hersoneer vanaf "Opvoedkundige Fasiliteit (Regering)" na "Spesiale Woon 1" en "Strate" sowel as om Erf Re/1448 te onderverdeel in 75 gedeeltes om sodoende 'n residensiële ontwikkeling van 74 erwe en 'n straat op die eiendom toe te laat. Die eiendomme is geleë tussen Grobler- en Nic Ferreira strate. 'n Afskrif van die aansoek, wat die besonderhede van die eienaars insluit, kan besigtig word by die MPM se Stadsbeplannings Departement, geleë op die tweede verdieping.

Die publiek word hiermee uitgenooi om geskrewe kommentaar besware of verhoë, tesame met redes, skriftelik in te dien op die volgende maniere:

- Via geregistreerde pos, gerig aan die Munisipale Bestuurder, Metsimaholo Plaaslike Munisipaliteit, Posbus 60, Sasolburg, 1947.
- In harde kopie by die Rekords Afdeling van die MPM, geleë te 10 Fichardt Straat, Sasolburg.

Enige persoon wat nie in staat is om hul kommentaar op skrif stel nie kan by die Departement van Stadsbeplanning huis kommentaar aan Mnr S Molefe oordra.

Alle kommentaar, besware of verhoë moet die toepaslike bestemming bereik voor of op 15 Januarie 2016 om 16h00. Alle bydraers sal in kennis gestel word indien 'n verhoor gehou sal word ten opsigte van die aansoek.

[PROVINCIAL NOTICE NO.162 OF 2015]

NOTICE OF 2015/2016 DETERMINATION OF CHARGES PAYABLE TO THE NGWATHE LOCAL MUNICIPALITY FOR PROPERTY RATES

Ngwathe Local Municipality hereby gives notice in terms of the provisions of section 75A(1) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), as amended, read with section 2 of the Municipal Property Rates Act, 2004 (Act 6 of 2004) and the Property Rates Policy of the Ngwathe Local Municipality approved by Council, that a resolution was passed by Council on 29 May 2015 that the charges payable to the Municipality for Property Rates and municipal services for the 2015-16 financial year will be as set out below:

2015/2016 MUNICIPAL TARIFFS

- o 5.8% CPIX was applied to increase tariffs on Property Rates, Water, Refuse and Sanitation
- o Electricity has been increased by the overall 12.2% as approved by NERSA.
- o 50kWh will be provided only to indigents

The property rates tariffs summarised for the financial year 1 July 2015 to 30 June 2016 are as follows:

CATEGORY	Rate c in R	Exemptions, Reductions & Rebates
Residential	0,0111	A total rebate of R30 000 will be granted on the value of the property (R15 000 impermissible according to the Municipal Property Rates Act plus a further R15 000 according to the municipality's Property Rates Policy) A further 10% reduction on the market value (Market value minus R30 000 then 10% will apply on the difference)
Business, Commercial and Industrial	0,0209	A maximum of 5% reduction in line with the Rates Policy will be given upon submission and approval of the application.
Private Owned Towns	0.00855	No additional reduction
Agricultural	0,0111 100% Phase in	25% of the market value on agriculture property will be exempted
State-Owned	0,0278	
Public Service Infrastructure	0,0111	30% of the market value on public service infrastructure property will be exempted

EXEMPTIONS, REDUCTIONS AND REBATES:

Exemptions, Reduction and Rebates will be given to the different categories of properties and owners as follows:
Different categories of properties

Residential properties

All residential properties with a market value of less than the amount as annually determined by the municipality are exempted from paying rates. For the 2015/2016 financial year the maximum reduction is determined as R30 000. The impermissible rates of R15 000 contemplated in terms of section 17(1) (h) of the Property Rates Act is included in the amount referred to above as annually determined by the municipality. The remaining R15 000 is an important part of the council's indigent policy and is aimed primarily at alleviating poverty.

Indigent owners

Owners who qualify and who are registered as indigents in terms of the adopted indigent policy of the municipality, regardless of the value of the property, will receive reduction from payment of property tax in terms of the Property Rates Policy.

Child headed families

Families headed by children with monthly income not exceeding R2 860 will receive a 100% rebate for paying property tax.

Retired and Disabled Persons Rate Rebate

Retired and Disabled Persons, not registered as indigents, qualify for special rebates according to monthly household income as follows;

- R0 to R2 860 per month - As per indigent Subsidy Policy
- R2 861 to R3 708 per month - 40% rebate
- R3 709 to R5 903 per month - 15% rebate

Business, commercial and industrial properties

The municipality will grant rebates to rateable enterprises that promote local, social and economic development in its area of jurisdiction. Maximum rebate for the 2015-16 financial year, has been determined at 5%.

Public Benefit Organizations (PBO's)

Taking into account the effects of rates on PBOs performing a specific public benefit activity and if registered in terms of the Income Tax Act, 1962 (No 58 of 1962) for tax reduction because of those activities, Public Benefit Organizations may apply for the exemption or reduction of property rates up to 40%.

Agricultural property rebate

The municipality will apply the standard ratio for agricultural properties as promulgated by the Minister 1:0.25 (75% rebate on the tariff for residential properties).

LD KAMOLANE
MUNICIPAL MANAGER

[PROVINCIAL NOTICE NO. 163 OF 2015]

Naledi Local Municipality

Resolution Levying Property Rates for the financial year 01 July 2015 to 30 June 2016

Notice is hereby given in terms of Sec 14(2) of the Local Government: Municipal Property Rates Act (6 of 2004) and Section 21(1) of the Local Government: Municipal Systems Act (32 of 2000) that the Council of Naledi Local Municipality at a meeting held on 20 May 2015, resolved by way of council resolution (Resolution number NL 277/2015), to levy rates on property reflected in the schedule below with effect from 1 July 2015

Category of Property	Cent Amount in the Rand rate determined for the relevant property category
Residential <ul style="list-style-type: none"> – All residential properties with a market value of less than the amount as annually determined by the municipality are exempted from paying rates. – For the 2015/2016 financial year the maximum reduction is determined as R 50 000 – The impermissible rates of R15 000 contemplated in terms of section 17(1) (h) of the Property Rates Act is included in the amount referred to above as annually determined by the municipality. – The remaining R35 000 is an important part of the council's indigent policy and is aimed primarily at alleviating poverty. Retired and Disabled Persons Property Rates Rebate For the 2015/2016 financial year the total monthly income and corresponding rebate is determined as follows: <ul style="list-style-type: none"> – R 0 to R 3 000 per month – 100% rebate – R 3 001 to R 5 000 per month - 50% rebate – R 5 001 to R 8 000 per month - 20% rebate Indigents Indigent owners and child headed families will receive a 100% rebate from property rates	0, 0056
Business	0, 0056
State - Owned (Government) <ul style="list-style-type: none"> – Ratio 1:2 - State owned properties, including all agricultural properties(farms) owned by any sphere of government, shall be levied 2 x the rate of domestic properties. 	0, 0112
Agricultural – Normal Standard rebate to all agricultural properties <ul style="list-style-type: none"> – Ratio of 1:0.25 (75% rebate) on tariff of R0.0056 as promulgated by the Minister of Provincial and Local Government 	0, 0014

<p>Additional rebate if qualified and applied for</p> <ul style="list-style-type: none"> – 2, 5% for the provision of accommodation in a permanent structure to farm workers and their dependants – 2, 5% if such residential properties are provided with potable water. – 2, 5% if the farmer for the farm workers electrifies such residential properties. – 2, 5% for the provision of land for burial to own farm workers and educational and recreational purposes to own farm workers as well as people from surrounding farms. 	
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Full details of the Council resolution and rebates, reductions and exclusions specific to each category of owners of properties or owners of specific category of properties as determined through criteria in the municipality's rates policy are available for inspection at the municipality's offices.

QW Lefora
Municipal Manager
Naledi Local Municipality
Brand Street 13
Dewetsdorp, 9940
Tel – 051 541 0012

PROVINCIAL NOTICE NO. 164 OF 2015

MOQHAKA LOCAL MUNICIPALITY / PLAASLIKE MUNISIPALITEIT / LEKGOTLA LA MOTSE

Notice is hereby given in terms of the provisions on section 13 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) that the Council of the Moqhaka Local Municipality adopted Building Regulations and Building By-Laws as contained in the schedule hereunder. These By-Laws are published for the purpose of general public notification and the by-laws take effect from date of publication in the Provincial Gazette. Copies of the by-laws are available at the Municipal Offices, Hill Street , Kroonstad.

SCHEDULE

BUILDING REGULATIONS AND BUILDING BY-LAW.

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In these by-laws, words used in the masculine gender include the feminine, the singular includes the plural and vice versa and, except where otherwise provided, all words and phrases have the same meanings as those contained in the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), the National Building Regulations promulgated thereunder and the User's Code for the application of the National Building Regulations, SABS 0400/1990.

"adequate" or "effective" means adequate or effective in the opinion of the Council;

"approved" means approved by the Council, regard being had, in all cases, to all the circumstances of the particular case and to accepted principles of drainage installation and, in the case of any appliance, fitting or other object, to the purpose which it is intended to serve;

"anti-siphonage pipe" means any pipe or portion of a pipe provided for the protection by ventilation of the water seal or trap against unsealing by siphonage or backpressure;

"cleaning eye" means any access opening to the interior of a discharge pipe or trap provided for the purposes of internal draining and which remains permanently accessible after completion of the drainage installation;

"communication pipe" any pipe leading from a main to the premises of any consumer as far as the street boundary of such premises situated nearest to such main, or, in cases where the meter is installed inside the premises of any consumer in terms of this part of these by-laws, as far as the inlet of the meter;

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

"connection" means the point where a drain is connected to the connecting sewer;

"conservancy tank" means a tank which is used for the retention and temporary retention of the discharge from a drainage installation and which is emptied at intervals determined by the Council;

"consumer" means the occupier of any premises with whom or which the Council has contracted to supply water or the owner or any person who has entered into a contract with the Council for the supply of water or who is lawfully obtaining water from the Council;

"Council" means the Council of the Municipality of Moqhaka and/or any duly authorized committee or official of the said Municipality;

"drain" means that portion of a drainage installation other than soil-water pipes, waste-water pipes, ventilation pipes and anti-siphonage pipes, which is vested in the owner of the premises and which has been laid in the ground and is used or intended to be used for conveying sewage to the connecting sewer or to a common drain or a conservancy tank or septic tank which is situated on the premises;

"drainage installation" means an installation vested in the owner of the premises and includes any drain, soil-water pipe, stack, waste-water pipe, ventilation pipe, anti-siphonage pipe, soil-water fitting, waste-water fitting, mechanical appliance or any other appliance or fitting or combination thereof for the collection and conveyance of sewage;

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

"gully" means a pipe fitting incorporating a trap into which waste water is discharged;

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

"main" means any pipe, aqueduct or other work under the exclusive control of the Council and used by it for the purpose of conveying water to consumers, but does not include any communication pipe, as herein defined.

"Municipal Manager" means the person appointed as Municipal Manager by the municipal council in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998) as amended and includes a person acting in this position.

"owner" in relation to immovable property means the person in whom the legal title is vested and includes:

- (a) a person receiving the rent or profits of any land or property from any tenant or occupier thereof, or who would receive such rent or profits if such land or property were leased, whether for his/her own account or as agent for any person entitled thereto;
- (b) in case where the person in whom the legal title to premises is vested is insolvent or dead, or is under any form of legal disability whatsoever, the person in whom the administration and control of such premises is vested as curator, trustee,

- executor, administrator, judicial manager, liquidator or other legal representative;
- (c) in relation to -
- (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property, or
 - (ii) a section as defined in such 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;
- "premises" means any piece of land, the external surface boundaries of which are delineated on -
- (a) a general plan or diagram registered in term of the Land Survey Act, 1927 (Act No. 9 of 1927) or in terms of the Deeds Registries Act, 1937 (Act No. 47 of 1937), or
 - (b) a sectional plan registered in term of the Sectional Titles Act, 1986 (Act No. 95 of 1986),
- "purified effluent" means the water discharged from a water care works after purification, either into a water course or for purposes of re-use;
- "sanitary fitting" or "sanitary appliance" means any soil-water fitting and any waste-water fitting;
- "septic tank" means any tank designed to receive sewage and to effect the adequate decomposition of organic matter in sewage by bacterial action;
- "sewage" means soil-water, waste-water or industrial effluent whether separately or together;
- "sewer" means any pipe with fittings, vested in the Council and used or designed or intended for use for or in connection with the conveyance of sewage;
- "soil-water" means any liquid containing human or animal excreta;
- "soil-water fitting" means any fitting used for the reception and discharge of soil-water;
- "soil-water pipe" means any pipe, other than a drain, used for the conveyance of soil-water with or without waste-water;
- "stack" means the main vertical component of a drainage installation or any part thereof other than a ventilation pipe;
- "storm water" means any liquid resulting from natural precipitation or accumulation and includes rain-water, spring-water and ground-water;
- "tariff" means the tariff of charge regarding the Council's sewerage services, as determined by the Council from time to time in terms of Section 75A of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) or any other applicable law;
- "trap" means a pipe fitting or portion of a sanitary appliance designed to retain a water seal in position;
- "Ventilation pipe" means any pipe or portion of a pipe not conveying any liquid and used to ventilate a drainage installation in order to prevent the destruction of water seals and which leads to the open air at its highest point;
- "waste-water" means used water that has not been polluted by soil-water or industrial effluent, and does not include storm water,
- "waste-water fitting" means any fitting used for the reception and discharge of waste-water; "waste-water pipe" means any pipe, other than a drain, used for the conveyance of water-waste only;
- "water care works" means any water works for the purification treatment or disposal of effluent;
- "water seal" means the water in a trap, which serves as a barrier against the flow of foul air or gas;

Scope of By-Laws

2. These by-laws applies to every building, sewerage installation and/or water installation, and, regarding sewerage and water installations in particular, to the operation and maintenance of any such installation in any new building or existing building with or without any alteration or addition to such an existing installation, whether or not required by the Council to be made or altered in terms of the National Building Regulations or these bylaws.

Cat-heads, cranes and platforms

3. Cat-heads, lifting cranes, platforms and other such contrivances may not overhang any street or sidewalk without the prior written consent of the Council.

Slab footways or pavement

4. (1) The owner or occupier of an erf adjoining a street, may lay or fix slab footways or pavements on any street sidewalk or footway.
- (2) Paving or slabs must be laid to the grade, line and cross-fall pointed out by the Council and must conform to the following further requirements:
 - (a) For ordinary paving or slabs, the minimum cross-fall must be 1:100 and the maximum cross-fall 1:25.
 - (b) Non-skid paving or slabs of a type to be approved by the Council may be used for cross-falls between 1:25 and 1:15: provided that the maximum cross-fall may not exceed 1:15.
 - (c) Longitudinal grades may not be steeper than 1:25 for ordinary paving. Slabs and non-skid paving or slabs may be used for longitudinal grades between 1:25 and 1:15: provided that the maximum longitudinal grade may not exceed 1:15.
- (3) When carriage openings are formed in kerbs and cross footways or pavements, such openings must be paved or slabbed.
- (4) The Council may, for purposes of this section, impose such conditions as it may deem necessary in the interests of public safety, the preservation of municipal property and for any such purpose necessitating the imposition of such conditions.

Planting on footways and sidewalks

5. (1) The owner or occupier of an erf adjoining a street may, at his or her own cost, grade and plant with grass any land lying between the erf and that part of the street intended, laid out or made up for the use of vehicular traffic.
- (2) The owner or occupier of an erf aforesaid may plant flowers or small shrubs in a strip of land not exceeding 1 meter in width immediately adjoining the said erf.
- (3) The Council may impose such conditions as it deems necessary, regard being had to public safety, the preservation of municipal property and for any such purpose necessitating the imposition of such conditions.

Street gutter bridged

6. No person may bridge over or enclose any gutter or storm water drain under the control of the Council without the prior written consent of the Council.

Encroachments

7. (1) A cantilevered overhanging roof may be erected over the street boundary or building line, at a height of at least 2,75m above the finished ground level, measured from the finished ground level to the lowest point of the overhanging roof.
- (2) Foundations that are at least 0,75m under the ground level may exceed a street boundary or building line with a maximum of 0,5m.
- (3) Sunshades and overhead lamps may exceed a street boundary or building line: provided that there is a head clearance of at least 2, 1m, measured from the finished ground level to the lowest point of such sunshades or overhead lamps.
- (4) Eaves projections may exceed the street boundary or building line.

Restriction on the erection of buildings within the one-in-fifty-year flood line

8. (1) No building may without the prior permission of the Council be erected so that it is, at its nearest point, nearer to the centre of any natural watercourse than a line, as may be determined by the Council, indicating the maximum level likely to be reached on an average every fifty years by flood water in the said watercourse.
- (2) For the purpose of this section, a natural watercourse means a topographic land depression which collects and conveys surface storm water in a definite direction, and includes any clearly defined natural channel, which conveys water in a definite course along a bed between visible banks, whether or not its conformation has been changed by artificial means and whether or not such channel is dry during any period of the year, and includes any river, spruit, and stream.

Restriction of additional buildings

- 9.. (1) No person may erect a building additional to a building already approved by the Municipality; Provided that the Municipality may grant approval for such building subject to the applicable legislation.
- (2) If no prior approval for such building was obtained, the owner of the erf must within 14 days after receipt of a notice issued in accordance with section 41, demolish the building.
- (3) Should the owner fail to demolish the building within the time period, referred in subsection (2), the Municipality may demolish the building and the owner will be liable for the reasonable cost associated with such demolition.

Relay of storm water from a high lying erf to a lower lying erf

10. If, in the opinion of the Council, it is impracticable for storm water to be drained from any high-lying erf direct to a public street, the owner of any low lying erf is obliged to accept and permit the passage of such storm water and the owner of such high-lying erf, the storm water from which is discharged over the low-lying erf, is liable for a proportionate share of the cost of any pipe-line or drain which the owner of such low-lying erf may find necessary to construct for the purpose of conducting water so discharged.

Enclosures

11. Where any erf is enclosed in whichever manner, such enclosure must be designed, erected and maintained according to sections 13, 14 and 15.

Height restrictions

- 12 (1) No enclosure except those on Industrial and Business zoned erven irrespective of the type of material used, may exceed a height of 2.1m.
- (2) Apart from the provisions of subparagraph (1) hereof, barbed wire or similar wire and safety spikes may be erected only from a height of 1.75m.

Design and appearance

13. (1) An enclosure which is visible from an adjacent street or public open space must comply with the following conditions -
 - (a) All surfaces which are visible from such street or public open space must -
 - (i) be skillfully finished;
 - (ii) be of good quality material;
 - (iii) be without defect; and
-

- (iv) have an exposed or finished side;
 - (b) If such enclosure is made of precast material and is visible from such street or public open space, it may only have a brick pattern and be painted white or a different finish or colour as approved by the Council.
 - (d) If wood forms part of such enclosure, it is thoroughly treated with a wood-preserving agent.
- (2) An enclosure, as provided in sub section (1) which is visible from any adjacent erf, must comply with the following requirements -
- (a) All surfaces fronting on the adjacent erven must be -
 - (i) skilfully finished;
 - (ii) of good quality material;
 - (iii) without defect; and
 - (iv) maintenance free
 - (b) if applicable, the struts, posts and columns of such an enclosure must show on the owner's side
 - (c) If wood forms part of such enclosure, it must be thoroughly treated with a wood-preserving agent.
- (3) Notwithstanding the provisions in these By-laws -
- (a) the enclosure, as provided in subsection (1), must, within a distance of 4.5m from any street boundaries or public open space boundaries be splayed or lowered to a height of 1m, if the Council so requires;
 - (b) no barbed wire or similar wire and safety spikes in any area Industrial -zoned erven excluded may be visible from any street, public open space or adjacent erf;
 - (c) the enclosure must be properly maintained to the sole satisfaction of the Council.
 - (d) the height of any enclosure or wall will be measured from natural ground level.

Roofs

14. (1) Sheet metal which is used for roofs and is visible from the street or surrounding erven must be properly painted within fifteen months after construction thereof if the Council so requires.
- (2) No roof surface may have a luminous finish.

