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[PROVINCIAL NOTICE NO.98 OF 2016]

**MANGAUNG METROPOLITAN MUNICIPALITY
PROMULGATION NOTICE**

**Public Amenities By-law
Passed by Council, 5 May 2016**

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the new set of Public Amenities By-laws, at its sitting dated 05 June 2016.
- 2) The by-laws are published for the purpose of general public notification.

**Adv. Tankiso Mea
Acting City Manager**

PUBLIC AMENITIES BY-LAW

1. PURPOSE

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

2. DEFINITIONS

In this by-law, words used in the masculine gender include the feminine, the singular includes the plural and vice versa –

“**Council**” means the Council of the Mangaung Metropolitan Municipality or any political structure, political office bearer, councillor or any staff member acting under council’s delegated or sub-delegated power;

“**Municipality/City**” means Mangaung Metropolitan Municipality established by the Provincial Notice No. 261 of 28 March 2011, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**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:

3. MAXIMUM NUMBER OF VISITORS

- 3.1 The municipality may determine the maximum number of visitors who may be present at a specific time in or at a public amenity;
- 3.2 The number contemplated in subsection (3.1) must be made known by the municipality by means of a notice.

4. ADMISSION TO AND SOJOURN IN A PUBLIC AMENITY

- 4.1 A public amenity is, subject to the provisions of this by-law, open to the public on the times determined by the municipality;
- 4.2 No visitor must enter or leave a public amenity at a place other than that indicated for that purpose.
- 4.3 The times and places contemplated in subsections (4.1) and (4.2), must be made known by the municipality by means of a notice.

5. ENTRANCE FEES

- 5.1 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.
- 5.2 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.

6. NUISANCES

6.1 No person must perform or permit any of the following acts in or at a public amenity –

- (a) the use of language or the performance of any other act which disturbs the good order;
- (b) the firing of firearms, airguns, air pistols, fireworks or the use of sling-shots or catapults, bows and arrows 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.

7. HEALTH MATTERS

7.1 No person must in or at a public amenity -

- (a) dump, drop or place any refuse, rubble, material or any object or thing or permit it to be done, except in a container provided for that purpose in or at the amenity;
- (b) pollute or contaminate in any way the water in any bath, swimming-bath, dam, spruit, river or water-course;
- (c) enter any bath or swimming bath while suffering from an infectious or contagious disease or having an open wound on his body;
- (d) perform any act that may detrimentally affect the health of any visitor to a public amenity.

8. STRUCTURES

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

9. LIQUOR AND FOOD

9.1 No person must, contrary to a provision of a notice, bring into a public amenity any alcoholic or any other liquor or any food of whatever nature.

9.2 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.

10. ANIMALS

10.1 No person must bring any live animal, bird, fish or poultry into a public amenity except in accordance with the directions of the municipality.

10.2 The directions contemplated in subsection (10.1) must be made known by means of a notice.

11. USE OF PUBLIC AMENITIES

11.1 No person must without the consent of the municipality or contrary to any condition which the municipality may impose when granting such consent-

- (a) arrange or present any public entertainment;
- (b) collect money or any other goods for charity or any other purpose from the general public;
- (c) display or distribute any pamphlet, placard, painting, book, handbill or any other printed, written or painted work;
- (d) arrange, hold or address any meeting;
- (e) arrange or hold a public gathering or procession, exhibition or performance;
- (f) conduct any trade, occupation or business;
- (g) display, sell or rent out or present for sale or rent any wares or articles;
- (h) hold an auction;
- (i) tell fortunes for compensation;

11.2 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.

12. SAFETY AND ORDER

12.1 No person must, subject to subsection (12.2), 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;
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- (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.

12.2 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 (12.1).

13. WATER

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

14. LAUNDRY AND CROCKERY

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.

15. VEHICLES

15.1 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;

15.2 The municipality determines the speed limit applicable in a public amenity;

15.3 The directions contemplated in subsection (15.1) and the speed limit contemplated in subsection (15.2) must be made known by the municipality by way of notice.

15.4 Parking of vehicles shall be on dedicated areas by the municipality.

16. GAMES

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

17. LOITERING

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.

18. PENALTIES

18.1 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 the Municipality 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 R5 000, 00 or with imprisonment for a period not exceeding 12 months and, in the event of a continuing contravention, a fine not exceeding R2 500,00 or with imprisonment not exceeding six months for each day that the contravention continued.

19. CONFLICTING LAWS

If there is any conflict between a provision in this By-law and a provision of any other by-law of the Municipality, the provisions of this By-law prevail.

20. REPEAL OF LAWS

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

21. SHORT TITLE AND COMMENCEMENT

This By-law is called **Mangaung, Public Amenities By-law** and comes into operation on the date of promulgation thereof in the Provincial Gazette.

[PROVINCIAL NOTICE NO.99 OF 2016]

**MANGAUNG METROPOLITAN MUNICIPALITY
PROMULGATION NOTICE**

**Municipal Parks By-law
Passed by Council, 5 May 2016**

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the new set of Municipal Parks_By-laws, at its sitting dated 05 June 2016.
- 2) The by-laws are published for the purpose of general public notification.