Connection to sewer

15. (1) No part of any drainage installation may extend beyond the boundary of the piece of land on which the building or part thereof served by the drainage installation is erected: provided that, where it considers it necessary or expedient to do so, the Council may permit the owner to lay a drain at his or her own expense through an adjoining piece of land upon proof of the registration of an appropriate servitude or of a notarial deed of joint drainage, as the Council may require.
- (2) Subject to the provisions of subsection (3), and without prejudice to the provisions of the National Building Regulations regarding the inspection and testing of drainage installations, the owner of a premises must, 14 days before the drainage installation on his or her premises will be ready for connection to a connecting sewer, advise the Council of his or her intention to so connect. As soon as the Council has provided the connecting sewer, he or she must connect the drain to it at his/her own expense.
- (3) Any alternative or additional connection required by the owner must be subject to the approval of the Council and is effected at the owner's expense.
- (4) No person may permit the entry of any substance whatsoever other than clean water for testing purposes into any drainage installation before the drainage installation has been connected to the sewer.
- (5) Save as may be otherwise authorized by the Council in writing, no person other than an official duly authorized to do so, may lay and connect any connecting sewer to the sewer.
- (6) The conveyance of sewage from two or more premises by means of a common drain to a connecting sewer may be authorized by the Council.

Disconnection of Drainage Installations and Conservancy or Septic Tanks

16. (1) If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for such use is withdrawn, the owner must cause it to be disconnected and either completely removed or completely filled with earth or other suitable material: provided that the Council may require such tank to be otherwise dealt with, or may permit it to be used for some other purpose subject to such conditions as the Council may consider necessary, regard being had to all the circumstances of the case.
- (2) After all the requirements of the National Building Regulations in regard to disconnection have been complied with and on request by the owner, the Council must issue a certificate to the effect that the disconnection has been completed in terms of the National Building Regulations and that any sewerage charges raised in respect of the disconnected portion of the drainage installation must cease to be raised with effect from the first day of the month following the issue of such certificate: provided that, until such certificate is issued by the Council, any such charges must continue to be raised.
- (3) When a drainage installation is disconnected from a sewer, the Council must seal the opening so made and must recover from the owner the cost of such work in terms of section 14(5).
- (4) Any person who, without the permission of the Council, breaks or removes or causes or permits the breakage or removal of any such seal referred to in subsection (3), is guilty of an offence.
- (5) Where a soil-water fitting has during the month been connected to or disconnected from a drainage installation which

discharges into a sewer system, the tariff, excluding the fixed tariff for every erf, stand, premises or other area, with or without improvements, which, in the opinion of the Council, can be connected to a sewer, must be calculated as if such connection or disconnection had taken place on the first day of the month following the month in which such connection or disconnection was effected.

Drainage Work which does not comply with the Requirements

17. (1) Where any drainage installation has been constructed or any drainage work has been carried out which fails in any respect to comply with any of the provisions of the National Building Regulations or these by-laws, the owner must, on receipt of a written notice by the Council to do so and notwithstanding the fact that he may have received approval of plans in respect of the said installation or work in terms of the National Building Regulations or previous by-laws, carry out such repairs, replacements, maintenance work or alteration to the installation as and within the time which the said notice may specify.
- (2) When, in the opinion of the Council, a nuisance exists as a result of the emission of gas from any trap or sanitary fitting or any other part of a drainage installation, the Council may require the owner, at his or her own expense, to take such action as may be necessary to prevent the recurrence of the said nuisance.
- (3) Where any sewage, after being discharged into a drainage installation, enters or overflows any soil-water fitting or waste-water fitting connected to the same drainage installation and leaks from the drainage installation whether by reason of surcharge, back pressure or any other circumstance, the Council may, by notice in writing, require the owner to carry out, within the period specified by such notice, any work necessary to abate such entry, overflow or leakage of sewage and to prevent any recurrence thereof.
- (4) The Council may, instead of serving notice as aforesaid or where such notice has not been complied with within the time prescribed therein, without prejudice to its right to also prosecute the person or body to whom the notice was directed, because of an infringement of the National Building Regulations or these by-laws, proceed itself to carry out any such alteration, removal or other work as it may deem necessary for compliance with the provisions of the National Building Regulations or these by-laws and may recover the cost thereof from the owner by the ordinary process of law in terms of subsection (5).
- (5) Where any work other than that for which a fixed charge has been determined, is undertaken by the Council, the costs of which it is entitled in terms of these bylaws to recover from any person, there may be included in such costs such claim to be determined by the Council as will cover all expenditure reasonably incurred by the Council.

Maintenance

18. Where any part of a drainage installation is used by two or more owners or occupiers, they are jointly and severally liable in terms of this section for the maintenance and repair of such drainage installation.

Drainage and Sewer Blockages

19. (1) No person may cause or permit such an accumulation of grease, oil, fat, solid matter or any other substance in any trap, tank, pipe, drain or fitting as will cause its blockage or ineffective operation.
- (2) When the owner or occupier of a premises has reason to believe that a blockage has occurred in any drainage installation thereon, then he must forthwith inform the Council of the facts and take steps to have it cleared.
- (3) Where a blockage occurs in a drainage installation any work necessary for its removal shall, subject to the provisions of subsection (5), be undertaken by or under the supervision of a plumber or registered person as required in the National Building Regulations in regard to the control of plumbers and plumbing work.
- (4) Any plumber or registered person as aforesaid must, before proceeding to remove any blockage from a drainage installation, notify the Council by telephone or otherwise of his or her intention to do so, and must when he or she has done so, notify the Council of that fact and of the nature, location and cause of the said blockage.
- (7) The Council must, whether or not it has been requested by the owner to do so, be entitled, at its own discretion, to remove a blockage from a drainage installation and may recover the costs thereof from the owner in accordance with Section 18(5).
- (5) Should the clearing by the Council of any blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn or other artificial surfacing on any premises, the Council is not liable for the reinstatement thereof.
- (8) Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and the Council is reasonably satisfied that such obstruction was caused by objects emanating from the drainage installation, the owner of the premises served by the drainage installation is liable for the cost of clearing the blockage and the Council may recover such cost from the owner in accordance with Section 18(5).
- (9) Where a blockage has been removed from a drain or portion of a drain which serves two or more pieces of land, the charges for the clearing of such blockage is recoverable in the first place in equal portions from each of the owners thereof, who however will, be jointly and severally liable for the whole charge.

Interference with or Damage to Sewers and Water Care Works

20. Any damage caused to the Council's sewer or any part of its sewerage or water care works by or in consequence of the non-compliance with or contravention of any provision of the National Building Regulations or these by-laws must be rectified or repaired by the Council at the expense, of the person responsible for the said non-compliance or contravention or of causing or permitting same.

Entry onto Premises

21. (1) An official authorized by the Council has the right to enter upon any premises at any reasonable time in order to take samples of or test sewage or industrial effluent or to carry out any inspection or work in connection with a drainage installation which the Council may deem necessary.
- (2) Any owner or occupier of premises who denies or causes or instructs any other person to deny entry to premises to any official demanding the same in terms of subsection (1), or who obstructs or causes or instructs any person to obstruct such official in the performance of his or her duties, or who withholds or causes or instructs any other person to withhold information required by the official for the purpose of carrying out his said duties, or who gives or causes or instructs any other person to give to the official any information which is to his/her knowledge false, is guilty of an offence.

Manholes on Municipal Property

22. (1) Where, for any reason whatsoever, the provision of adequate means of access to the Council's connecting sewer is impracticable on any private premises, the Council may at the expense of the owner, cause or permit a manhole to be constructed over the Council's connecting sewer in such public place and in such position and of such materials and dimensions as the Council may decide and, in addition, the owner must bear the cost, as assessed by the Council, of any alteration to existing services in the public place which may, by reason of the construction of the manhole, be necessary.
- (2) The owner of the private premises referred to in subsection (1) must, if so required by the Council, pay rental to the Council for the space occupied by the manholes in the public place.

Mechanical Food-Waste or other Disposal Units

23. (1) No person may incorporate into a drainage installation a mechanical food waste or other disposal unit or garbage grinder which has a power capacity in excess of 500W, unless a standard water meter, which the Council installs and seals at the cost of the owner and to which the Council has the right of access at all times, has been connected into the supply pipe which provides water to the unit.
- (2) The Council may require the owner or occupier of any premises on which a food-waste or other disposal unit or a garbage grinder has been installed, or the owner of such unit or grinder, either to remove, repair or replace any unit which, in the opinion of the Council, is functioning inefficiently or which may impair the working of the Council's sewerage system.
- (3) The owner must, upon the removal of any such unit or grinder, notify the Council in writing within 14 days of its removal.
- (4) The charges as prescribed in the applicable tariff must be paid in respect of the discharge of a food-waste, other disposal unit or a garbage grinder referred to in subsection (1).

Sewage or other Pollutants not to enter Storm water drains

24. (1) The owner or occupier of any piece of land on which steam or any liquid other than potable water is stored, processed or generated, must provide all facilities necessary to prevent any discharge, leakage or escape of such liquid to any street, storm water drain or watercourse except where, in the case of steam, the Council has specifically permitted such discharge.
- (2) Where the hosing down or flushing by rainwater of an open area on any private premises is, in the opinion of the Council, likely to cause the discharge of objectionable matter into any street gutter, storm water drain, river, stream or other watercourse, whether natural or artificial, or to contribute towards the pollution of any such watercourse, the Council may instruct the owner of the premises to execute, at his/her own cost, whatever measures by way of alterations to the drainage installation or roofing of the area it may consider necessary to prevent or minimize such discharge or pollution.

Storm water not to enter Sewers

25. No person may discharge or cause or permit to be discharged any storm water or any substance other than sewage into a drainage installation.

Discharge from Swimming Pools

26. Water from fountains, boreholes, wells, reservoirs or swimming pools situated on private premises is discharged into a drainage installation only with the prior written consent of the Council and subject to such conditions as to place, time, rate of discharge and total discharge as the Council may impose.

Permission to Discharge Industrial Effluent

27. (1) No person may discharge or cause or permit to be discharged into any sewer, any industrial effluent or other liquid or substance other than soil-water or waste-water without the prior written permission of the Council or, if such permission has been obtained, otherwise than in strict compliance with any and all of the conditions of such permission.
- (2) Every person must, before discharging any industrial effluent or other liquid substance into a sewer, make application in writing to the Council for permission to do so on the prescribed form, to be completed in duplicate, and must thereafter furnish such additional information and submit such samples as the Council may require.
- (3) The Council may, at its discretion, having regard to the capacity of any sewer or any mechanical appliance used for sewage or any water care works, whether or not vested in the Council and subject to such conditions as it may deem fit to impose, including the payment of any charge assessed in terms of the relevant tariff, grant permission for the discharge of industrial effluent from any premises into any sewer.

- (4) A person to whom permission has been granted in terms of subsection (3) to discharge industrial effluent into a sewer must, before doing or causing or permitting to be done anything which results in any change in the quantity or discharge or nature of that effluent, notify the Council in writing of the date on which it is proposed that the change must take place and of the nature of the proposed change.
- (5) Any person who discharges or causes or permits to be discharged any industrial effluent into the sewer without having first obtained permission to do so in terms of subsection (3) is guilty of an offence and be liable to such charge as the Council may assess for the conveyance and treatment of the effluent so discharged and for any damage caused as a result of such unauthorized discharge.
- (6) Without prejudice to its rights in terms of subsection (5) or of Section 29(3)(c), the Council is entitled to recover from any person who discharges into a drain or sewer any industrial effluent or any substance which is prohibited or restricted in terms of Section 27 or which has been the subject of an order issued in terms of Section 27(2), the whole cost of expenses or charges incurred or to be incurred by the Council or of losses suffered or to be suffered as a result of any or all of the following:
 - (a) Injury to persons, damage to the sewer or any water care works or mechanical appliance or to any property as the result of the breakdown, either partial or completely of any sewer or water care works or mechanical appliance, whether under the control of the Council or not; or
 - (b) A prosecution in terms of the National Water Act, 1998 (Act No. 36 of 1998), as amended, or any action against the Council consequent on any partial or complete breakdown of any water care works or mechanical appliance caused directly or indirectly by the said discharge, including fines and damages which may be imposed or awarded against the Council.
- (7) Due to any change in circumstances arising from a change in the sewage treatment process or the introduction of new or revised or stricter or other standards by the Council or in terms of the National Water Act, 1998 (Act No. 36 of 1998), or as a result of any amendment of these by-laws or due to any other reason, the Council may from time to time review, amend, modify or revoke any permission given or any conditions attached to such permission and/or impose new conditions for the acceptance of any industrial effluent into the sewer or prohibit the discharge of any or all such effluent into the sewer upon giving adequate written notice in advance of its intention to do so, and, upon expiration of such period of notice the previous permission or conditions, as the case may be, are regarded as having lapsed and the new or amended conditions, if any, as the case may be, must forthwith apply.

Control of Industrial Effluent

28. (1) The owner or occupier of any premises from which industrial effluent is discharged into a sewer, must provide adequate facilities such as overflow level detection devices, standby equipment, overflow catch-pits or other appropriate means effectively to prevent the accidental discharge into any sewer, whether through the negligence of operators, power failure, failure of equipment or control gear, overloading of facilities, spillage during loading or unloading or for any other similar reason, of any substance prohibited or restricted or having properties outside the limits imposed in terms of these by-laws.
- (2) The owner or occupier of any premises on which industrial effluent originated and who intends applying treatment to such effluent before discharging it, must obtain prior written permission from the Council.
- (3) The Council may, by notice served on the owner or occupier of any premises from which industrial effluent is discharged, require him or her, subject to any other provision of the National Building Regulations or these by-laws, to do all or any of the following:
 - (a) to subject the effluent before it is discharged into the sewer, to such pre-treatment as will ensure that it will at all times conform in all respects with the requirements of Section 27(1) or to modify the effluent cycle of the industrial process to such an extent and in such a manner as in the opinion of the Council is necessary to enable any water care works receiving the said effluent, whether under the control of the Council or not, to produce treated effluent complying with any standards which may be laid down in respect of such works in terms of the National Water Act, 1998 (Act No. 36 of 1998);
 - (b) to restrict the discharge of effluents to certain specified hours and the rate of discharge to a specified maximum and to install, at the expense of the owner or occupier such tanks, appliances and other equipment as in the opinion of the Council may be necessary or adequate for compliance with the said restrictions;
 - (c) to install a separate drainage installation for the conveyance of industrial effluent and to discharge the same into the sewer through a separate connection, as directed by the Council, and to refrain from discharging the said effluent through any drainage installation intended or used for the conveyance of domestic sewage or from discharging any domestic sewage through the said separate installation for industrial effluent;
 - (d) to construct at his or her own expense any drainage installation conveying industrial effluent to the sewer one or more inspection, sampling or metering chambers of such dimensions and materials and in such positions as the Council may prescribe;
 - (e) to pay, in respect of the industrial effluent discharged from the premises, such charge as may be calculated in terms of the tariff: Provided that, where, due to the particular circumstances of any case, the actual chemical oxygen demand (CODJ) or permanganate value (PV) and the concentration of metals in the effluent cannot be assessed by means of the method of assessment prescribed by the SABS, the Council may use such alternative method of assessment as it may deem expedient and the charge to be levied is assessed accordingly;
 - (f) to provide all such information as may be required by the Council to enable it to assess the charges payable in terms of the tariff; and

- (g) for the purposes of subsection (f) to provide and maintain at his or her own expense a meter or meters measuring the total quantity of water drawn from any borehole, spring or other source of water, excluding that of the Council, used on the property and discharged as industrial effluent into the sewer.

Metering and Assessment of the Volume and Composition of Industrial Effluent

29. (1) The Council may incorporate, in such position as it determines in any drainage installation conveying industrial effluent to a sewer, any meter or gauge or other device for the purpose of ascertaining the volume or composition of the said effluent, and it is an offence for any person to pass, open, break into or otherwise interfere with or do damage to any such meter, gauge or other device: Provided that the Council may, at its discretion, enter into an agreement with any person discharging industrial effluent into the sewer, determining an alternative method of assessing the quantity of effluent so discharged.
- (2) The Council is entitled to install and maintain any such meter, gauge or device as aforesaid at the expense of the owner of the premises on which it is installed.
- (3) The owner of any premises on which is situated any borehole or well used for a water supply for trade or industrial purposes must:
- (a) register such borehole or well with the Council;
 - (b) provide the Council with full particulars of the discharge capacity of the borehole or well; and
 - (c) if the Council has reason to doubt the reliability of the particulars given, carry out, at the expense of the owner, such tests on the discharge capacity of the borehole or well as may, in the opinion of the Council, be necessary for the purpose of these by-laws.

Prohibited Discharges

30. (1) No person may discharge or cause or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance which:
- (a) in the opinion of the Council, may be offensive to or may cause a nuisance to the public;
 - (b) is in the form of steam or vapour or has a temperature exceeding 44°C at the point where it enters the sewer;
 - (c) has a pH value less than 6,0 or greater than 10,0;
 - (d) contains any substance of whatsoever nature likely to produce or emit explosive, flammable, poisonous or offensive gasses or vapours in any sewer;
 - (e) contains any substance having a flashpoint of less than 93°C or which emits a poisonous vapour at a temperature below 93°C;
 - (f) contains any material of whatsoever nature, including, oil, grease, fat or detergents capable of causing interference with the proper operation of water care works;
 - (g) shows any visible signs of tar or associated products or distillates, bitumens or asphalts;
 - (h) contains any substance in such concentration as is likely in the final treated effluent from any water care works to produce an undesirable taste after chlorination or an undesirable odour or colour, or excessive foam;
 - (i) exceeds any of the limits or concentrations of substances specified in the Annexure: Provided that the Council may approve such greater limits or concentrations for such period or on such conditions as it may specify on consideration of the effect of dilution in the sewer and of the effect of such substance on the sewer or any sewage treatment process if the Council is satisfied that, in the circumstances, the discharge of such substance will not:
 - (ii) prejudice the use of sewage effluent for re-use; or
 - (iii) adversely affect any waters into which purified sewage effluent is discharged, or any land or crops irrigated with the sewage effluent;
 - (j) contains any substance of whatsoever nature which, in the opinion of the Council:
 - (i) is not amenable to treatment at the water care works, or which causes or may cause a breakdown or inhibition of the normal sewage treatment processes; or
 - (ii) is of such nature as is or may be amenable to treatment only to such degree as to prevent the final treated effluent from the water care works from satisfactorily complying in all respects with any requirement imposed in terms of the National Water Act, 1998 (Act No. 36 of 1998); or
 - (iii) whether listed in the Annexure or not, either alone or in combination with other matter may:
 - (aa) generate or constitute a toxic substance detrimental to the health of persons employed at the water care works or entering the Council's sewers or manholes in the course of their duties; or
 - (bb) be harmful to sewers, water care works or land used for the disposal of purified sewage effluent; or
 - (cc) adversely affect any of the processes whereby sewage is purified or any re-use of purified sewage effluent.
- (2) (a) Any person receiving from an official duly authorized thereto by the Council a written order instructing him to stop the discharge into the sewer of any substance referred to in subsection (1), must forthwith stop such discharge.
- (b) Any person who contravenes the provisions of subsection (1) or who fails to comply with an order issued in terms of subsection (2)(a), is guilty of an offence.
- (c) Notwithstanding the provisions of subsection (2)(b), should any person have failed to comply with the terms of an order served on him or her in terms of subsection (2)(a) and such discharge is likely, in the opinion of the Council, to

cause damages to any sewer or mechanical or other appliance or to seriously prejudice the efficient operation of any water care works, the Council may, after further written notice, refuse to permit the discharge of any industrial effluent into the sewer until such time as the industrial effluent complies in all respects with the Council's requirements as prescribed in terms of these by-laws, in which event the person responsible for the discharge must forthwith stop it, or if he or she fails to do so, the Council may prevent him from proceeding with the discharge.

Connection from mains

31. (1) All communication pipes which are intended for preventive or automatic use in case of fire must be laid by the Council as far as the boundary of the consumer's property.
- (2) Such communication pipes may be used only for fire extinguishing purposes.
- (3) No take-off of any kind is made, other than those in connection with automatic sprinklers and drenchers, hydrant connections or necessary for a pressure tank upon the top of a building, which tank must be controlled by a suitable ball tap.