Adv. Tankiso Mea
Acting City Manager

MUNICIPAL PARKS BY-LAW

1. Purpose

The purpose of this By-law is to manage, control and regulate the admission of persons, animals and vehicles to municipal parks and recreational facilities therein, and to provide for matters incidental thereto.

2. Definitions

In this By-law, unless the context otherwise indicates —

“**Animal**” includes any mammal, bird, fish, reptile, insect, amphibian or invertebrate;

“**Authorised Official**” means an employee the City authorized to implement and enforce the provisions of this By-law, or any appointed external service provider referred to in section 76(b) of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000) and includes a law enforcement officer or traffic official of the City who has been declared a peace officer in terms of section 334 of the Criminal Procedure Act, 1977 (Act 51 of 1977), acting when on duty and properly identified as such;

“**Municipality/City**” means Mangaung Metropolitan Municipality established by the Provincial Notice No. 261 of 28 March 2011, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**Municipal Manager/City Manager**” means the person appointed by the Council of the City as Municipal Manager and shall include any person acting in that position or to whom authority is delegated.

“**Council**” means the Council of the Mangaung Metropolitan Municipality or any political structure, political office bearer, councillor or any staff member acting under council’s delegated or sub-delegated power;

“**Councillor**” means the member of the Council of the Mangaung Metropolitan Municipality;

“**Manager: City Parks**” means the employee of the City in charge of municipal parks of the City;

“**Notice**” means a written notification, or a pictogram issued in terms of this By-law as set out in Schedule 1, prominently and legibly displayed at the entrance to or in any facility or part thereof to which it is intended to apply;

“**Municipal Park**” means—

- (a) any botanical or other garden, playground, zoned public open space managed by the City, or a park owned or leased by the City, including any portion thereof and any facility or apparatus therein or thereon, but excluding any public road or street; and
- (b) any botanical, other garden or playground which is lawfully controlled and managed in terms of an agreement by a person other than the Council;

“**Vehicle**” means any self-propelled vehicle and includes-

- (a) a trailer; and
 - (b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto which is designated or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor, but does not include –
 - (i) any vehicle propelled by electric power from storage batteries and which is controlled by a pedestrian; or
 - (ii) any vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person.
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3. Delegation and Appointment of Authorised Officials

The City Manager or Head: Social Services may delegate any of his or her powers or assign any of his or her duties in terms of this By-law to any authorised official of the City.

4. Number of Visitors

4.1 The Head: Social Services may determine the maximum number of visitors who may be present at a specific time in a public park, provided that different numbers may be so determined for different parks and for different events.

4.2 The numbers contemplated in sub-clause 4.1 must be made known by the Manager: City Parks by means of a notice.

5. Admission to Parks

5.1 A person who is admitted to gain access or visit a municipal park must, subject to the provisions of this By-law, observe and comply with all notices displayed in the park or in the entrance thereto and obey any instructions given to him or her by the authorised official.

5.2 Should a person fail to observe and comply with a notice or any instructions referred to in sub-clause 5.1, the City shall not be liable for damage or injury suffered while such person is visiting the municipal park.

5.3 A municipal park is, subject to the provisions of this By-law, open to the public on the times determined by the Head: Social Services, provided that different times may be determined in respect of different public parks.

5.4 No person shall enter or leave an enclosed public park at a place other than that indicated for that purpose.

5.5 The conditions, times and places contemplated in sub-clauses 5.1, 5.2 and 5.3 shall be made known by the Manager: City Parks by means of a notice.

6. Entrance Fee

6.1 Subject to the provisions of this By-law, every person shall have free access to a municipal park.

6.2 Despite sub-clause 6.1, Council may, in terms of the Tariff By-law, prescribe fees for entering a municipal park in such special circumstances as determined by it, and such fees shall be made known by means of a notice.

7. Dumping and Littering

7.1 No person shall in a municipal park —

(a) dump, drop, litter, bury or place any refuse, rubble, material or any object or thing; or

(b) permit any dumping, dropping, littering, burying, placing of any refuse, rubble, material or any object or thing, except in a container identified for that purpose in the park.

8. Alcoholic Substances and Food

8.1 No person shall bring into, consume, brew, store or sell in a municipal park any liquor or any other alcoholic or intoxicating substance.

8.2 No person shall in a municipal park, contrary to a notice, cook or prepare food of any kind whatsoever, except at places set aside for such purposes by notice.

8.3 The preparation and cooking of food at places set aside by notice for such purpose in or at a municipal park shall be done in a clean and sanitary manner.

8.4 No animal may be killed, skinned or slaughtered in a municipal park without the written consent of the Head: Social Services having first been obtained.

9. Alive or Dead Animals

9.1 No person shall bring any dead or alive animal into a municipal park except in accordance with the directions of the Head: Social Services provided that different directions may be determined in respect of different municipal parks and different types of animals.