Valves in Communication Pipes

32. Every communication pipe must be fitted with a proper stop valve, which said valve must be -
- (a) supplied by the Council at the expense of the consumer;
- (b) installed between the consumer's property and the main;
- (c) of the same diameter as the communication pipe;
- (d) in such position as must be determined by the Council.

Additions to System

33. No further sprinkler may be added or connected without the prior written consent of the Council to any existing fire extinguishing system after such system has been connected to the mains.

Extension of System to other premises

34. No extension or connection from any fire extinguishing system to other premises may be made. In the event of any such connection or extension being made, the Council is entitled to enter upon any premises and to take all steps necessary to disconnect such connection or extension at the cost of the persons responsible for such extension or connection.

Inspection and approval of Fire Extinguishing Service

35. No supply of water must be made or given until the fire extinguishing system has been inspected and the Council has certified in writing that such service is in accordance with these by-laws and the work has been carried out to the Council's satisfaction.

Connection to be at pleasure of the Council

36. Connection to the mains is at the pleasure of the Council, which is entitled to disconnect any fire extinguishing services at any time.

Installation of Reflux Valve

37. In all private installations where a fire pump connection is installed, a reflux valve to close off the supply from the Council's mains when the fire pump connection is being used must be installed between the boundary of the property and the fire pump connection.

Sprinkler system

38. (1) A sprinkler system may be installed in direct communication with the main, but the Council must not be deemed to guarantee any specified pressure of water at any time.
- (2) When an automatic sprinkler system has been installed and completed, the owner must advise the Council in writing within 14 days of the date of completion of the installation of such sprinkler system.

Header tank or duplicate supply from mains

39. In the event of a header tank being installed above ground level, it must be provided with an overflow pipe, which must discharge in such a position as to be readily observable, and must not be led away by any down-pipe to any drain.

Notices

40. (1) Every notice, order or other document issued or served by the Council in terms of these by-laws is valid if signed by the Municipal Manager or an official of the Council duly authorized thereto by the said Municipal Manager.
- (2) If a notice is to be served on a person in terms of these by-laws, such service is effected by:
- (a) delivering the notice to him or her personally or to his or her duly authorized agent;
- (b) delivering the notice at his or her residence or place of employment to a person apparently not less than sixteen years of age and apparently residing or employed there;
- (c) If he or she has nominated an address for legal purposes, by delivering the notice to such an address;
- (d) registered or certified post addressed to his or her last known address.
- (e) in the case of a body corporate, by delivering it to the registered office or the business premises of such a body corporate; or
- (3) If service cannot be effected in terms of sub-section (2) by affixing it to the principal door of entry to the premises, or displaying it on a conspicuous place on the land to which it relates.

- (4) Any notice, order or other document served in terms of these by-laws on any person must be so served by delivering it, or a true copy thereof, to the person to whom it is addressed personally or at his or her last known residence or place of business or by posting it to him or her by registered post.
- (5) In every notice, order or other document issued or served in terms of these by-laws, the premises to which it relates must be specified but the person for whom it is intended may be referred to as "the owner" or "the occupier" if his or her name is not known.

Penalty Clause

41. Any person who contravenes or fails to comply with any provision of these bylaws is guilty of an offence and liable upon conviction to-
- (a) a fine of maximum R10 000 or imprisonment for a period not exceeding six months or either such fine or such imprisonment or both such fine and such imprisonment;
- (b) in the case of a continuing offence, an additional fine or an additional period of imprisonment of 10 days or either such additional fine or such additional imprisonment or both such additional fine and imprisonment for each day on which such offence is continued, and
- (c) a further amount equal to any costs and expenses found by the court to have been incurred by the municipality as a result of such contravention or failure.

Repeal of By-Laws

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

Short Title

43. This by-law is called Building Regulations and Building By-law, 2015.

ANNEXURE

LIMITS OF CONCENTRATION OF CERTAIN SUBSTANCES

Subject to the provisions of Section 29(1) of these by-laws:

- (1) The limits of the PV, pH and electrical conductivity of sewage are as follows:
- (a) PH-within the range 6,0-10,0;
- (b) Electrical conductivity not greater than 500m/Sm at 20°C.
- (2) The maximum permissible concentrations of pollution expressed in milligrams per liter [mg/l] are as follows:
- (a) GENERAL:
- (i) PV-not to exceed: 1 400mg/l;
- (ii) Caustic alkalinity (expresses as CaCO³): 2 000 mg/l;
- (iii) Substances in suspension (including fat, oil, grease, waxes and like substance); 2 000mg/l;
- (iv) Substances soluble in petroleum ether. 500mg/l;
- (v) Sulphides, hydro-sulphides and polysulphides (expressed as S): 50mg/l;
- (vi) Substances from which hydrogen cyanide can be liberated in the drainage installation, sewer or water care works (expressed as HCN): 20mg/l;
- (vii) Formaldehyde (expressed as HCHO): 50mg/l;
- (viii) Phenolic compounds: 1.0mg/l;
- (ix) Non-organic solids in suspension: 100mg/l;
- (x) Chemical oxygen demand (COD): 5 000mg/l;
- (xi) All sugars and/or starches (expressed as glucose): 1 500mg/l;
- (xii) Available chlorine (expressed as Cl): 100mg/l;
- (xiii) Sulphates and sulphites (expressed as SO₄): 1 800mg/l;
- (xiv) Fluorine-containing compounds (expressed as F): 5mg/l;
- (xv) Anionic surface activators: 500mg/l;
- (xvi) Orthophosphate (expressed as P): 10mg/l.
- (b) METALS
- (i) Group 1:
- (aa) Chromium (expressed as Cr);
- (bb) Copper (expressed as Cu);
- (cc) Nickel (expressed as Ni);
- (dd) Zinc (expressed as Zn);
- (ee) Silver (expressed as Ag);
- (ff) Cobalt (expressed as Co);
- (gg) Cadmium (expressed as Cd);
- (hh) Manganese (expressed as Mn),
-

- The total collective concentration of all metals in Group 1 (expressed as indicated above) in any sample of the effluent, must not exceed 50mg/l, nor must the concentration of any individual metal in any sample exceed 20mg/l.
- (ii) Group 2:
 (aa) Lead (expressed as Pb);
 (bb) Selenium (expressed as Se);
 (cc) Mercury (expresses as Hg).
 The total collective concentration of all metals in Group 2 (expressed as indicated above), in any sample of the effluent must not exceed 10mg/l, nor must the concentration of any individual metal in any sample exceed 5mg/l.
- (iii) Group 3:
 (aa) Arsenic (expressed as As);
 (bb) Boron (expresses as B).
 The total collective concentration of the metals in Group 3 (expressed as indicated above) in any sample of the effluent must not exceed 20mg/l.

RADIO-ACTIVE WASTE:

Radio-active waste or isotopes: such concentration as may be laid down by the Atomic Energy Corporation or any State Department: Provided that, notwithstanding the requirements set out above in this Annexure, the Council reserves the right to limit the total mass of any substance or impurity discharges per 24 hours into the sewers from any premises: Provided further that the method of testing in order to ascertain the concentration of any substance mentioned above is the test normally used by the Council for this purpose. Any person discharging into a sewer any substance referred to in the Annexure, may ascertain the details of the appropriate test from the Council.

PROVINCIAL NOTICE NO. 165 OF 2015**MOQHAKA LOCAL MUNICIPALITY / PLAASLIKE MUNISIPALITEIT / LEKGOTLA LA MOTSE**

Notice is hereby given in terms of the provisions on section 13 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) that the Council of the Moqhaka Local Municipality adopted Commonage By-Laws as contained in the schedule hereunder. These By-Laws are published for the purpose of general public notification and the by-laws take effect from date of publication in the Provincial Gazette. Copies of the by-laws are available at the Municipal Offices, Hill Street , Kroonstad.

SCHEDULE**COMMONAGES BY-LAW****Purpose of By-Laws**

The purpose of these by-laws is to -

- (a) Set aside land identified as commonage for the pasture of animals and for the purpose of establishing garden allotments; to assist with local development and provide for an inexpensive portion of land to people with a focus on registered indigents; to provide for the conservation of the commonage through the prohibition of certain activities, the damaging of vegetation, bird- and animal life and to provide for matters incidental thereto, and
- (b) Manage together with the Department of Agriculture land made available by the Provincial Land Reform Office of the Free State to assist categories of emerging farmers.

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Annexure A
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Definitions

1. In these by-laws, unless the context otherwise indicates,
 - "animal" means any livestock defined hereunder: cattle, sheep, goat (ruminants); horse, mule, donkey (non-ruminants) ostrich (monogastic) and pig or the hybrid of such animal).
 - "commonage" means any land or portion of land which is in possession or under the control of the municipality and set aside by the municipality for the purposes of establishing grazing camps for animals, irrigation land or plots for gardening or other economic activity, excluding any farm the municipality is leasing to a commercial farmer as an entity;
 - "commonage management committee" means a representative management body comprising at least 1 member but not more than 2 members of the owner, X members of the beneficiary group and X other persons agreed to by the Owner and the Beneficiary Group;
 - "Department of Agriculture" means the National Department responsible for Agriculture;
 - "commonage manager" means a manager appointed in terms of Section 56 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) by a Municipal Council, after consultation with the municipal manager, who is directly accountable to the municipal manager.
 - "municipal area" means any land situated inside the area of jurisdiction of the Municipality of which the Municipality is the owner, but outside the boundaries of any residential area;
 - "Municipality" means the Mqohaka Local Municipality established in terms of Section 12 of the Local government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;
 - "Municipal Manager" means the person appointed in terms of section 82 of the Local Government: Municipal Structures Act 1998 (Act No. 117 of 1998);
 - "permit holder" means the person to whom a permit has been issued by the Municipal Manager in terms of these by-laws;
 - "plot" means any portion of a commonage set aside by the municipality for other purposes than grazing or irrigation farming.

Commonage

2. (1) The Municipality may by resolution, subject to the provisions of any law or any restrictions regarding the use of land in the title deed of that land:
 - (a) Reserve suitable municipal land as commonage,
 - (b) At any time add defined municipal land to the commonage so reserved, and
 - (a) At any time, partly or wholly in consultation with the Premier of the Free State withdraw any land which forms part of the commonage.
- (2) The Provincial Land Reform Office may purchase and make available land to the municipality in terms of section 10 of the Provision of Land and Assistance Act, 1993 (Act No. 126 of 1993) for the purpose of farming activities by categories of emerging farmers.
- (3) The Municipality must subject to the provisions of any law or any restrictions regarding the use of land in the title deed of that land manage together with the Department of Agriculture any land acquired by the Provincial Land Reform Office and transferred to the Municipality for the purpose of a commonage as such;
- (4) The Municipality may subject to the provisions of any law or any restrictions regarding the use of land in the title deed of that land at any time, partly or wholly withdraw any land which forms part of the commonage, excluding the commonage or portion of the commonage mentioned in subsection (2), in consultation with the Premier of the Free State.

Eligibility Criteria

3. The following persons would be eligible for using the commonage:
 - (a) residents of the town owning the commonage, and
 - (b) households that qualify in terms of municipality's indigent policy

Commonage Fees

4. The Council by resolution may set fees for the use of commonage land and for this purpose may differentiate between categories of commonage users.

Commonage Management Committee

5. (1) Users of land on the commonage must establish a commonage management committee facilitated by the Municipal Manager as set out in Annexure A;
- (2) The Municipal Manager in the event of leasing the commonage to a functioning commonage management committee may not issue grazing or irrigation permits to or enter into a lease agreement with any individual person or group of persons in respect of that commonage;

- (3) The Municipal Manager shall lease the commonage as a unit to a commonage management committee established in terms of subsection (1) for a period not exceeding 9 years and eleven months under such conditions as determined by the Council;
- (4) The commonage management committee must sub-let grazing camps or irrigation land for farming activities to specific interest groups and or farmers recognised by that commonage management committee in respect of the specific categories of users and farmers identified in sections 11 or 12 for a period of not less than one year but not exceeding five years.
- (5) The original lease or rent agreement mentioned in subsection (4) must be handed to the Municipal Manager for safekeeping.
- (6) The lessee of a camp, plot, or land on the commonage shall not sublease such camp land or field.
- (7) The lease agreements contemplated in subsection (4) and the agreements contemplated in subsection (6) shall not lapse when the commonage management committee ceases to exist. In such event the municipal manager must forthwith facilitate the election of a new commonage management committee in terms of Annexure A to take over the powers, functions, assets, liabilities and budget of the previous commonage management committee.

Functions of the commonage management committee

6. The commonage management committee should serve as an advisory body, or in its absence, the Municipal Manager or nominated municipal official must: —
 - (1) Divide each piece of land reserved as commonage in terms of section 3, in separate camps suitable for the grazing of animals, gardening plots, or irrigational land allocating a number to each camp, garden plot and irrigational land;
 - (2) Provide, in each camp, plot or irrigational land in consultation with and assistance of the Department of Agriculture such facilities as may be necessary for the maintenance of animals, gardening or irrigation in that camp plot or land;
 - (3) Compile proper maps of each piece of land reserved as part of the commonage, indicating at least the boundaries of camps, plots, gates and waterholes;
 - (4) Establish and maintain the following:-
 - (a) A separate budget for the commonage;
 - (b) A commonage management plan linked to the Municipal Integrated Development Plan, and
 - (c) A register of all registered animals kept on municipal commonages.
 - (5) Allocate the animals of each permit holder, lessee or renter to a specific camp or camps and notify such permit holder accordingly;
 - (6) Ensure that the necessary infrastructure (fences, water, roads etc) is in place before any permit is issued or lease or rental agreements are entered into;
 - (7) Ensure that the minimum water requirements as set out in Annexure B are met, and in the event where available water for grazing animals falls below the minimum requirements, the Municipality will support commonage users to restore the recommended levels subject to the availability of funds and resources.
 - (8) Ensure that leases or rental agreements are fair and fully understood by the lessee or renter
 - (9) Ensure that the Municipality, permit holders, lessees and renters adhere to the commonage management plan.
 - (10) Ensure that commonages are accessible to persons registered as indigent in terms of the municipality's indigent policy and endeavour to terminate as soon as possible any leases or users agreements with any institutions or persons other than registered indigent persons or the commonage management committee;
 - (11) Develop and implement a proper program of rotation of grazing on land reserved as commonage by the Municipality; and
 - (12) Keep proper records, open for public inspection, regarding-
 - (i) all permit or lease holders or renters;
 - (ii) dates of expiry of all permits;
 - (iii) payments or exemptions of payment of all permit holders,
 and any other matter which, in the opinion of the Municipal Manager, needs to be recorded.

Grazing permit required to graze animals on commonage

7. (1) A person may not graze animals on the commonage of the Municipality, unless;
 - (a) he or she is the holder of a grazing permit issued by the Municipal Manager in consultation with the Commonage Management Committee, in respect of a category 1 user as identified in section 10, subject to the conditions of such permit stipulating the camp number in the commonage and the number and kind of animals to be kept in the camp;
 - (b) he has paid the applicable fees, determined by the Municipality in respect of the period for which the grazing permit was issued.
- (2) A permit holder may partly or wholly be exempted from the payment of such commonage fees in terms of the indigent policy of the Municipality.

Application for and issue of grazing permit

8. (1) An application for a grazing permit by a category 1 user as identified in section 12 must -
 - (a) be directed to the Municipal Manager
 - (b) be on the prescribed form made available by the Municipality for this purpose;
 - (c) contain adequate proof that the applicant is a South African citizen and a permanent resident within the area of jurisdiction of the Municipality; and
 - (d) contain such further particulars as the Municipality may require.
-

- (2) When considering an application, the commonage management committee together with Municipal Manager must take into account the availability and condition of land in the commonage of the Municipality to accommodate the required number of animals for which application is made;
- (3) After due consideration of the application, the commonage management committee together with the Municipal Manager must
 - (a) issue the permit as applied for by the applicant;
 - (b) issue a permit for a lesser number of animals than applied for; or
 - (c) give written notification to the applicant that his or her application was unsuccessful and state the reasons thereof.
- (4) An aggrieved person may in terms of section 62(4)(b) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), appeal to the Municipality against a finding of the commonage management committee and Municipal Manager.
- (5) A permit for the grazing of animals on the municipal commonage is —
 - (a) valid for not less than one year or more than 5 years and all permits shall lapse on the 30th June of the year of termination;
 - (b) subject to the conditions set out in the permit, and;
 - (c) subject to prior payment of the applicable fees determined by the Municipality.
- (6) The Municipal Manager in consultation with the Commonage Management Committee or designated official may withdraw a permit for the grazing of animals on the municipal commonage if the permit holder contravenes or fails to—
 - (a) comply with a condition subject to which the permit was issued;
 - (b) comply with any provision of this By-law;
 - (c) comply with a lawful direction by the Municipal Manager or of the veterinary surgeon appointed by the Municipality, or
 - (d) pay the applicable fees as determined by Council within 30 days after becoming due,
 Provided a permit holder had been given a 14-day notice to comply or provide reasons why his permit should not be withdrawn.
- (7) A permit to graze animals on the commonage of the Municipality is not transferable and may not be subleased.

Management and Maintenance of Commonage

9. (1) The Municipal Manager is responsible for the proper management and maintenance of all land, infrastructure and equipment forming part of the commonage.
- (2) The Municipal Manager must register and keep record of all animals kept on the commonage in terms of a valid permit or lease or rental agreement.
- (2) The Municipality has the right to gather all animals on the commonage from time to time to ascertain if the animals are registered with the Municipality. All animals, which are not registered, will be impounded.
- (3) It is the owner's responsibility to mark and register his animals.

Appointment of Municipal Commonage Manager

10. The Municipality may appoint a commonage- manager with agricultural-, business- and communication skills on a performance based fixed term contract as contemplated in section 57 of the Local Government: Municipal Systems Act, Act, 2000 (Act No. 32 of 2000) or any suitable person or official to fulfil the functions prescribed by the Municipal Manager.

Categories of commonage users and pasture farming

11. Only a person or farmer falling within one of the following categories may obtain a grazing permit from the municipality or commonage management committee or enter into a livestock farming agreement with the commonage management committee for a period not less than one year but not exceeding five years:-
 - (1) Category 1 user consisting of:-
 - (a) new entrants into the commonage farming system;
 - (b) subsistence or indigent users using commonage land to supplement income but are not able to graduate to commercial farming.
 - (c) Minimum requirements for a person to qualify as category 1 user:-
 - (i) be a registered owner of animals;
 - (ii) must be resident in the town owning the commonage
 - (iii) must obtain an annual grazing permit from the commonage management committee or municipality;
 - (iv) must have a maximum number of 5 cattle, or 30 sheep or 30 goats or a combination of animals equal to 5 cattle as determined by Department of Agriculture.
 - (2) Category 2 user consisting of farmers:-
 - (a) sharing a piece of the commonage with a maximum number of 4 other commonage farmers in terms of a lease agreement with the commonage management committee, and
 - (b) having at least 5 cattle, or 30 sheep or 30 goats or a combination of animals that is equivalent to 5 cattle; but not more than 15 cattle, or 90 sheep or 90 goats or a combination that is equivalent to 15 cattle.
 - (3) Category 3 users consisting of farmers:-
 - (a) renting or leasing his or her own piece of land from the commonage management committee, and
 - (b) having at least 15 cattle, or 90 sheep or 90 goats or a combination of animals equal to 15 cattle but not more than 30 cattle, or 180 sheep or 180 goats or a combination of animals equal to 30 cattle;

- (4) Any farmer with more livestock than mentioned in subsection (3) (b) must be assisted by the Provincial Land Reform Office to purchase own land not forming part of the commonage.

Categories of farmers and irrigation farming

12. Only a farmer falling within one of the following categories may enter into an irrigation farming agreement with the commonage management committee for a period not less than one year but not exceeding five years:-
- (1) Category 1 farmers consisting of farmers:-
 - (a) belonging to a farming co-operative;
 - (b) who have a constitution approved by the municipality or commonage management committee, and
 - (c) with a maximum allocation of 3ha irrigational land.
 - (2) Category 2 farmers consisting of farmers:-
 - (a) who have been allocated not less than 3ha and not more than 10ha irrigational land for personal use, and
 - (b) with a rental agreement signed with the municipality or commonage management committee.
 - (3) Any farmer with more than 10ha irrigational land must be assisted by the Provincial Land Reform Office to purchase own land not forming part of the commonage.

Prevention of Veld Fires

13. The Municipal Manager or Fire Protection Association established in terms of the National Veld and Forest Fires Act, 1998 (Act No. 101 of 1998) must provide a firebreak to a permit holder, lessee or renter.

Prohibited Actions

- 14.
- (1) A person is not allowed to keep any animal in any residential area or on the boundaries thereof
 - (2) A person is not allowed to keep a pig on the commonage in any place other than in an enclosure or cage as approved by the Municipal Manager;
 - (3) A person is not allowed to keep on the commonage any animal of which he is not the bona fide owner;
 - (4) A person is not allowed to kill and or slaughter any animal on the commonage, save for the purpose of disposing of the carcass of a dead animal.
 - (5) A person is not allowed in, on or at any of the Municipality's water resources without prior written approval from the Municipality;
 - (6) A person may not erect any hut, shelter, kraal, habitation or structure of any kind nor occupy, camp or squat on any portion of the commonage or in any street, or road, thoroughfare or public place without the prior written consent of the Municipality;
 - (7) A person may not without prior permission of the Municipality, accumulate, dump or deposit or cause to be accumulated, dump or deposited on any portion of the commonage any scrap or waste;
 - (8) A person may not on the commonage dig or remove soil, clay, sand, gravel or boulders without a valid and current permit issued by the municipality;
 - (9) A person may not make bricks, or erect brick-, lime - or charcoal kilns, on any portion of the commonage, on the any land within the municipal area, or on land under control of the municipality, without prior written consent of the Municipality, except on land denoted for such purposes in terms of an approved spatial development plan and zoning scheme and further subject to payment of the fees determined by municipality;
 - (10) A person may not cut, damage, burn, destroy, gather or remove any plants, shrubs, trees, timber, firewood, brushwood, manure or any grass growing or being upon any portion of grazing camps on the commonage without prior written permission of the Municipality;
 - (11) A person may not interfere with or cause damage to any fence, gate, drinking trough, water tap or other appliance or thing, or set fire to the pasture or any bush, tree, shrub on the commonage;
 - (12) A person may not make use of any road over the commonage other than such roads as must be allowed open by the municipality from time to time;
 - (13) A person may not deposit or in any way leave any poison for whatever purpose on the commonage without the written permission of the municipality;
 - (14) The municipality may cause traps to be set for vermin on the commonage and any person interfering with or damaging such traps in any way or letting loose or removing or causing to be loosened or removed any vermin from such traps or in any way disposing of any bodies from such a trap without the prior approval of the municipality, is guilty of an offence;
 - (15) A person may not kill, catch, capture, hunt, remove or attempt to kill, any game on the commonage;
 - (16) A person may not set traps of whatsoever description on the commonage without the prior written consent of the municipality;
 - (17) A person may not remove any bees, hives or honey from the commonage without the written permission of the Municipality;
 - (18) A person is not allowed to make an open fire on the commonage, unless it is for the purpose of making or maintaining a fire break.
 - (19) A person may not hunt, shoot, catch, disturb or kill any wild bird on the commonage or destroy or disturb the nest of any wild bird, nor shall any person remove the eggs or young thereof from such nest, and
 - (20) If the Municipality is of the opinion that it is in the public interest, it may, for such period and subject to such conditions as it may deem fit, exempt any person, group or category of persons in writing from compliance with any prohibited action in terms of this section.

Liability

15. The permit holder, lessee or renter is liable for:-

- (1) Any damage or claims, which originate from damage caused by his or her animal or animals outside the commonage, and.
- (2) Any damage to or loss of the infrastructure or installations on a grazing camp, irrigation field or plot on a commonage at the expiry of the permit or lease agreement.
- (3) Any damages resulting from non compliance of the conditions of the permit.

Penalties

16. (1) A person who contravenes or fails to comply with any provision of this By-law or any requirement, condition hereunder or to pay the prescribed commonage fees due in terms of this by-law is guilty of an offence.
- (2) A person convicted of an offence in terms of subsection (1) is liable to a fine of maximum R10 000 or to imprisonment or to both a fine and such imprisonment.

Transitional Arrangements

17. Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, is deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

Repeal of by-laws

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

Short title

19. These by- laws are called the Municipal Commonage By - Law, 2015.

ANNEXURE A

Commonage Management Committee Structure

1. The Municipal Manager must facilitate the establishment of interest groups of commonage users in each town to form interest groups representative of all like-minded users who must develop a constitution, ground rules, and an informed leadership structure who will manage the group's production and financial affairs positively;
2. Each interest group must in consultation with the Department of Agriculture develop and maintain a management plan for the respective enterprises of that interest group;
3. Two members of an interest group should be elected to a Commonage Management Committee;
4. The Commonage Management Committee should elect three or four representatives (or one each from the interest groups) to the Municipal Commonage Management Committee;
5. Each Commonage Management Committee must in consultation with the Department of Agriculture develop and maintain an overall management plan for its area, and
6. The Municipal Commonage Committee is accountable for all lease agreements, commonage management plans, maintenance of assets, collecting of rentals from the interest groups and the payment thereof to the Municipality.

ANNEXURE "B"

Daily water requirements of grazing animals

Animal	Age	Weight kg	Condition	Water requirements litres per day
Cattle	4 weeks	51	growing	0.3-5.7
	8 weeks	69	growing	5-7
	12 weeks	93	growing	8-9
	16 weeks	119	growing	11-13
	20 weeks	148	growing	15-17
	26 weeks	189	growing	17-23
	60 weeks	354	growing	23-30
	84 weeks	464	pregnant	30-38
	1-2 months	464-545	fattening	30-34
	2-8 months	545-726	lactating	39-95
	2-8 months	545-726	grazing	17-34
Pigs		14	growing	1-4

	27-36	growing	2.6-4.5
	36-57	growing	4.0-7.5
	91-180	maintenance	5.7-13
	91-180	pregnant	15-19
	91-180	lactating	19-25
Sheep and Goats	9	growing	1.9
	23	growing	1.5
	68-91	grazing	1.9-5.7
	68-91	grazing (salty)	8
	68-91	hay and grain	0.4-3.0
	68-91	good pasture	<1.9
Horses			45

PROVINCIAL NOTICE NO. 165 OF 2015

MOQHAKA LOCAL MUNICIPALITY / PLAASLIKE MUNISIPALITEIT / LEKGOTLA LA MOTSE

Notice is hereby given in terms of the provisions on section 13 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) that the Council of the Moqhaka Local Municipality adopted Control of Collections By-Laws as contained in the schedule hereunder. These By-Laws are published for the purpose of general public notification and the by-laws take effect from date of publication in the Provincial Gazette. Copies of the by-laws are available at the Municipal Offices, Hill Street, Kroonstad.

SCHEDULE

CONTROL OF COLLECTIONS BY-LAWS

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3. Age of the persons to be used for collections
4. Offences and penalties
5. Repeal
6. Short title and commencement

Definitions

1. (1) In these by-laws, unless the context indicates otherwise indicates:
 - "Council" means the municipal council of the Moqhaka Local Municipality in which the executive and legislative authority of the municipality is vested, and which is the decision making body of the municipality, and its delegates;
 - "collection" means the collection of money, goods or contributions from the public in public places or by means of visits to residential or business places;
 - "municipality" means the Moqhaka Local Municipality, and when referred to as-
 - (a) an entity, means Moqhaka Local Municipality as described in section 2 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and
 - (b) a geographic area, means the municipal area of the Moqhaka Local Municipality as determined in terms of the Local Government: Municipal Demarcation Act, 1998 (Act No 27 of 1998);
 - "public place" means any street, road, thoroughfare, park, square or open space.
- (2) In these by-laws, unless the context otherwise indicates, words and expressions denoting the singular includes the plural and vice versa and reference to a natural person includes a legal person and vice versa.

Collections

2. (1) No person may within the Municipality be engaged in, attempt to, or permit or in any way be concerned with the conducting of a collection, without the prior written consent of the Council.
- (2) Any application for the consent of the Council in terms of subsection (1) must be made and submitted to the Council in writing, and must clearly set out:
 - (a) the full name and address and occupation of the person to be responsible, or of persons to be jointly responsible for such collection and the name of the organisation concerned;
 - (b) the object for which such collection is to be made or the fund to which the proceeds thereof are to be devoted and whether such object or fund is local to the Municipality;

- (c) in the event that the applicant is the local branch of a parent organisation, what percentage, if any, will be paid over to the parent organisation;
 - (d) the day or days on which and the hours between which such collection is to be made;
 - (e) the area where such collection is to be made;
 - (f) whether the gross amount of the proceeds, without any deduction, is to be devoted to the object or fund in question;
 - (g) the full name and address of the person who will supervise such collection; and
 - (h) whether contributions in cash will be recorded on lists or will be received in receptacles.
- (3) Where such contributions are to be received in receptacles, such receptacles must be sealed, and each receptacle must bear a label indicating the object or the fund to which the proceeds must be devoted.
- (4) Where contributions are to be recorded on lists, such lists must be endorsed by the Council and must clearly set out:
- (a) that such collection is being made with the consent of the Council;
 - (b) the object or the fund to which the proceeds is devoted;
 - (c) by whom such collection is being made or conducted and
 - (d) the full name and address of the person supervising such collection.
- (5) Where contributions are to be received or recorded in a manner other than that prescribed in subsections (3) or (4), the consent of the Council thereto must first be obtained.

Age of the persons to be used for collections

3. No person under the age of 16 years may be employed or engaged in any collection and any person who or any organization which has obtained the written permission of the Council to make such collection are responsible for ensuring that the provisions of this section are strictly complied with.

Offences and penalties

4. (1) Any person contravening or failing to comply with any of the provisions of these by-laws is guilty of an offence and must upon conviction by a court be liable to a fine of maximum R10 000 or imprisonment or both a fine as well as imprisonment, or such other fine or imprisonment which the Minister of Justice may from time to time determine in terms of the provisions of section 92 of the Magistrate's Courts Act, 1944 (Act No 32 of 1944).
- (2) Any expense incurred by the Council as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he or she failed to do, may be recovered by the Council from the person who committed the contravention or who failed to do such thing.

Repeal

5. Any by-laws relating to the Control of Collections adopted by the municipality or any municipality now comprising an administrative unit of the municipality is repealed from the date of promulgation of these by-laws.

Short title

6. These by-laws are called the Control of Collections By-laws, 2015.

PROVINCIAL NOTICE NO. 166 OF 2015

MOQHAKA LOCAL MUNICIPALITY / PLAASLIKE MUNISIPALITEIT / LEKGOTLA LA MOTSE

Notice is hereby given in terms of the provisions on section 13 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) that the Council of the Moqhaka Local Municipality adopted Electricity Supply By-Laws as contained in the schedule hereunder. These By-Laws are published for the purpose of general public notification and the by-laws take effect from date of publication in the Provincial Gazette. Copies of the by-laws are available at the Municipal Offices, Hill Street , Kroonstad.

ELECTRICITY SUPPLY BY-LAWS

SCHEDULE

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CHAPTER 1: GENERAL

Definitions

1. For the purpose of these by-laws, any word or expressions to which a meaning has been assigned in the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), bears the same meaning. In these by-laws unless the context indicates otherwise—
 - “accredited person” means a person registered in terms of the Regulations as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;
 - “applicable standard specification” means the standard specifications as listed in Schedule 2 of these by-laws;
 - “authorised official” means a person authorised by the municipality in terms of these by-laws to execute work, conduct an inspection and monitor and enforce compliance with these by-laws;
 - “certificate of compliance” means a certificate issued in terms of the Regulations in respect of an electrical installation or part of an electrical installation by an accredited person;
 - “consumer” in relation to premises means—
 - (a) any occupier of premises or any other person with whom the municipality has contracted to supply, or is actually supplying, electricity at those premises; or
 - (b) if premises are not occupied, any person who has a valid existing agreement with the municipality for the supply of electricity to those premises; or
 - (c) if there is no such person or occupier, the owner of the premises;
 - “credit meter” means a meter where an account is issued subsequent to the consumption of electricity;
 - “electrical contractor” means an electrical contractor as defined in the Regulations;
 - “electrical installation” means an electrical installation as defined in the Regulations;
 - “high voltage” means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of 44kV to 220 kV;
 - “low voltage” means the set of nominal voltage levels that are used for the distribution of electricity and whose upper limit is generally accepted to be an ac voltage of 1000V (or a dc voltage of 1500 V);
 - “medium voltage” means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of 1 kV to 44 kV;
 - “meter” means a device which records the demand or the electrical energy consumed and includes conventional and prepayment meters;
 - “motor load, total connected” means the sum total of the kW input ratings of all the individual motors connected to an installation;
 - “motor rating” means the maximum continuous kW output of a motor as stated on the maker’s rating plate;
 - “motor starting current” in relation to alternating current motors means the root mean square value of the symmetrical current taken by a motor when energised at its rated voltage with its starter in the starting position and the rotor locked;
 - “municipality” means the Moqhaka Local Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998, and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;
 - “municipal manager” means the municipal manager as defined in section 82(1)(a) of the Structures Act;
 - “occupier” includes any person in actual occupation of the land or premises without regard to the title under which he occupies, and, in the case of premises, or parts of premises, let to a lodger or any other person, includes the person receiving the rent payable by a lodger or any other person whether for himself or as an agent for any other person;
 - “owner” includes any person that has the title to any premises or land, or any person receiving the rent or profits for allowing the occupation or use of any land, premises or part of any premises who would receive such rent or profit if the land or premises were let or used whether he does so himself or for another;
 - “point of consumption” means a point of consumption as defined in the Regulations;

“point of metering” means the point at which the consumer's consumption of electricity is metered and which may be at the point of supply or at any other point on the distribution system of the municipality or the electrical installation of the consumer, as specified by the municipality or any authorised official; provided that it must meter all of, and only, the consumer's consumption of electricity;

“point of supply” means the point determined by the municipality or any authorised official at which electricity is supplied to any premises by the municipality;

“premises” means any land, or any part of, any building or structure above or below ground level and includes any vehicle, aircraft or vessel;

“prepayment meter” means a meter that can be programmed to allow the flow of pre-purchased amounts of energy in an electrical circuit;

“Regulations” means Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993);

“SANS Codes” means the South African National Standards Codes or the South African Bureau of Standards Codes as defined in Regulation No 1373 published in Government Gazette 24002, dated 8 November 2002 in terms of the Standards Act, 1993 (Act 29 of 1993) or as may be published in the future in terms of that Act;

“safety standard” means the Code of Practice for the Wiring of Premises SANS 0142 incorporated in the Regulations;

“service connection” means all cables and equipment required to connect the supply mains to the electrical installation of the consumer at the point of supply;

“service delivery agreement” means an agreement between the municipality and a service provider in terms of which the service provider is required to provide electricity services;

“service provider” means any person who has entered into a service delivery agreement with the municipality in terms of section 81(2) of the Systems Act;

“service protective device” means any fuse or circuit breaker installed for the purpose of protecting the municipality's equipment from overloads or faults occurring on the installation or on the internal service connection;

“standby supply” means an alternative electricity supply not normally used by the consumer;

“supply mains” means any part of the municipality's electricity network;

“Structures Act” means the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998)

“Systems Act” means the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);

“tariff” means the charge to users for the provision of electricity services or for any related charge, determined and promulgated by the municipality, or adjusted by a service provider, in terms of Tariff Policy by-laws adopted under section 75 of the Systems Act;

“token” means the essential element of a prepayment metering system used to transfer information from a point of sale for electricity credit to a prepayment meter and vice versa; and

“voltage” means the root-mean-square value of electrical potential between two conductors.

CHAPTER 2: GENERAL CONDITIONS OF SUPPLY

The Provision of Electricity Services

2. (1) The municipality must take reasonable measures within its available resources progressively to ensure regular access by the local community to electricity services-
 - (a) In planning for and setting service standards and levels of service for the provision of electricity services, and
 - (b) In providing electricity services -
 the municipality may differentiate between geographical areas and categories of users within the local community but, in doing so, the municipality must comply with national legislation and in particular the requirements of section 73 of the Systems Act.

Exclusive Provision of Electricity Services

3. Save for Eskom Limited, providing electricity services under the Electricity Act, 1987 (Act No. 41 of 1987), only the municipality may supply or contract for the supply of electricity services within its jurisdiction.

Supply by agreement

4. (1) No person may use or is entitled to use electricity supplied by the municipality or service provider unless or until he or she has entered into an electricity supply agreement in writing with the municipality or service provider for the provision of electricity services.
- (2) The provisions of an agreement relating to the supply of electricity services (henceforth the “Electricity Supply Agreement”) together with the provisions of these by-laws govern electricity supply in all respects.
- (3) A person who uses an electricity supply without entering into an electricity supply agreement is liable for the cost of electricity used as stated in section 38 of these by-laws notwithstanding the fact that he or she has not entered into an agreement.

Application for Supply

5. (1) Application for the supply of electricity services must be made in writing by the prospective consumer on the prescribed form obtainable at the office of the municipality, and the estimated load, in kVA, of the installation, must be stated in the form.
- (2) An application made under subsection (1) must be made as early as possible before the supply of electricity is required in order to facilitate the work of the Municipality.

- (3) An application for the supply of electricity services for a period of less than one year must be regarded as an application for a temporary supply of electricity and must be considered at the discretion of the municipality, which may specify any special conditions to be satisfied in such a case.

Processing of Requests for Supply

6. Applications for the supply of electricity may be processed and the supply made available within the periods stipulated in NRS 047.

Permission to Use Property

7. (1) The municipality may refuse to lay or erect a service connection above or below ground on any thoroughfare or land not vested in the municipality, or on any private property, unless and until the prospective consumer has obtained and deposited with the municipality written permission granted by the owner of the private property or by the person in whom is vested the legal title to the land or thoroughfare, as the case may be, authorising the laying or erection of the service connection on the property.
- (2) If permission under subsection (1) is withdrawn at any time, or if the private property or thoroughfare changes, and the new owner refuses to grant or continue such permission, the cost of any alteration required to be made to a service connection in order that the supply of electricity may be continued, as well as that of any removal of a connection which may become necessary in the circumstances, must be borne by the consumer to whose premises the supply of electricity is required to be continued.

Statutory Servitude

8. (1) Subject to the provisions of subsection (3) and in order to provide, establish and maintain electricity services within its municipal area, the municipality may—
- (a) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, and close up and destroy electricity supply mains;
 - (b) construct, erect or lay any electricity supply main on, across, through, over or under any street or immovable property and the ownership of any such main vests in the municipality;
 - (c) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by paragraphs (a) to (c).
- (2) If the municipality constructs, erects or lays any electricity supply main on, across, through, over or under any street or immovable property neither owned by the municipality nor under the control or management of the municipality, it must pay the owner of the street or property compensation in an amount agreed upon by the affected owner and the municipality or, in the absence of agreement, compensation determined either by arbitration or a court of competent jurisdiction.
- (3) The municipality must, before commencing any work other than repairs or maintenance, on or in connection with any electricity supply main on or under immovable property not owned by the municipality or not under the control or management of the municipality, give the owner or occupier of the property reasonable notice of the proposed work and the date on which it proposes to commence its work.

Improper Use

9. (1) If the consumer uses electricity for any purpose, or deals with it in any manner, which the municipality has reasonable grounds for believing interferes in an improper or unsafe manner, or is calculated to interfere in an improper or unsafe manner, with the efficient supply of electricity to any other consumer, the municipality may, with reasonable notice, disconnect the electricity supply but such supply must be restored as soon as the cause for the disconnection has been permanently remedied or removed: Provided that the consumer has been given reasonable notice of the intention to disconnect, and the reasons for doing so, and an adequate opportunity to make representations as to why it should not be disconnected, unless in the opinion of the municipal manager it would be unsafe to do so in the circumstances.
- (2) The fee as prescribed by the municipality for the disconnection and reconnection must be paid by the consumer before the electricity supply is restored, unless it can be shown by the consumer that the consumer did not use or deal with the electricity in an improper or unsafe manner.

Deposits

10. (1) The municipality reserves the right to require the consumer to deposit a sum of money as security in payment of any charges which are due or may become due to it.
- (2) The amount of the deposit in respect of each electricity installation must be determined by the municipality, and each such deposit may be increased if the municipality considers the deposit held to be inadequate.
- (3) Deposits paid under this section must not be regarded as being in payment or part payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff referred to in this by-law.
- (4) On cessation of the supply of electricity, the amount of such a deposit, free of any interest, less any payments due to the municipality, must be refunded to the consumer by the municipality.

Payment of Charges

11. (1) The consumer is liable to pay for the provision of electricity services according to the tariff, a copy of which is obtainable free of charge from the municipality.

- (2) All accounts are due and payable when issued by the municipality and each account must, on its face, reflect the due date and a warning indicating that the supply of electricity may be disconnected should the charges in respect of such supply remain unpaid after the due date.
- (3) An error or omission in any account or failure to render an account does not relieve the consumer of his or her obligation to pay the correct amount due for electricity supplied to the premises and the onus is on the consumer to satisfy himself or herself that the account rendered is in accordance with the prescribed tariff of charges in respect of electricity supplied to his or her premises.
- (4) Where an authorised official has visited the premises for the purpose of disconnecting the supply of electricity in terms of subsection (2) and is obstructed or prevented from effecting a disconnection, the prescribed fee is payable for each visit necessary for the purpose of disconnecting the service.
- (5) After disconnection for non-payment of an account, the prescribed tariff and any amounts due for electricity consumed must be paid to the municipality before the electricity supply is re-connected.

Interest on Overdue Accounts

12. The municipality may charge interest on accounts which are not paid by the due date appearing on the account, at an interest rate as approved by the municipality from time to time.

Principles for the Resale of Electricity

13. (1) Unless otherwise authorised by the municipality, no person may sell or supply electricity, supplied to his or her premises under an agreement with the municipality, to any other person or persons for use on any other premises, or permit or suffer such resale or supply to take place.
- (2) If electricity is resold for use upon the same premises, the electricity resold must be measured by a sub-meter of a type which has been approved by the South African Bureau of Standards and supplied, installed and programmed in accordance with the standards of the municipality.
- (3) The tariff, rates and charges at which and the conditions of sale under which electricity is resold under subsection (2) must not be less favourable to the purchaser than those that would have been payable and applicable had the purchaser been supplied directly with electricity by the municipality or a service provider.
- (4) Every reseller must furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the municipality to its electricity consumers.

Right to Disconnect Supply

14. (1) The municipality may give notice to any consumer that it intends to disconnect the supply of electricity if, in its opinion, there is an appreciable risk of harm or damage to any person or property.
- (2) The notice referred to in subsection (1) must —
 - (a) be for 14 (fourteen) days;
 - (b) inform the consumer of the nature of the risk;
 - (c) call upon him or her, if he or she does not wish the discontinuation to take place, to give good and adequate reasons within that period why this should not happen.
- (3) Where he or she has failed either to give good and adequate reasons or to remedy the cause of the risk, the municipality may disconnect the supply of electricity to such premises.
- (4) Where any person, who is liable in law to pay for any supply of electricity, fails to pay for it, the municipality may give such a person notice calling on him or her to make such payment and the notice must —
 - (a) be for 14 (fourteen) days;
 - (b) inform him or her of the amount due and payable;
 - (c) notify him or her that if he or she does not pay it, his or her electricity must be disconnected unless he or she gives good and adequate reasons within that period why this should not happen.
- (5) Where he or she has failed either to pay the due amount or to give good and adequate reasons as envisaged in subsection (4), the municipality may disconnect the supply of electricity to such premises.
- (6) Where the municipality is of the opinion, on reasonable grounds, that risk or harm to person or property is immediate or imminent, the municipality may, subject to any other provision in these by-laws, disconnect the supply of electricity to any premises.
- (7) In the case where an installation has been illegally reconnected on a consumer's premises after having been previously legally disconnected by the municipality, or in the case where the municipality's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the electricity supply equipment may be physically removed from those premises by the municipality.

Non-Liability of the Municipality

15. (1) A person who applies to the municipality for the supply of electricity in terms of section 5 does so on the basis that, if his or her application is accepted by the municipality, it is agreed that the municipality is not liable for any loss or damage, direct or consequential, suffered or sustained by a consumer as a result of or arising from the cessation, interruption or any other abnormality of the supply of electricity.

- (2) The provisions of subsection (1) must be included in the application form and must also be brought to the attention of the applicant by the municipality, where it is possible to do so, when the applicant lodges an application.

Leakage of Electricity

16. Under no circumstances must any rebate be allowed on the account for electricity supplied and metered in respect of electricity wasted owing to leakage or any other fault in the electrical installation.

Failure of Supply

17. (1) The municipality does not undertake to attend to a failure of supply of electricity due to a fault in the electrical installation of the consumer, except when such failure is due to the operation of the service protective device of the municipality.
- (2) When any failure of supply of electricity is found to be due to a fault in the electrical installation of the consumer or to the faulty operation of apparatus used in connection therewith, the municipality has the right to charge the consumer the tariff as prescribed by the municipality for each restoration of the supply of electricity in addition to the cost of making good or repairing any damage which may have been done to the service main and meter by such fault or faulty operation as aforesaid.

Seals of the Municipality

18. The meter, service protective devices and all apparatus belonging to the municipality may be sealed or locked by an authorised official, and no other person must in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with the seal or lock.

Tampering With Service Connection or Supply Mains

19. (1) No person may in any manner or for any reason whatsoever tamper or interfere with any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the municipality.
- (2) Where the municipality has good grounds for believing that a consumer has contravened subsection (1), the municipality has the right to disconnect the supply of electricity immediately and without prior notice to the consumer in circumstances where, in the opinion of the municipality, there are good grounds to believe that a failure to disconnect could constitute an appreciable risk of harm or damage to person or property, in which case the person is liable for all tariffs levied by the municipality for such disconnection; but if that risk is not immediate or imminent or appreciable, the provisions of subsections 14(1) to (3) must apply with any necessary changes.
- (3) Where a consumer or any person has contravened subsection (1) and the contravention has resulted in the meter recording less than the true consumption, the municipality must have the right to recover from the consumer the full cost of his or her estimated consumption.

Protection of Municipality's Supply Mains

20. (1) No person may, except with the consent of the municipality and subject to any conditions imposed by it—
- (a) construct, erect or lay, or permit the construction, erection or laying of any building, structure or other object, or plant trees or vegetation over or in such a position or in a manner which interferes with or endangers the supply mains;
 - (b) excavate, open up or remove the ground above, next to, under or near any part of the supply mains;
 - (c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains;
 - (e) make any unauthorized connection to any part of the supply mains or divert or cause to be diverted any electricity there from; and
 - (f) the owner or occupier must limit the height of trees or length of projecting branches in the proximity of overhead lines, or provide a means of protection which in the opinion of the municipality will adequately prevent the tree from interfering with the conductors should the tree, or a branch of it, fall or be cut down; and should the owner fail to observe this provision, the municipality has the right, after prior written notification, or at any time in an emergency, to cut or trim the trees or any other vegetation, in such a manner as to comply with this provision and must be entitled to enter the property for this purpose.
- (2) The municipality may subject to obtaining an order of court, demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention with these by-laws.
- (3) The municipality may in the case of an emergency or disaster remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.

Prevention of Tampering with Service Connection or Supply Mains

21. If the municipality decides that it is necessary or desirable to take special precautions in order to prevent tampering with any portion of the supply mains, service connection or service protective device or meter or metering equipment, the consumer must either supply and install the necessary protection or pay the costs involved where such protection is supplied by the municipality.

Unauthorised Connections

22. No person other than a person specifically authorised thereto by the municipality in writing may directly or indirectly connect, attempt to connect or cause or permit to be connected any electrical installation or part thereof to the supply mains or service connection.
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Unauthorised Reconnections

23. (1) No person other than a person specifically authorised thereto by the municipality in writing may reconnect, attempt to reconnect or cause or permit to be reconnected to the supply mains or service connection any electrical installation or installations which has or have been disconnected by the municipality.
- (2) Where the supply of electricity that has previously been disconnected is found to have been reconnected—
- (a) the consumer using the supply of electricity is liable for all charges for electricity consumed between the date of disconnection and the date the electricity supply was found to be reconnected and any other charges raised in this regard;
 - (b) the municipality reserves the right to remove part or all of the supply equipment until such time as payment has been received in full; and
 - (c) the consumer will be responsible for all the costs associated with the reinstatement of such supply equipment.

Temporary Disconnection and Reconnection

24. (1) The municipality must, at the request of the consumer, temporarily disconnect and reconnect the supply of electricity to the consumer's electrical installation upon payment of the tariff prescribed for each such disconnection and subsequent reconnection.
- (2) In the event of a necessity arising that requires the municipality to effect a temporary disconnection and reconnection of the supply of electricity to a consumer's electrical installation, and if the consumer is in no way responsible for bringing about this necessity, the municipality is not entitled to payment of the tariff referred to in subsection (1).
- (3) Where there are circumstances which the municipality has good grounds to believe are exceptional, the municipality may temporarily disconnect the supply of electricity to any premises without notice for the purpose of effecting repairs or carrying out tests or for any other legitimate purpose, but, where there are no such exceptional circumstances, the municipality must provide adequate notice to the user of the electricity before a temporary disconnection of electricity services may take place.

Temporary Supplies

25. (1) A person who receives a temporary supply of electricity receives it on the clear understanding that it is a condition of the temporary supply of electricity that, if such a supply is found to interfere with the efficient and economical supply of electricity to other consumers, the municipality has the right, after giving reasonable written notice to the consumer, or, under circumstances which it has good grounds to consider exceptional without notice, to terminate the supply at any time and, the municipality is not liable for any loss or damage occasioned to the consumer by such a termination other than loss or damage caused by a wrongful intentional or negligent act or omission by the municipality.
- (2) A person who receives a temporary supply of electricity must be notified by the municipality, before or at the time when he or she receives it, of the provisions of subsection (1).

Temporary Work

26. (1) Electrical installations requiring a temporary supply of electricity may not be connected directly or indirectly to the supply mains except with the special permission in writing of the municipality.
- (2) Full information as to the reasons for and nature of temporary work must accompany the application for permission, and the municipality may refuse the permission or may grant the permission upon terms and conditions as it may consider desirable and necessary.

Load Reduction

27. (1) At times of peak load, or in an emergency, or when, in the opinion of the municipality, it is necessary for any reason to reduce the load on its electricity supply system, the municipality may without notice interrupt and, for a period as the municipality considers necessary, discontinue the electricity supply to any consumer's electrically operated thermal storage water heater or any specific appliance or the whole installation.
- (2) The municipality is not liable for any loss or damage directly or consequentially due to or arising from an interruption and discontinuance of the electricity supply envisaged in subsection (1).
- (3) The municipality may install upon the premises of the consumer any apparatus or equipment necessary to give effect to the provisions of subsection (1), and any authorised official may at any reasonable time enter any premises for the purpose of installing, inspecting, testing adjusting or changing apparatus or equipment.
- (4) The consumer or the owner, as the case may be, must when installing an electrically-operated water storage heater, provide any necessary accommodation and wiring.

High, Medium and Low Voltage Switchgear and Equipment

28. (1) In cases where a supply of electricity is given at either high, medium or low voltage, the supply and installation of the switchgear, cables and equipment forming part of the service connection must, unless otherwise approved by the municipality, be paid for by the consumer.
- (2) All equipment contemplated in subsection (1) must be compatible with the municipality's electrical performance standards.
- (3) No person may open, close, isolate, link or earth high or medium voltage switchgear or equipment without giving reasonable prior notice to the municipality.
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- (4) In the case of a high or medium voltage supply of electricity, where the consumer has high or medium voltage switchgear installed, the municipality must be advised of the competent person appointed by the consumer in terms of the Regulations, and of any changes made to the appointment.
- (5) In the case of a low voltage supply of electricity, the consumer must provide and install a low voltage main switch and any other equipment required by the municipality or any authorised official.

Substation Accommodation

29. (1) The municipality may, on such conditions as it considers fit, require an owner to provide and maintain accommodation which may constitute a substation and which consists of a separate room or rooms to be used exclusively for the purpose of housing medium voltage cables and switchgear, transformers, low voltage cables and switchgear and other equipment necessary for the supply of electricity requested by the applicant.
- (2) The accommodation must be situated at a point to which free, adequate and unrestricted access is available at all times for purposes connected with the operation and maintenance of the equipment.
- (3) The municipality reserves the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the municipality, the additional accommodation must be provided by the applicant at the cost of the municipality.

Wiring Diagram and Specification

30. (1) When more than one electrical installation or electricity supply from a common main or more than one distribution board or meter is required for any building or block of buildings, the wiring diagram of the circuits starting from the main switch and a specification must if requested by the municipality be supplied to it in duplicate for approval before the work commences.
- (2) Where an electrical installation is to be supplied from a substation on the same premises on which the current is transformed from high voltage, or from one of the substations of the municipality through mains separate from the general distribution system, a complete specification and a set drawings which in the opinion of the municipality is adequate, for the plant to be installed by the consumer, must if so required by the municipality be forwarded to it for approval before any material in connection therewith is ordered.

Standby Supply

31. No person is entitled to a standby supply of electricity from the municipality for any premises having a separate source of electricity supply except with the written consent of the municipality and subject to any terms and conditions laid down by the municipality.

Consumer's Emergency Standby Supply Equipment

32. (1) No emergency standby equipment provided by a consumer in terms of the Regulations or for his or her own operational requirements may be connected to any installation without the prior written approval of the municipality.
- (2) Application for an approval in subsection (1) must be made in writing and must include a full specification of the equipment and a wiring diagram.
- (3) The standby equipment must be so designed and installed that it is impossible for the municipality's supply mains to be energized by means of a back-feed from the equipment and the consumer must provide and install the required protective equipment.
- (4) Where by special agreement with the municipality, the consumer's standby generating equipment is permitted to be electrically coupled to, and run in parallel with the municipality's supply mains, the consumer is responsible for providing, installing and maintaining all the necessary synchronizing and protective equipment required for the safe parallel operation, to the satisfaction of the municipality.

Circular Letters

33. The municipality may from time to time issue Circulars detailing its requirements regarding matters not specifically covered in the Regulations or these by-laws but which are necessary for the safe, efficient operation and management of the provision of electricity services.

CHAPTER 3: SERVICE PROVIDERS

Agreement and Assignment

34. (1) The municipality may, subject to its responsibilities under section 81 of the Systems Act, discharge any of its obligations under section 2 of these by-laws by entering into a service delivery agreement with a service provider or service providers.
 - (2) Subject to the provisions of the Systems Act or any other law, the municipality may assign to a service provider any right or power enjoyed by the municipality under these by-laws whenever the assignment is required to enable the service provider to discharge an obligation under its service delivery agreement.
 - (3) If a municipality has entered into a service delivery agreement with a service provider, it must publish a notice in the Provincial Gazette listing which rights and powers of the municipality under which provisions of these by-laws have been assigned to the service provider.
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- (4) Where the term "municipality" appears in a provision of these by-laws listed in the notice in subsection (3) it must be read as "service provider" in that provision.

Customer Charter

35. Service providers must provide services in accordance with a customer charter which must be drawn up in consultation with the municipality and must—
- (a) accord with the provisions of these by-laws;
 - (b) be accessible to the public;
 - (c) establish the conditions of supplying the service; and
 - (d) provide for the circumstances in which electricity services may be limited.

CHAPTER 4: RESPONSIBILITIES OF CONSUMERS

Consumer to Erect and Maintain Electrical Installation

36. Any electrical installation connected or to be connected to the supply mains, and any additions or alterations to it which may be made from time to time, must be provided and erected and maintained and kept in good order by the consumer at his or her own expense and in accordance with these by-laws and the Regulations.

Fault in Electrical Installation

37. (1) If any fault develops in the electrical installation, which constitutes a hazard to any person or to livestock, or property, the consumer must immediately disconnect the electricity supply and without delay give notice to the municipality which must immediately take steps to remedy the fault.
- (2) The municipality may require the consumer to reimburse it for any expense it may incur in connection with a fault in the electrical installation.

Discontinuance of Use of Supply

38. If a consumer wishes to discontinue using an electricity supply, he or she must give at least two full working days' notice in writing of the intended discontinuance, failing which he or she remains liable for all payments due in terms of the tariff for the supply of electricity until the expiration of two full working days after the notice has been given.

Change of Occupier

39. (1) A consumer vacating any premises must give the municipality not less than two full working days' notice in writing of his or her intention to discontinue using the electricity supply, failing which he or she remains liable for the supply.
- (2) If the person taking over occupation of the premises wishes to continue using the electricity supply, he or she must make application in accordance with the provisions of section 5 of these by-laws, and if he or she fails to make application for electricity services within ten working days of taking occupation of the premises, the supply of electricity must be disconnected, and he or she is liable to the municipality for the provision of electricity services from the date of occupation till the time when the supply is disconnected.
- (3) Where premises are fitted with a pre-payment meter any person occupying the premises at that time is presumed to be a consumer, unless he or she satisfies the municipality that he or she did not use the electricity supplied to the premises, and if he or she fails to satisfy the municipality, he or she is liable for all tariffs owed to the municipality for that metering point as well as for any outstanding tariffs whether accrued by him or her or not until he or she ceases to occupy the premises or until an application made by him or her in terms of section 5 has been accepted, whichever happens sooner.

Service Apparatus

40. (1) A consumer who applies for the supply of electricity services in terms of section 5 does so on the basis that if the application is granted, he or she is liable for all costs to the municipality arising from damage to or loss of any metering equipment, service protective device, service connection or other apparatus on the premises, unless such damage or loss is shown to have been occasioned by an Act of God or an act or omission of an employee of the municipality or caused by an abnormality in the supply of electricity to the premises; and the municipality must inform him or her that it agrees to supply it to him only on that basis.
- (2) If, during a period of disconnection of an installation from the supply mains, the service main, metering equipment or any other service apparatus, being the property of the municipality and having been previously used, are removed without its permission or damaged so as to render reconnection dangerous, the owner or occupier of the premises during such period must bear the cost of overhauling or replacing the equipment or service apparatus.
- (3) Where there is a common metering position, the liability detailed in subsection (2) must devolve on the owner of the premises.
- (4) The amount due in terms of subsection (2) must be stated in a certificate from the municipality which is presumed, unless the contrary is proved, correctly to reflect the amount stated to be due.

**CHAPTER 5:
SPECIFIC CONDITIONS OF SUPPLY**

Service Connection

41. (1) The consumer bears the cost of the service connection.
- (2) Notwithstanding subsection (1), ownership of the service connection, laid or erected by the municipality, vests in the municipality and the municipality is responsible for the maintenance of the service connection up to the point of supply.
- (3) The municipality must determine what work should be carried out in order to install a service connection to the consumer's premises.
- (4) A service connection must be laid underground, whether the supply mains are laid underground or erected overhead, unless an overhead service connection is specifically required by the municipality.
- (5) The consumer must provide, fix and maintain on his or her premises ducts, wire ways, trenches, fastenings and clearance to overhead supply mains as are required by the municipality for the installation of the service connection.
- (6) The conductor used for the service connection must have a cross-sectional area according to the size of the electrical supply but may not be less than 10 mm² (copper or copper equivalent), and all conductors must have the same cross-sectional area, unless otherwise approved by an authorised official.
- (7) Unless otherwise approved by the municipality, only one service connection may be provided by the municipality to each registered erf.
- (8) In respect of two or more premises belonging to one owner and situated on adjacent erven, a single bulk supply of electricity may be made available provided the erven are consolidated or notarially tied.
- (9) Any covers of a wire way carrying the supply circuit from the point of supply to the metering equipment must be made to accept the seals of the municipality.
- (10) Within the meter box, the service conductor or cable, as the case may be, must terminate in an un-obscured position and the conductors must be visible throughout their length when cover plates, if present, are removed.
- (11) In the case of blocks of buildings occupied by a number of individual consumers, separate wire ways and conductors or cables must be laid from the common metering room or rooms to each individual consumer in the blocks of buildings. Alternatively, if trunking is used, the conductors of the individual circuits must be clearly identified (tied together every 1,5m) throughout their length.

Metering Accommodation

42. (1) The consumer must, if required by the municipality, provide accommodation in an approved position, the meter board and adequate conductors for the municipality's metering equipment, service apparatus and protective devices.
- (2) The accommodation and protection referred to in subsection (1) must be provided and maintained, to the satisfaction of the municipality, at the cost of the consumer or the owner, as the circumstances may demand, and must be situated, in the case of credit meters, at a point to which free and unrestricted access can be had at all reasonable hours for the reading of meters but at all times for purposes connected with the operation and maintenance of the service equipment.
- (3) Access to premises at all reasonable hours must be afforded to any authorised official for the inspection of prepayment meters.
- (4) Where sub-metering equipment is installed, accommodation separate from the municipality's metering equipment must be provided.
- (5) The consumer or, in the case of a common meter position, the owner of the premises must provide adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus.
- (6) Where in the opinion of the municipality the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a course of danger to life or property or in any way becomes unsuitable, the consumer must remove it to a new position, and the cost of such removal, which must be carried out with reasonable dispatch, must be borne by the consumer.
- (7) The accommodation for the municipality's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices.
- (8) No apparatus other than that used in connection with the supply of electricity and use of electricity may be installed or stored in such accommodation unless approved by the municipality.

**CHAPTER 6:
SYSTEMS OF SUPPLY**

Load Requirements

43. Alternating current supplies must be provided as prescribed by the Electricity Act, 1987 (Act No. 41 of 1987), and in the absence of a quality of supply agreement, as set out in applicable standard specification.

Load Limitations

44. (1) Where the estimated load, calculated in terms of the safety standard, does not exceed 15 kVA, the electrical installation must be arranged for a two-wire single-phase supply of electricity, unless otherwise approved by the municipality.
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- (2) Where a three-phase four-wire supply of electricity is provided, the load must be approximately balanced over the three phases but the maximum out-of-balance load must not exceed 15kVA, unless otherwise approved by the municipality.
- (3) No current-consuming appliance, inherently single phase in character, with a rating which exceeds 15kVA must be connected to the electrical installation without the prior approval of the municipality.

Interference with Other Persons' Electrical Equipment

- 45. (1) No person may operate electrical equipment having load characteristics which, singly or collectively, give rise to voltage variations, harmonic currents or voltages, or unbalanced phase currents which fall outside the applicable standard specification.
- (2) The assessment of interference with other persons' electrical equipment must be carried out by means of measurements taken at the point of common coupling.
- (3) Should it be established that undue interference is in fact occurring, the consumer must, at his or her own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.

Supplies to Motors

- 46. (1) Unless otherwise approved by the municipality, the rating of a low voltage single-phase motor must be limited to 2kW and the starting current must not exceed 70A; and motors exceeding these limits must be wound for three phases at low voltage or a higher voltage as may be required.
- (2) The starting current of three-phase low voltage motors permitted must be related to the capacity of the consumer's service connection, as follows:

Insulated service cable, size in mm ² , copper equivalent mm ²	Maximum permissible starting current A	Maximum motor rating in kW		
		Direct on line (6x full-load current)	Star/Delta (2,5 x full-load current)	Other means (1,5 x full-load current)
		kW	kW	kW
16 25	72 95	6 7,5	13,5 18	23 30
35 50	115	9 10	22 25	36,5 45
70 95	135	13 16	31 38	55 67
120	165	18 20	46 52	77 87
150	200			
	230			
	260			

- (3) In an installation supplied at medium voltage the starting current of a low voltage motor must be limited to 1,5 times the rated full-load current of the transformer supplying such a motor, and the starting arrangement for medium voltage motors must be subject to the approval of the municipality.

Power Factor

- 47. (1) If required by the municipality, the power factor of any load must be maintained within the limits 0,85 lagging and 0,9 leading.
- (2) Where, for the purpose of complying with subsection (1), it is necessary to install power factor corrective devices, such corrective devices must be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.
- (3) The consumer must, at his or her own cost, install such corrective devices.

Protection

- 48. Electrical protective devices for motors must be of such a design as effectively to prevent sustained over-current and single phasing, where applicable.

**CHAPTER 7:
MEASUREMENT OF ELECTRICITY**

Metering

- 49. (1) The municipality must, at the consumer's cost in the form of a direct charge or prescribed fee, provide, install and maintain metering equipment rated by the municipality at the point of metering for measuring the electricity supplied.
- (2) Except in the case of prepayment meters, the electricity used by a consumer during any metering period must be ascertained by the reading of the appropriate meter or meters supplied and installed by the municipality and read at the end of such period except where the metering equipment is found to be defective, or the municipality invokes the provisions of section 51(3) of these by-laws, in which case the consumption for the period must be estimated.

- (3) Where the electricity used by a consumer is charged at different tariff levels, the consumption must be metered separately for each rate.
- (4) The municipality must be entitled to meter the supply to blocks of shops and flats, tenement-houses and similar buildings for the buildings as a whole, or for individual units, or for groups of units.
- (5) No alterations, repairs or additions or electrical connections of any description must be made on the supply side of the point of metering unless specifically approved in writing by the municipality.

Accuracy of Metering

50. (1) A meter is presumed, unless the contrary is proved, to be registering accurately if its error, when tested in the manner prescribed in subsection (6), is found to be within the limits of error as provided for in the applicable standard specifications.
- (2) The municipality has the right to test its metering equipment.
- (3) If it is established by test or otherwise that the municipality's metering equipment is defective, the municipality must—
 - (a) in the case of a credit meter, adjust the account rendered; or
 - (b) in the case of prepayment meters—
 - (i) render an account where the meter has been under-registering, or
 - (ii) issue a free token where the meter has been over-registering.
- (4) The consumer is entitled to have the metering equipment tested by the municipality on payment of the prescribed fee. If the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of subsections (3) and (7) must be made and the aforesaid fee must be refunded.
- (5) In case of a dispute, the consumer has the right at his or her own cost to have the metering equipment under dispute tested by an independent testing authority, approved by the municipality, and the result of the test is final and binding on both parties.
- (6) Meters must be tested in the manner as provided for in the applicable standard specifications.
- (7) When an adjustment is made to the electricity consumption registered on a meter, the adjustment must either be based on the percentage error of the meter as determined by the test referred to in subsection (5) or upon a calculation by the municipality from consumption data in its possession, and where applicable, due allowance must be made, where possible, for seasonal or other variations which may affect the consumption of electricity.
- (8) When an adjustment is made as contemplated in subsection (7) the adjustment may not exceed a period of six months preceding the date on which the metering equipment was found to be inaccurate, but the application of this section does not prevent a consumer from claiming back overpayment for any longer period where the consumer is able to prove his or her claim in a court of competent jurisdiction.
- (9) Where the actual load of a consumer differs from the initial estimated load provided for under section 5(1) to the extent that the municipality considers, on good grounds, that it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement must be borne by the consumer.
- (10) Prior to the municipality making any upward adjustment to an account in terms of subsection (7), it must—
 - (a) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefore;
 - (b) in such notification provide sufficient particulars to enable the consumer to submit representations relating to what has been said in the notice, and
 - (c) call upon the consumer in such notice to provide it with reasons in writing, if any, within 21 days or such longer period as the municipality may permit, why his or her account should not be adjusted as notified.
- (11) The municipality is entitled to adjust the account as notified in subsection (10), but may do so only if—
 - (a) it has considered any reasons provided by the consumer in terms of subsection (10) and must not make any adjustment unless satisfied that there are good grounds for doing so; and
 - (b) an authorized official decides, after having considered the representation made by the consumer that the representations do not establish a case warranting an amendment to the monetary value established in terms of subsection (7), the municipality is entitled to adjust the account as notified in terms of subsection (10), subject to the consumer's right to appeal against the decision of the official in terms of section 62 of the Systems Act.

Reading of Credit Meters

51. (1) Unless decided otherwise by the municipality, credit meters must normally be read at intervals of one month and the fixed or minimum charges due in terms of the tariff must be assessed accordingly.
- (2) The municipality is not obliged to effect any adjustments to the charges contemplated in subsection (1).
- (3) If for any reason the credit meter cannot be read, the municipality may render an estimated account based on rational principles taking into account factors including previous usage; and the electrical energy consumed must be adjusted in a subsequent account in accordance with the electrical energy actually consumed.
- (4) When a consumer vacates a property and a final reading of the meter is not possible, an estimation of the consumption may be made by the municipality and the final account rendered accordingly.
- (5) If a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed fee to the municipality.
- (6) If any calculating, reading or metering error is discovered in respect of any account rendered to a consumer, the error must be corrected in subsequent accounts; and any such correction must only apply in respect of accounts for a period of 6 months

- preceding the date on which the error in the accounts was discovered, and must be based on the actual tariffs applicable during the period.
- (7) The application of subsection (6) does not prevent a consumer from claiming back overpayment for any longer period where the consumer is able to prove the claim in any court of competent jurisdiction.

Prepayment Metering

52. (1) No refund of the amount tendered for the purchase of electricity credit must be given at the point of sale after initiation of the process by which the prepayment meter token is produced.
- (2) Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer.
- (3) When a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter must be made to the consumer by the municipality.
- (4) The municipality is not liable for the reinstatement of credit in a prepayment meter lost due to tampering with, or the incorrect use or the abuse of, prepayment meters or tokens.
- (5) The municipality may, at its discretion, appoint vendors for the sale of credit for prepayment meters and must not guarantee the continued operation of any vendor.

CHAPTER 8: ELECTRICAL CONTRACTORS

Additional Requirements

53. (1) Where an application for a new or increased supply of electricity has been made to the municipality, it may at its discretion accept notification of the completion of any part of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may, at the discretion of the municipality, be inspected, tested and connected to the supply mains as though it were a complete installation.
- (2) An application for a new or increased supply of electricity is done on the condition that the person making the application accepts that the examination, test and inspection that may be carried out at the discretion of the municipality, in no way relieves the electrical contractor, accredited person or the user or lessor, as the case may be, from his or her responsibility for any defect in the installation; and the examination, test and inspection and must not be taken under any circumstances (even where the electrical installation has been connected to the supply mains) as indicating or guaranteeing in any way that the electrical installation has been carried out efficiently, or with the most suitable materials for the purpose, or that it is in accordance with these by-laws or the safety standard, and the municipality must not be held responsible for any defect or fault in such electrical installation.
- (3) Before the municipality accepts notification in terms of subsection (1), it must inform the applicant of the provisions of subsection (2).

Damage by Electrical Contractors

54. Where an electrical contractor, or any person accredited by the municipality, performs work on a consumer's premises, he or she does so on behalf of the consumer and under the control or supervision of the consumer, and the municipality is neither liable for the cost arising from the work done nor in any way liable for any loss or damage which may be occasioned by fire or by an accident arising from the state of the wiring on the premises.

CHAPTER 9: COST OF WORK

Cost of Work

55. (1) The municipality may repair and make good any damage to property done in contravention of these by-laws or resulting from a contravention of these by-laws, provided that in effecting any repairs it does so in a manner that is fair.
- (2) The cost of any such work carried out by the municipality which was necessary due to the contravention of these by-laws by a consumer must be borne by the consumer and must be reflected as a debit against his or her account.

CHAPTER 10: ADMINISTRATIVE ENFORCEMENT PROVISIONS

Part I: Appointment of Authorised Officials

Appointment of Authorised Officials

56. (1) The municipality must appoint authorised officials vested with the power to exercise the powers of an authorised official under these by-laws and to discharge the municipality's right of access to premises in terms of section 101 of the Systems Act.

- (2) An authorised official is not a peace officer within the meaning of the Criminal Procedure Act, 1977 (Act No. 51 of 1977) and has no powers of arrest in respect of any offence in term of these by-laws.
- (3) In appointing an authorised official, the municipality must have regard to—
 - (a) a person's technical understanding and experience of matters related to electricity services; and
 - (b) any other factor that may be relevant to supervision and enforcement of these by-laws, whether technical or administrative.
- (4) An authorised official may be an employee of the municipality or any service provider of the municipality.
- (5) Upon appointment, authorised officials must be issued with a means of identification by the municipality which must state the name and function of the authorised official, and must include a photograph of the officer.
- (6) An authorised official, acting within the powers vested in him or her by these by-laws, is required to present identification on demand by any member of the public.

Part II: Powers of Authorised Officials

Right of Admittance to Inspect, Test or do Maintenance Work

57. (1) An authorised official may, by notice in writing served on the owner or occupier of any property, require the owner or occupier to provide, on the day and at the hour specified in such notice, access to such property to the authorised official for the purpose of—
- (a) doing anything authorised or required to be done by the municipality under these by-law or any other law;
 - (b) inspecting and examining any service mains and anything connected with it;
 - (c) enquiring into and investigating any possible source of electricity supply or the suitability of immovable property for any work, scheme or undertaking of the municipality and making any necessary survey in this connection;
 - (d) ascertaining whether there is or has been a contravention of the provisions of these by-law or any other law, and
 - (e) enforcing compliance with the provisions of these by-laws or any other law,
- (2) Notwithstanding subsection (1), an authorised official who has reasonable grounds to suspect that harm or damage to property may arise or has arisen as a result of the electricity supply to a premises, or in any way related with the provision of electricity services, the authorised official may, without notice, enter and search any affected premises and take any action necessary to prevent the harm or damage to property including disconnecting the system in terms of section 9.
- (3) Any action under this section, must be conducted with strict regard to decency and order, respect for a person's dignity, freedom and security, and personal privacy.

Refusal or Failure to Give Information

58. (1) In order to monitor or enforce compliance with these by-laws, an authorised official, may, require any person to disclose information, either orally or in writing, and either alone or in the presence of witnesses, on any matter to which these by-laws relate and require that the disclosure be made on oath or affirmation.
- (2) An authorised official may be accompanied by an interpreter and any other person reasonably required to assist the authorised official in conducting the inspection.
- (3) An authorised official must, on request by a person requested to give information, provide his identification as an authorised official.
- (4) No person must refuse or fail to give such information as may be reasonably and lawfully required of him or her by any authorised official or render any false information to any such official regarding any electrical installation work completed or contemplated.

Refusal of Admittance

59. No person must wilfully hinder, obstruct, interfere with or refuse admittance to any authorised official in the performance of his or her duty under these by-laws or of any duty connected with or relating to these by-laws.

Part III: Administrative Penalties

Establishment of an Administrative Penalty System

60. (1) The municipality may establish an administrative penalty system in terms of this chapter.
- (2) A decision to establish an administrative penalty system in terms of subsection (1) must be published by a notice in the Provincial Gazette and comes into operation on the date announced in the notice which may not be less than 3 months from the date of its publication.

Infringement Notices

61. (1) If a municipality has established an administrative penalty system, an authorised official may issue an infringement notice to any person who commits an offence listed in Column A of Annexure 2.
- (2) The infringement notice must—
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- (a) specify, at the time when the notice is issued, the name and also the residential and postal address, if either or both of these be known, of the person on whom the infringement notice is served;
 - (b) state the particulars of the infringement;
 - (c) specify the amount of the penalty payable in respect of that infringement designated in Column B of Annexure 2;
 - (d) specify the place where the penalty may be paid; and
 - (e) inform the person on whom the infringement notice is served that, not later than 28 calendar days after the date of service of the infringement notice, he or she may—
 - (i) pay the penalty; or
 - (ii) inform the municipality in writing at an address set out in the notice that he or she elects to be tried in court on a charge of having committed an offence in terms of Chapter 11 of these by-laws.
- (3) If it appears to the authorised official that an alleged offence cannot be adequately punished by the payment of the administrative penalty then the authorised official may refrain from accepting the administrative penalty and may take proceedings against the alleged offender in an appropriate Court in terms of Chapter 11 of these by-laws.

Trial

62. If a person who elects to be tried in court in terms of subsection 61(2)(e)(ii) notifies the municipality of his or her election, the authorised official must within 10 calendar days take all necessary steps, as envisaged in the Criminal Procedure Act, 1977 (Act 51 of 1977), in order to secure the attendance and prosecution of the accused, in which event the infringement notice must be cancelled.

Withdrawal of Infringement Notice

63. (1) Within one year after the infringement notice has been issued an authorised official may, whether or not the penalty has been paid, withdraw an infringement notice on the basis that new information has been received by the municipality or on any other good cause, by—
- (a) sending to the alleged offender a notice in the prescribed form stating that the infringement notice has been withdrawn; and
 - (b) providing reasons to the municipal manager for the withdrawal of the infringement notice.
- (2) Where an infringement notice is withdrawn after the penalty has been paid, the amount must be refunded.

Infringement Notice Not an Admission

64. Payment of a penalty is not regarded as an admission for the purposes of any proceedings, whether civil or criminal.

**CHAPTER 11:
JUDICIAL ENFORCEMENT PROVISIONS**

Offences

65. (1) Subject to subsection (2), any person who—
- (a) contravenes or fails to comply with any provisions of these by-laws, other than a provision relating to payment for electricity services;
 - (b) fails to comply with any notice or order issued or condition imposed in terms of or for the purposes of these by-laws;
 - (c) fails to comply with any lawful instruction given in terms of or for the purposes of these by-laws; or
 - (d) who obstructs or hinders any authorised representative or employee of the municipality in the execution of his or her duties under these by-laws;
- is guilty of an offence and liable on conviction to a fine of a maximum R10 000 or in default of payment to imprisonment for a period not exceeding 12 months and in the case of any continued offence, to a further fine not exceeding R500 or in default of payment, to imprisonment not exceeding one day for every day during the continuance of such offence after a written notice has been issued by the municipality and served on the person concerned requiring the discontinuance of such an offence.
- (2) Any person committing a breach of the provisions of these by-laws is liable to recompense the municipality for any loss or damage suffered or sustained by it in consequence of the breach.

**CHAPTER 12:
GENERAL**

Service of Documents and Process

66. For the purposes of the service of any notice, order or other document relating to non-payment for the provision of electricity services, the address of the owner of the premises to which electricity services are provided is the place where service of documents and process must be made.

Service of Notices

67. (1) Any notice, order or other document that is served on any person in terms of these by-laws must, subject to the provisions of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), be served personally, falling which it may be regarded as having duly been served—
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- (a) when it has been left at that person's place of residence or business, or, where his or her household is situated in the Republic, when it has been left with a person who is apparently 16 years or older;
 - (b) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic either personally or in the manner provided by paragraphs (a), (c) or (d);
 - (c) if that person's address and the identity or the address of his or her agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates; or
 - (d) subject to section 66, if sent by registered post, whether service by registered post is, or is not required, if effected by sending it by properly addressing it to the addressee's last known residence, place of business or postal address, prepaying and posting a registered letter containing the notice, order or other document, and unless the contrary be proved, is presumed to have been effected at the time at which the letter would be delivered in the ordinary course of post.
- (2) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.
 - (3) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.
 - (4) Any legal process is effectively and sufficiently serviced on the service provider when it is delivered to the managing director or a person in attendance at the managing director's office.

Compliance with Notices

68. Any person on whom a notice duly issued or given under this by-law is served must, within the time specified in such notice, comply with its terms.

**CHAPTER 13:
REPEAL OF BY-LAWS**

Repeal of By-Laws

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

Short title

70. This By-law is called the Electricity Supply By-law, 2015.

ANNEXURE 1: APPLICABLE STANDARD SPECIFICATION

"applicable standard specification" means—

- SANS 1019 Standard voltages, currents and insulation levels for electricity supply;
- SANS 1607 Electromechanical watt-hour meters;
- SANS 1524 Parts 0, 1 & 2 - Electricity dispensing systems;
- SANS IEC 60211 Maximum demand indicators, Class 1.0;
- SANS IEC 60521 Alternating current electromechanical watt-hour meter (Classes 0.5, 1 & 2);
- SANS 0142 Code of practice for the wiring of premises;
- NRS 047 National Rationalised Specification for the Electricity Supply - Quality of Service;
- NRS 048 National Rationalised Specification for the Electricity Supply - Quality of Supply; and
- NRS 057 Electricity Metering: Minimum Requirements.

ANNEXURE 2: OFFENCES

COLUMN A	COLUMN B
Offence	Penalty

PROVINCIAL NOTICE NO. 167 OF 2015

MOQHAKA LOCAL MUNICIPALITY / PLAASLIKE MUNISIPALITEIT / LEKGOTLA LA MOTSE

Notice is hereby given in terms of the provisions on section 13 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) that the Council of the Moqhaka Local Municipality adopted Encroachment on Property By-Laws as contained in the schedule hereunder. These By-Laws are published for the purpose of general public notification and the by-laws take effect from date of publication in the Provincial Gazette. Copies of the by-laws are available at the Municipal Offices, Hill Street, Kroonstad.

ENCROACHMENT ON PROPERTY BY-LAW

SCHEDULE

Definitions

1. (1) In these By-laws, any word or expression which has been defined in the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977), has that meaning and, unless the context otherwise indicates -
- "Council" means -
- (a) the Local Municipality of Moqhaka established in terms of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), exercising its legislative and executive authority through its municipal Council ; or
- (b) its successor in title; or
- (c) a structure or person exercising a delegated power or carrying out an instruction, where any power in these by-laws has been delegated or sub- delegated, or an instruction given, as contemplated in section 59 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000); or
- (d) a service provider fulfilling a responsibility under these by-laws, assigned to it in terms of section 81(2) of the Local Government: Municipal Systems Act (Act No 32 of 2000) or any other law, as the case may be;
- "encroachment" means any physical object which intrudes on or over municipal property, or property which the Council has control over or other property in respect of which a servitude or other property right has been registered in favour of the Council;
- "prescribed" means determined by resolution of the Council made from time to time;
- "prescribed fee" means a fee determined by the Council by resolution in terms of any applicable legislation;
- "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 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;
- (2) If any provision in these By-laws vests or imposes any power, function or duty of the Council in or on an employee of the Council and such power, function or duty has in terms of section 81(2) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), or any other law been assigned to a service provider, the reference to such employee must be read as a reference to the service provider or, where applicable, an employee of the service provider authorised by it.

Council permission required

2. (1) No person may, without prior written permission of the Council, make or construct any colonnade, veranda, balcony, bay window, pavement light, showcase or other encroachment on or over any part of a public road, and pavement opening in or under any public road.
- (2) The Council may refuse the permission required in terms of subsection (1) or may grant such permission either unconditionally or upon the conditions and subject to the payment of the prescribed fee annually or the performance of the work or service determined by the Council in each case and subject to payment of the prescribed fee.
- (3) The prescribed fee mentioned in subsection (2) is payable in advance at the beginning of each year which is calculated from date of the written permission or the date determined by the Council, and the owner of the encroachment is liable for the payment of the prescribed fee for each encroachment.
- (4) The owner of an encroachment must within 90 days after the date of commencement of these By-laws notify the Council in writing of-
- (a) the existence of the encroachment; and
- (b) the horizontal dimension of every encroachment measured - parallel to the road boundary on or over which the encroachment exists.
- (5) Until the Council is notified of the horizontal dimension of the encroachment in terms of subsection (4)(b), every encroachment relating to a building is deemed to have an aggregate horizontal dimension equal to the total road frontage on or over which the encroachment exists, of the property on which the building concerned is situated.

Rules for the construction of encroachments

3. (1) The design, arrangement and construction of a veranda, balcony, bay window or other encroachment on or over a public road, as well as the paving, kerb and gutter thereof must be to the satisfaction of and to the levels approved by the Council.
- (2) If corrugated iron is used for covering a veranda, its exposed surfaces must be painted.
- (3) A veranda over a public road must correspond in line, height and detail with existing adjoining verandas.

Columns

4. (1) The Council may determine areas within the municipal area where no person is permitted to place veranda columns over any public road or pavement.
- (2) No person is permitted to place any veranda column over any pavement where such pavement is less than 2,6 m wide.
- (3) No person may place any veranda column more than 3 m from the building line measured to the outside of the column or at less than 3 m centre to centre.
- (4) No person may place any veranda column over any pavement at the corner of a public road that is beyond the alignment of the building lines.
- (5) No person may place a portion of any veranda column at a distance less than 600 mm back from the front edge of any kerb.
- (6) No person may place a twin or double veranda column over any public road or pavement.
- (7) If a veranda is supported on columns, the columns may not have square arris, no base may project more than 50 mm beyond the bottom diameter of the column and the maximum horizontal axial dimensions of such base may not exceed 350 mm.
- (8) If the form of a column is classic in character, the shaft must have suitable entasis and cap and base in due proportions.
- (9) No column, including cap and base, may be less than 3 m or more than 3,6 m in height and more than 4,5 m including plinth.
- (10) No person may, without the prior written permission of the Council place a column on a public road where the footway or sidewalk is, or is likely to be occupied by any cable, pipe or other municipal service.
- (11) The minimum height from the footway or sidewalk to the underside of each cantilever or fascia girder is 3 m.
- (12) Plain piping or tubing may not be used for any column for a veranda and balcony over or on a public road unless architecturally treated for aesthetic purposes.
- (13) The coping, blocking course or balustrade, if any, may not extend less than 750 mm nor more than 1,05 m above the floor of a balcony.
- (14) Nothing in these By-laws prohibits -
 - (a) the erection and use of a party column common to two adjoining verandas if the column stands partly on the extended boundary lines of two properties or adjoins the same; or
 - (b) in the case of adjoining verandas, the placement of any column upon a plinth if this is necessary for alignment and all the other provisions of these By-laws are complied with.

Balconies and bay windows

5. (1) No balcony, bay window or encroachment may overhang a public road if it is at a height of less than 3 m above the pavement.
- (2) No balcony may encroach more than 1,35 m over any public road.
- (3) No bay window may encroach more than 900 mm over any public road.
- (4) The aggregate horizontal length of a bay window at any level over a public road may not exceed one-third of the length of the building frontage on to that road.
- (5) Any balcony superimposed upon a veranda must be set back at least 1,2 m from the line of such veranda.
- (6) No part of a balcony which is attached to any veranda may be carried up to a height greater than two storeys above the pavement level except that, if the top portion of the balcony is roofed with a concrete flat roof forming a floor, a balustrade not exceeding 1 m in height is allowed above the level of the floor.
- (7) No dividing wall across a balcony over a public road may exceed 1 m in height or 225 mm in thickness.
- (8) A balcony over any public road may not be the sole means of access to any room or apartment.
- (9) No person may place or permit or cause to be placed any article upon any balcony over a public road, except ornamental plants, tables, chairs, canvas blinds and awnings not used for signs or advertisements.
- (10) If any floor of a building is used solely for the parking of motor vehicles, no bay window at the level of the floor may project over any public road for more than 1,35 m for the full length of the building frontage on to that road.

Plinths, pilasters, corbels and cornices

6. (1) No plinth, pilaster or other encroachment beyond a building line carried up from ground level is permitted to encroach on a public road.
- (2) Any pilaster, cornice, corbel or similar architectural feature which is at least 3 m above the ground may not exceed the following encroachment over a public road:
 - (a) a pilaster: 450 mm the total aggregate frontage length of the pilaster may not exceed one-fifth of the building frontage and any bay window in the same storey must be included in the calculation of the maximum aggregate length for bay windows;

- (b) a fire-resisting ornamental hood or pediment over a door: 600 mm and in any part not less than 2,75 m in height above the footway or pavement;
- (c) a cornice: 1,05 m if not exceeding 10,5 m above the footway or pavement and one-tenth of the height from the footway or pavement if exceeding 10,5 m with a maximum of 1,8 m.

Verandas around corners

7. If a veranda is built around a corner of a public road it must be properly splayed or rounded to follow the curve of the kerb.

Pavement openings

8. (1) No pavement opening may be the sole means of access to any vault or cellar.
 (2) No pavement opening on any public road may extend more than 1,2 m beyond the building line.
 (3) If flaps are permitted in a pavement opening, no flap may exceed 0,75 square metres in area and must open upwards and while open, must be provided with stout iron guardrails and stanchions.
 (4) A flap opening may be opened and used only for the purpose of lowering and raising goods and must be kept closed except when lowering and raising operations are in progress.
 (5) The front wall or wall parallel to the kerb in every pavement opening must be built with a suitable batter to the satisfaction of the Council.
 (6) No pavement opening may be covered with a metal bar grating or with a metal plate or with wood.

Maintenance, removal and tenancy of projections

9. (1) The owner of any encroachment must maintain the encroachment in good order and repair.
 (2) Any pavement opening, pavement light, wall thereof and basement wall must be made and kept water-tight by the owner.

Encroachment erected in front of building

10. If any encroachment has been erected or constructed in front of any building, the owner must at his, her or its own expense -
 (a) pave the whole of the footway or pavement under the encroachment or in front of the building in which the pavement opening is fixed; and
 (b) lay the road kerbing and guttering and paving in front of the building for the full width of the footway or pavement.

Encroachments

11. (1) (a) Any person wishing to erect or construct an encroachment on, under or over any public road, or any immovable property owned by or vested in the Council, must apply to the Building Control Officer on a form prescribed by the Council for that purpose.
 (b) If, in the opinion of the Building Control Officer, drawings are required for the conclusion of an encroachment agreement, the prescribed charges in addition to any other prescribed charge is payable to the Council.
 (2) The owner of any encroachment or fixture, whether in the course of construction or erection or completed, on, under or over any public road, is regarded as a tenant in respect of the encroachment and, if notified in writing by the Council under the hand of the Building Control Officer to remove any such encroachment or fixture, must do so within a reasonable period stated in the notice.
 (3) The owner of the building in connection with which any encroachment exists, or is proposed -
 (a) must defray any cost incurred in connection with wires or property of the Council;
 (b) must allow the Council to erect on, or attach to the encroachment or fixture or anything required in connection with electrical or other activities of the Council.

Offences and penalties

12. Any person who -
 (a) contravenes or fails to comply with any provision of these By-laws
 (b) fails to comply with any notice issued in terms of these By-laws; or
 (c) fails to comply with any lawful instruction given in terms of these By-laws; or
 (d) who obstructs or hinders any authorised representative or employee of the Council in the execution of his or her duties under these By-laws,
 is guilty of an offence and liable on conviction to a fine a maximum of R10 000 or in default of payment to imprisonment for a period not exceeding six months, and in the case of a continuing offence, to a further fine not exceeding R500, or in default of payment to imprisonment not exceeding one day, for every day during the continuance of such offence after a written notice has been issued by the Council and served on the person concerned requiring the discontinuance of such offence.

Repeal of by-laws

13. Any by-laws relating to encroachment on property adopted by the municipality or any municipality now comprising an administrative unit of the Council is repealed from the date of promulgation of these by-laws.

Short title

14. These By-laws are called the Encroachment on Property By-laws, 2015.

PROVINCIAL NOTICE NO. 168 OF 2015**MOQHAKA LOCAL MUNICIPALITY / PLAASLIKE MUNISIPALITEIT / LEKGOTLA LA MOTSE**

Notice is hereby given in terms of the provisions on section 13 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) that the Council of the Moqhaka Local Municipality adopted Fences and Fencing By-Laws as contained in the schedule hereunder. These By-Laws are published for the purpose of general public notification and the by-laws take effect from date of publication in the Provincial Gazette. Copies of the by-laws are available at the Municipal Offices, Hill Street , Kroonstad.

SCHEDULE**FENCES AND FENCING BY-LAW****TABLE OF CONTENTS**

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Definitions

1. In this by-law, unless the context otherwise indicates -
 "alter" includes to cause, allow or permit to be altered;
 "boundary" means the real or notional line marking the limits of premises;
 "agent", in relation to the owner of a property, means a person appointed by the owner of the property-
 (a) to receive rental or other payments in respect of the property on behalf of the owner; or
 (b) to make payments in respect of the property on behalf of the owner;
 "erect" includes to cause, allow or permit to be erected;
 "fence" means any fence, together with any gate or any contrivance forming part or serving the purpose of such a gate, erected as a boundary between any erven, lots or stands within the municipal area, and includes a fence which is not erected on a boundary, such as a garden fence or a free-standing wall on an erf, lot or stand;
 "ground level" means the natural level of the ground, except where such level has been disturbed, in which case the street level is to be regarded as the ground level;
 "municipality" means the Local Municipality of Moqhaka established in terms of Section 12 of the Local Government: Municipal Structures Act of 1998 (Act No. 117 of 1998) and includes any political structure, political office bearer, councillor, duly authorised agent or any employee acting in connection with this by-law by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;
 "public land" means land the ownership of which is vested in an organ of state;
 "repair" has the meaning assigned to it in the Fencing Act, 1963 (Act No. 31 of 1963);
 "SANS Codes" means the South African National Standard Codes issued in terms of the Standards Act, 1993 (Act No. 29 of 1993).

Principles and objectives

2. The objective of this bylaw is to regulate fencing.

Application

3. Subject to the provisions of the Fencing Act, 1963 (Act No. 31 of 1963), the provisions in this by-law relating to an electrical fence, barbed wire and razor wire do not apply to land zoned for agricultural purposes, except where such electrical fence, barbed wire or razor wire is erected on the boundary between the land and public land.

Fences

4. (1) No person may, without the consent of the municipality, on a boundary of premises -
- (a) erect a fence which is more than 2 metres in height from ground level;
 - (b) alter or make an addition to an existing fence which is more than 2 metres in height from ground level;
 - (c) erect or may have on a boundary, an electrified fence, electrified railing or other electrified barrier, unless it is erected on top of a wall which may not be less than 2 metres high and built of brick, cement, concrete or similar material; and
 - (d) erect a barbed-wire fence, railing, or other barrier with spikes or other sharp or pointed protrusions unless it is erected on top of a wall of not less than 2 metres in height
- (2) A person who wishes to obtain the consent of the municipality must submit an application form determined by the municipality, and the municipality may refuse or grant consent.
- (3) Should the municipality refuse permission, it must, on request, supply the applicant in writing with the reasons for the refusal.
- (4) Should the municipality grant consent, it may impose conditions, requirements or specifications according to each individual case, and subject to the provisions of SANS Code No. 1372 relating to Prefabricated Concrete Components for Fences, and the consent must be entered in Item C of the form referred to in subsection (2), and a person who has obtained consent, must at the request of an authorised official, immediately produce the consent.
- (5) A person who has obtained consent in terms of subsection (4) must ensure that the fence is maintained in a good condition.
- (6) No person may:-
- (a) without the prior written consent of the municipality demolish, interfere with or damage a fence for which consent has been granted in terms of subsection (4);
 - (b) having opened a gate in a fence, leave such gate open or unfastened;
 - (c) climb over or crawl through a fence without the permission of the owner or occupier of the land;
 - (d) erect a fence covered with -
 - (i) canvas, reeds, grass or any combustible material, except poles or split poles, or approved wood, within 4,5 metres of any street; or
 - (ii) sheet iron, corrugated galvanised iron or any other sheeting along or within 4,5 metres of any street;
 - (e) allow a fence to fall into disrepair; and
 - (f) affix to or allow to be affixed to a fence any posters, placards or similar notices, or draw or apply anything on a fence unless it is done so in terms of the Advertising By-law .
- (7) The municipality may, whenever it appears that, in the interests of safety -
- (a) a fence needs to be erected or repaired, instruct the owner or occupier on whose premises such fence needs to be erected or repaired, to undertake such steps as stipulated in the instruction; or
 - (b) the height of a wall, hedge or fence at a street corner needs to be reduced, by order in writing instruct the owner or occupier property to reduce the height of such wall, hedge or fence to a height specified in such order.
- (8) A person commits an offence if he or she contravenes a provision of subsections (1) or (6) or fails to produce consent at the request of an authorised official as contemplated in subsection (4).
- (9) Should a person fail to comply with a provision of subsection (1), with a condition, requirement or specification contemplated in subsection (4), or subsection (5) or an instruction issued in terms of subsection (7), the municipality may serve a notice of compliance or a demolition order on the person.

Notice of compliance and representations

5. (1) The notice of compliance must state -
- (a) the name and residential or postal address of the affected person;
 - (b) the requirement which has not been complied with;
 - (c) detailed measures required to remedy the situation;
 - (d) that the person must within a specified period take the measures to comply with the notice and to complete the measures before a specified date; and
 - (e) the right to appeal as contained in section 9.
- (2) Where a person does appeal and fails to take the measures before the date contemplated in subsection (1)(d), he or she commits an offence, and the municipality may, irrespective of any penalty which may be imposed under section 14, act in terms of subsection (3).
- (3) The municipality may take such measures as it deems necessary to remedy the situation, including the demolition of the fence, and the cost thereof must be paid to the municipality in accordance with section 7.

Costs

6. (1) Should a person fail to take the measures required of him or her by a notice of compliance, the municipality may, subject to subsection (3) recover, as a debt, all costs incurred as a result of it remedying the situation from that person and any or all of the following persons:
- (a) the owner of the land, building or premises; or
 - (b) the person or occupier in control of the land, building or premises or any person who has or had a right to use the land at the time when the situation came about.
- (2) The costs recovered must be reasonable and may include, without being limited to, costs relating to labour, water, equipment, administrative and overhead costs incurred by the municipality under section 5(3).
- (3) If more than one person is liable for costs incurred, the liability must be apportioned as agreed among the persons concerned according to the degree to which each was responsible for the emergency resulting from their respective failures to take the required measures.

Demolition order

7. (1) A person on whom a demolition order has been served must demolish the fence and remove the materials.
- (2) Should the municipality demolish a fence, it may dispose of the whole or any part of the materials from any fence by public auction or public tender.
- (3) The municipality may deduct from the proceeds of any materials disposed of the costs of any pulling down, removal or demolition and the costs incurred of disposal and will thereafter pay any balance to the owner of the fence removed or demolished.

Authentication and service of notices and other documents

8. (1) A notice issued by the municipality in terms of this by-law is deemed to be duly issued if it is signed by an officer authorised by the municipality.
- (2) Any notice or other document that is served on a person in terms of this by-law is regarded as having been duly served -
- (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of 16 years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c);
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the land or business premises to which it relates;
 - (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of such body corporate; or
 - (g) when it has been delivered, at the request of that person, to his or her e-mail address.
- (3) Service of a copy is deemed to be service of the original.
- (4) When any notice or other document is served on the owner, occupier, or holder of any property, or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier, or holder of the property or right in question, and it is not necessary to name that person.

Appeal

9. A person whose rights are affected by a decision of the municipality may appeal against that decision by giving written notice of the appeal and the reasons therefore in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), to the municipal manager within 21 days of the date of the notification of the decision.

Implementation and enforcement

10. (1) The municipality may appoint an official to administer the implementation and enforcement of this by-law.
- (2) A person commits an offence if he or she -
- (a) hinders or interferes with an official in the execution of his or her official duties;
 - (b) falsely professes to be an official;
 - (c) furnishes false or misleading information when complying with a request of an official; or
 - (d) fails to comply with a request of an official.

Saving and transitional provision

11. An owner or occupier whose premises, at the date of commencement of this by-law, do not comply with the provisions of this by-law must, within a period of 6 months, ensure that his or her premises comply with the provisions of this by-law.

Exemptions

12. (1) Any person may in writing apply to the municipality for exemption from any provision of this by-law.
- (2) The municipality may -

- (a) grant an exemption in writing and set and determine the period for which such exemption is granted;
 - (b) alter or cancel any exemption or condition in an exemption; or
 - (c) refuse to grant an exemption.
- (3) An exemption does not take effect before the applicant has undertaken in writing to comply with the conditions imposed by the municipality, however, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.
- (4) If any condition of an exemption is not complied with, the exemption lapses immediately.

Liaison forums in community

13. (1) The municipality may establish one or more liaison forums in a community for the purposes of obtaining community participation with regard to the matters dealt with in this by-law.
- (2) A liaison forum may consist of -
- (a) a member or members of an interest group, or an affected person;
 - (b) a designated official or officials of the municipality; and
 - (c) a councillor.
- (3) (a) The municipality may, when considering an application for consent, permit or exemption in terms of this By-law, request the input of a liaison forum.
- (b) A liaison forum or any person contemplated in sub section (2) may on own initiative submit an input to the municipality for consideration.

Penalties

14. A person who has committed an offence in terms of this by-law is on conviction liable to a fine of maximum R10 000 or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine of maximum R500 and such imprisonment, and 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.

Repeal of by-laws

15. Any by-laws relating to fences and fencing adopted by the Council or any municipality now comprising an administrative unit of the Council is repealed from the date of promulgation of these by-laws.

Short title

16. This by-law is called the Fences and Fencing By-law, 2015.

PROVINCIAL NOTICE NO. 169 OF 2015

MOQHAKA LOCAL MUNICIPALITY / PLAASLIKE MUNISIPALITEIT / LEKGOTLA LA MOTSE

Notice is hereby given in terms of the provisions on section 13 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) that the Council of the Moqhaka Local Municipality adopted Public Amenities By-Laws as contained in the schedule hereunder. These By-Laws are published for the purpose of general public notification and the by-laws take effect from date of publication in the Provincial Gazette. Copies of the by-laws are available at the Municipal Offices, Hill Street , Kroonstad.

SCHEDULE

PUBLIC AMENITIES BY-LAW

Purpose of By-Law

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

Definitions

1. In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa -
- "municipality" means the Moqhaka Local Municipality established in terms of Section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998), and includes any political structure, political office bearer, councillor, duly authorised agent thereof or any employee thereof acting in connection with these by-laws by virtue of a power vested in the municipality and delegated or sub-delegated to such political structure, political office bearer, councillor, agent or employee;
- "notice" means official notice displayed at every entrance to or at a conspicuous place at or on a public amenity and in which the municipality must make known provisions and directions adopted by it in terms of this by-law;
- "public amenity" means -
-

- (a) any land, square, camping site, swimming bath, river, public resort, recreation site, nature reserve, zoo-logical, botanical or other garden, park or hiking trail which is the property of the municipality, including any portion thereof and any facility or apparatus therein or thereon;
- (b) any building, structure, hall, room, or office including any part thereof and any facility or apparatus therein, which is the property of, or is possessed, controlled or leased by the municipality and to which the general public has access, whether on payment of admission fees or not; but excluding:
 - (i) any public road or street;
 - (ii) any public amenity contemplated in paragraphs (a) and (b), if it is lawfully controlled and managed in terms of an agreement by a person other than the municipality, and
 - (iii) any public amenity hired from the municipality;

Maximum number of visitors

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

Admission to and sojourn in a public amenity

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

Entrance fees

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

Nuisances

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

Health matters

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

Structures

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

Liquor and Food

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

any danger to health: Provided further that no live animals, poultry or fish may be killed or skinned on, in or at a public amenity.

Animals

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

Use of public amenities

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

Safety and Order

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

Water

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

Laundry and Crockery

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

Vehicles

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

Games

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

Loitering

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

Penalties

17. Any person who -
- (a) contravenes or fails to comply with a provision of these by-laws or a direction adopted by a council under these by-laws and which has been made known by notice, or of a condition imposed under such by-law, irrespective of whether such contravention or failure has been declared as an offence elsewhere in these by-laws, or not;
 - (b) deliberately obstructs, hampers or handicaps any person in the execution of any power or the performance of any duty or function in terms of any provision of these by-laws; or
 - (c) furnishes false, incorrect or misleading information when applying for permission from a council in terms of a provision of a by-law, is guilty of an offence and if found guilty is punishable with a fine not exceeding R10 000 or with imprisonment for a period not exceeding 12 months and, in the event of a continuing contravention, a fine not exceeding R500 or with imprisonment not exceeding one month for each day that the contravention continued.

Repeal of by-laws

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

Short title

19. These by -laws are called the Public Amenities by-law, 2015.

PROVINCIAL NOTICE NO. 170 OF 2015**MOQHAKA LOCAL MUNICIPALITY / PLAASLIKE MUNISIPALITEIT / LEKGOTLA LA MOTSE**

Notice is hereby given in terms of the provisions on section 13 of the Local Government: Municipal System Act, 2000 (Act No 32 of 2000) the Council of the Moqhaka Local Municipality adopted Sporting Facilities By-Laws as contained in the schedule hereunder. These By-Laws are published for the purpose of general public notification and the by-laws take effect from date of publication in the Provincial Gazette. Copies of the by-laws are available at the Municipal Offices, Hill Street, Kroonstad.

SCHEDULE**SPORTING FACILITIES BY-LAWS****TABLE OF CONTENTS**

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Definitions

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

Application of By-laws

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

Administration, control over and maintenance of sporting facilities

3. (1) The municipality may establish a body or sport committee with the aim of advising it on matters relating to sporting facilities.
- (2) All sporting facilities must be administered by the municipality in accordance with this By-law.
- (3) The municipality may acquire land or a building with the aim of developing sporting facilities, or dispose of existing sporting facilities or any rights thereto.
- (4) A person or organisation who uses or hires sporting facilities does so subject to the provisions of this by-law, Safety at Sports and Recreational Events Act and in terms of conditions as may be determined by the municipality.
- (5) Where an organized sporting activity is not organized or controlled by the municipality, a municipal employee may be present.
- (6) Subject to the terms and conditions stipulated in any contract of hire, and subject to the Free State Gambling and Liquor Act, 2010 (Act No. 6 of 2010) no person -
- (a) may sell any alcoholic beverage on the premises of a sporting facility without first obtaining express approval for that activity from the municipality;
- (b) may bring his or her own supply of alcoholic beverages on or into a sporting facility without written authority from an authorised official.
- (7) If the municipality permits the sale or consumption of alcohol on or in a facility by an organisation or body, the sale or consumption is subject to the following conditions:
- (a) no alcoholic beverage may be served in a glass bottle, glass cup or other container made of glass;
- (b) beer, cider and alcoholic cordials may be served in cans, kegs, or plastic cups only;
- (c) the organisation or body must maintain good order within the sporting facility.
- (8) The municipality may close a facility when:
- (a) The facility is substantially unusable due to -
- (i) destruction;
- (ii) severe damage; or
- (iii) the absence of municipal services;
- (b) the facility constitutes a danger to human life or property;
- (c) an emergency has arisen which requires such closure.
- (9) The municipality may temporarily close a facility for purposes of repair or maintenance or for any other reason in the municipality's discretion.
- (10) A person who or organisation that contravenes subsection (6) or (7) commits an offence.

Access to sporting facilities and storage facilities

4. (1) The municipality may by notice posted at or near the entrance to a facility indicate the hours during which it may be used by the public.
- (2) The municipality reserves the right of access to a facility and an official may instruct a person who has contravened a provision of this bylaw to leave the facility or premises immediately and should the person fail to observe the instruction, the official may remove or cause the person to be removed.

- (3) The municipality has the right to determine the maximum capacity of a sporting facility and an official must, once the maximum capacity has been reached, refuse further access and may take measures necessary to prevent access.

Admission fees and other fees

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

Prohibited behaviour in or on sporting facility or its premises

6. (1) No person may -
- (a) enter any part of a facility otherwise than by an entrance designated for that purpose;
 - (b) enter or remain inside a facility, without permission, or at any time other than during the hours when such facility is open to members of the public, or when access to the facility has been denied;
 - (c) smoke in a sporting facility, except in an open air facility or in those areas which have been designated for this purpose, as indicated by notices to that effect;
 - (d) wear footwear that may damage the surface of a facility;
 - (e) attend or engage in a sporting activity if dressed indecently or if undressed, except in a facility set aside for use by a person of the same sex;
 - (f) relieve himself or herself in any part of the sporting facility other than in the ablution facilities;
 - (g) excluding a child under the age of five years, use change rooms, places of ablution, cubicles, or any other facilities set aside for a particular sex if he or she is not of that particular sex;
 - (h) enter or remain in any area of the sporting facility, which area is reserved for the use of persons of the other sex;
 - (i) use a change room, place of ablution, cubicle or any other facility for longer than is reasonably necessary to undertake an activity intended to be undertaken;
 - (j) use profane or indecent language or behave in any other manner that constitutes a nuisance or unacceptable behaviour towards other persons;
 - (k) destroy, damage or deface any part of a sporting facility, accessories or equipment;
 - (l) discard rubbish other than in a container provided for that purpose;
 - (m) in any manner, interfere with the substance covering the surface of a sporting facility;
 - (n) light any fire;
 - (o) drive, draw, or propel a vehicle, or walk upon or recline on lawn on the premises of a sporting facility if prohibited to do so by a notice on the premises;
 - (p) ride or use in or on a sporting facility a bicycle, roller blades, roller skates, skateboard, tricycle or any similar form of transport or amusement, except in a sporting facility which specifically provides for the riding of such devices;
 - (q) without the prior written consent of the municipality, sell, hawk, advertise, offer for sale or purchase or exhibit any article for sale, lease or hire, distribute a pamphlet, book, handbill or other written or printed matter inside a sporting facility or in the immediate vicinity of the facility thereto;
 - (r) neither inside nor outside a sporting facility, obstruct, resist or interfere with an official in the execution of his or her duties or the exercise of any authority in terms of this by-law;
 - (s) tamper or interfere with an appurtenance in or on the premises of a facility;
 - (t) bring into or keep on a facility an animal, except a guide dog, without the prior consent of the municipality, unless the sporting activity engaged in involves the use of animals;
 - (u) bring into or keep on a facility a weapon or any other dangerous object.
 - (v) erect or attempt to erect any enclosure, tent or similar construction, stall, booth, stand, screen, fence, or drive into the ground any peg or spike without the permission of the official in charge of the facility;
 - (w) behave or conduct himself or herself in a manner which may prejudice good order;
 - (x) bring into or onto a facility any substance or matter which may endanger the safety of people, or which may be used to disrupt proceedings at or spoil the peaceful enjoyment of the facility;
 - (y) behave or conduct himself or herself in a manner which may disrupt a sporting activity; or
 - (z) fail to comply with a lawful instruction given by an official.
- (2) A person who contravenes this section commits an offence.

Organised sporting activities

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

Reservation and hiring of sporting facilities

8. (1) The municipality may set aside or hire out a facility for the purpose of organised sport or for special occasions on such conditions as it may prescribe and the municipality may charge a fee, or may make it available free of charge or grant free admission to selected persons.

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

Cancellation, postponement or extension of reservation

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

Termination of hire

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

Duties of organisation

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

Enforcement

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

Indemnity

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

Appeal

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

Penalty

15. A person who or organisation which has committed an offence in terms of this by-law is, on conviction, liable to a fine of maximum R10 000.00 or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment.

Repeal of by-laws

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

Short title

17. This by-law is called the Sporting Facilities By-law, 2015

PROVINCIAL NOTICE NO. 171 OF 2015**MOQHAKA LOCAL MUNICIPALITY / PLAASLIKE MUNISIPALITEIT / LEKGOTLA LA MOTSE**

Notice is hereby given in terms of the provisions on section 13 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) that the Council of the Moqhaka Local Municipality adopted Taxi Ranks By-Laws as contained in the schedule hereunder. These By-Laws are published for the purpose of general public notification and the by-laws take effect from date of publication in the Provincial Gazette. Copies of the by-laws are available at the Municipal Offices, Hill Street , Kroonstad.

SCHEDULE**TAXI RANKS BY-LAW****Definitions**

1. In this By-law, unless the context otherwise indicated –

"bus" means a bus as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

"financial year" means a year starting on the first day of July of any year and ending on the last day of June of the next year;

"Manager: Traffic Services" means the municipal traffic officer appointed by the Municipality as head of the component of the Municipality responsible for the administration of road traffic matters;

"motor vehicle" means a motor vehicle as defined in section 1 of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

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

"Municipal Manager" means the person appointed by the Municipality in terms of section 82 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"municipal taxi rank" means an area demarcated in terms of section 2(2) to be used by taxis displaying valid parking permit discs to park and load and off-load passengers and includes the waiting area of such taxi rank;

"municipal traffic officer" means a traffic officer appointed by the Municipality in terms of the provisions of the National Road Traffic Act, 1996 (Act No. 93 of 1996);

"parking permit disc" means a disc issued in terms of section 4 to be displayed by a taxi making use of a municipal taxi rank;

"taxi" means any motor vehicle, except a bus, used for the conveyance of passengers and luggage, for hire or reward; and

"this By-law" includes the rules to be observed at municipal taxi ranks as contemplated in section 2.

Municipality may establish, maintain and manage municipal taxi ranks

2. (1) The Municipality may, within its area of jurisdiction, establish, maintain and manage municipal taxi ranks.
- (2) A municipal taxi rank must be demarcated by notice in the *Provincial Gazette*.
- (3) At the entrance of each municipal taxi rank, as well as at the entrance of its waiting area, a signboard must be displayed setting out the rules to be observed at that rank or area, respectively, by -
 - (a) taxi drivers;
 - (b) taxi owners; or
 - (c) members of the public, who enters into, parks at or makes use of taxi services at that rank or area.
- (4) Rules contemplated in subsection (3) must be adopted by the Municipality and promulgated in the *Provincial Gazette*.

Taxis to display parking permit discs when being driven into or parked at municipal taxi ranks

3. (1) No taxi may be driven into or parked at a municipal taxi rank without displaying a valid parking permit disc attached in the manner set out in subsection (2).
- (2) The parking permit disc referred to in subsection (1), must be displayed on the left side of the front windscreen of the taxi, in such a manner that the face thereof may be clearly visible to, and the inscriptions thereon easily legible by a person standing in front of or to the left front of the taxi.
- (3) A parking permit disc must -
 - (a) be of the design and contain the particulars set out in the Annexure; and
 - (b) be of a colour or made up of a combination of colours determined by the Municipality for the financial year concerned.

Application for, issue and duration of a parking permit disc

4. (1) The owner of a taxi, desirous to make use of the municipal taxi ranks, must apply to the Municipality in writing for the issue of a parking permit disc for each taxi to make use of any such rank.
- (2) An application for the issue of a parking permit disc must -
 - (a) be in the form determined by the Municipality;
 - (b) be directed to the Municipal Manager;
 - (c) be accompanied by the fees determined by the Municipality;
 - (d) in respect of the next ensuing financial year, be made no later than the last day of April of each year.
- (3) On receipt of the application, the Municipal Manager must consider the application and, no later than the last day of May of the year concerned —
 - (a) issue the parking permit disc to the applicant; or
 - (b) in writing, notify the applicant that the application was not successful, stating the reasons for his or her decision.
- (4) If an application was turned down by the Municipal Manager —
 - (a) because of a shortcoming in the application that can be rectified by the applicant, the applicant may rectify the shortcoming and, without the payment of any further fee, submit the application again;
 - (b) for any other reason, a new application for the same period may not be brought for the same taxi, but the applicant may appeal against the decision of the Municipal Manager, in which case the provisions of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000), shall apply.
- (5) In the case where application for the issue of a parking permit disc is made during a financial year for the remainder of that financial year, the Municipal Manager must process and finalise the application within a reasonable time.
- (6) The owner of a taxi, making use of a municipal taxi rank, must -
 - (a) at all times keep written record of the identity of the driver of such taxi at any specific time, if he or she is not the driver of the taxi concerned;

- (b) keep such records for at least one year after the end of the financial year in which it was made; and
 - (c) on request by a municipal traffic officer, make the records available for inspection by the Municipality.
- (7) A parking permit disc lapses at the end of each financial year.

Presumption that owner drove or parked taxi

5. Notwithstanding the provisions of section 4(6), the provisions of section 73 of the National Road Traffic Act, 1996 (Act No. 93 of 1996), apply to a taxi making use of a municipal taxi rank.

Seizure and impoundment of taxis at municipal taxi ranks

6. (1) Over and above any prosecution in terms of this By-law, a municipal traffic officer may seize and impound a taxi at a municipal taxi rank for a period of 7 days -
- (a) if the taxi is driven into or parked at that taxi rank without displaying a valid parking permit disc in the manner set out in section 3(2);
 - (b) if the taxi is parked and left unattended in contravention of any rule to be observed at that taxi rank by the owner or driver of a taxi making use of the taxi rank; or
 - (c) if an owner or driver of a taxi contravenes any rule to be observed at that taxi rank and after a direction by a municipal traffic officer to terminate such contravention, persists in his or her actions.
- (2) A taxi impounded by the Municipality in terms of subsection (1), must be returned to its owner on payment of the impoundment fees determined by the Municipality in respect of municipal taxi ranks, if the taxi is to be released before the 7-day period has expired.
- (3) No person may hinder, impede or obstruct a municipal traffic officer in the execution of his or her duties in accordance with subsection (1).

Delegation

7. The Municipal Manager may, in writing, delegate the powers and functions vested in him or her by section 4, to the Manager: Traffic Services.

Penalty clause

8. (1) Any person who contravenes or fails to comply with -
- (a) a legitimate direction given by a municipal traffic officer at a municipal taxi rank; or
 - (b) a provision of this By-law;
- is guilty of an offence.
- (2) Any person convicted of an offence in terms of subsection (1), is liable to a fine of maximum R10 000 or to imprisonment for a period not exceeding one year, or to both a fine and such imprisonment.

Repeal of laws and savings

9. (1) Any by-laws relating to taxi ranks adopted by the Council or any municipality now comprising an administrative unit of the Council is repealed from the date of promulgation of these by-laws.
- (2) Any permission obtained, right granted, condition imposed, activity permitted or anything done under a repealed law, is deemed to have been obtained, granted, imposed, permitted or done under the corresponding provision (if any) of this By-law, as the case may be.

Short title

10. This By-law shall be called the Municipal Taxi Ranks By-law, 2015.

ANNEXURE

(Section 3(3)(a))

1. A parking permit disc shall be circular in form, with a diameter of 75 millimeter.
2. The words "PARKING PERMIT/PARKEERPERMIT MUNICIPALITY MOQHAKA MUNISIPALITEIT" shall be printed on the disc and provision shall be made on the disc for inscriptions indicating -
 - (a) the name of the owner of the taxi;
 - (b) the registration number of the taxi;
 - (c) the financial year in respect whereof the permit was issued; and
 - (d) the number of the permit.

PROVINCIAL NOTICE NO. 172 OF 2015

MOQHAKA LOCAL MUNICIPALITY / PLAASLIKE MUNISIPALITEIT / LEKGOTLA LA MOTSE

Notice is hereby given in terms of the provisions on section 13 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000) that the Council of the Moqhaka Local Municipality adopted Unsightly and Neglected Buildings By-Laws as contained in the schedule hereunder. These By-Laws are published for the purpose of general public notification and the by-laws take effect from date of publication in the Provincial Gazette. Copies of the by-laws are available at the Municipal Offices, Hill Street, Kroonstad.

SCHEDULE

UNSIGHTLY AND NEGLECTED BUILDINGS BY-LAW

Definitions

1. In this by-law, unless the context proves otherwise means -

"building" has the meaning assigned thereto in section 1 of the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977) and includes fencing;

"Council" means the Moqhaka Local Municipality or its successor(s) in-law or any officer employed by the Council or any committee designated by the Council, acting by virtue of a delegated authority vested in him/her or it by the Council in connection with these By-laws;

"municipal area" the area under the jurisdiction and control of the Council;

"premises" any land whatsoever, whether vacant, occupied or with buildings thereon, situated within the municipal area.

Unsightly buildings

2. Where any premises, in the opinion of the Council -

- (a) have a building thereon which is unsightly, neglected or offensive and which causes the value of surrounding properties to be detrimentally affected;
- (b) is neglected and overgrown;
- (c) has an unsightly accumulation of papers, cartons, garden refuse, rubble and/or other waste material thereon;
- (d) has an accumulation of motor wrecks or used motor parts thereon which -
 - (i) detracts from the appearance of surrounding properties, or
 - (ii) is offensive to the owners or occupiers of adjacent premises,
- (e) is unsafe and may constitute a danger to any person or property;

the Council must give notice in writing to the owner or occupier of such premises requiring him or her to improve such building or the condition of such premises within a period of thirty days (30) so that the appearance or condition of such building or premises will comply with the standards required by the Council.

Offences and penalties

3. (1) If the owner of the premises fails to comply with the requirements of the notice served in terms of section 2 within the period specified in such notice, such owner is guilty of an offence and, on conviction, is liable to a fine not exceeding R10,000.00 or imprisonment for a period not exceeding 6 months or to both such fine and such imprisonment, and in the case of a continuing offence, to an additional fine not exceeding R 1,000 or an additional period of imprisonment not exceeding 30 days or to both such additional fine and additional imprisonment for each day during which such failure or offence continues.

Repeal

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

Short title

8. These by-laws are called the Unsightly and Neglected Buildings By -laws, 2015.
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