9.2 The directions contemplated in sub-clause 9.1 should be made known by means of a notice.

9.3 Carcasses may not be buried in a municipal park but must be disposed of at the owner's expense and in a manner approved by the Council.

10. Use of Parks

10.1 No person shall in a municipal park without the written permission of the Head: Social Services or contrary to any conditions which the Head: Social Services may impose when granting such permission —

(a) arrange or present any public entertainment;

(b) display or distribute any pamphlet, placard, painting, book, handbill, sign, advertisement board or any other printed, written or painted work;

(c) arrange or hold a public gathering or procession, or any exhibition or performance;

(d) conduct any trade, occupation or business;

(e) display, sell or rent or present for sale or rent any wares or articles;

(f) hold an auction;

(g) off-load or store building or other material.

- 10.2 Subject to any other law, the written permission contemplated in sub-clause 10.1 shall be refused only if anything referred to in sub-clause 10.1(a) to (g)—
- (a) is likely to give rise to —
 - (i) public rioting;
 - (ii) the disturbance of public peace;
 - (iii) the committing of an offence;
 - (iv) the committing of an indecent act;
 - (v) risks that compromise safety and security; or
 - (vi) a situation where a planned activity in any area of jurisdiction of the City is taking place at the same time as a planned activity in the park, and the activity planned to take place in the park is deemed to have a detrimental impact on the ability of the City to ensure safety and security;
 - (b) is detrimental to the public or the users of, or visitors to, the municipal park; or
 - (c) is likely to damage or destroy the amenities, wildlife or plant material in the park.

11. Trees or Shrubs in Parks

- 11.1 No person other than an authorized official shall—
- (a) plant or prune a tree or shrub, or in any way cut down a tree or a shrub, in a municipal park or remove it therefrom, except with the written permission of the General Manager: City Parks;
 - (b) unless permitted by a notice climb a tree growing in a municipal park or, break or damage such tree; or
 - (c) in any way mark or paint any tree growing in a municipal park or attach any advertisement thereto.
- 11.2 Any tree or shrub planted in a municipal park shall become the property of the City.

13. Behaviour in Parks

- 13.1 No person shall, in a municipal park —
- (a) damage, tamper with or destroy any equipment, amenity or structure;
 - (b) plant, pull out, pick, damage or remove any plant, grass, shrub, bulbs, vegetation or flower;
 - (c) kill, hurt, follow, disturb, ill-treat, catch, remove, translocate or release any animal or displace, disturb, destroy or remove their habitat;
 - (d) use or try to use anything in such park for any purpose other than that for which it is designated;
 - (e) discard any burning or smouldering object;
 - (f) throw or dislodge any rock, stone or object from any mountains, slope or cliff;
 - (g) behave in an improper, indecent, unruly, violent or anti-social manner or cause a disturbance;
 - (h) run, walk, stand, sit or lie in a flower bed;
 - (i) run, walk, stand, sit or lie on grass contrary to a notice;
 - (j) lie on a bench or seating-place or use it in such a manner that prevents others from using it;
 - (k) play or sit on play-park equipment, except if the person concerned is 14 years old or younger, or as permitted by a notice;
 - (l) swim, walk or play in a fish-pond, fountain, stream, dam or pond;
 - (m) skate on roller skates or a skateboard or similar device except where permitted by notice;
 - (n) operating a gas or charcoal fired barbeque or stove;
 - (o) dig, disturb or remove any mineral substance including soil, sand, gravel or rock;
 - (p) damage, dig, disturb, deface, destroy or remove any fossils, bones or historical artefacts;
 - (q) operate any remote control device including boats, planes helicopters or cars;
 - (r) build, erect, place, create, remove or modify any structure, amenity, pathway, trail, jump or ramp; or
 - (s) engage in any activity which may pose a risk or in combination with other activities in the area of jurisdiction of the City;
 - (t) wash himself or herself or clothes, vehicles or any other goods;
 - (u) shoot, including bows and arrows;
 - (v) make fire, in particular, open fires;
 - (w) make shelter or structure for purposes of living or sleeping.
- 13.2 Notwithstanding sub-clause 13.1, the Head: Social Services may, by notice, and subject to such conditions as he or she may deem necessary, authorise or permit any of the actions contemplated in sub-clause 13.1.

14. Interference with Water

- 14.1 No person may in a municipal park—
- (a) misuse, remove, pollute or contaminate any water source, water supply or waste water;
 - (b) interfere with or obstruct the flow of any river or seasonal wetland; or
 - (c) drain or redirect any water from private land.

15. Admission of Vehicles

- 15.1 No person may bring into a municipal park any truck, bus, motorcar, motorcycle, bicycle, quad bike, motor tricycle, or any other vehicle, craft, hot air balloon or aeroplane, whether driven by mechanical, animal, natural or human power, supermarket or other trolleys, except in accordance with the written permission of the Head: Social Services provided that different requirements or conditions may be determined for different municipal parks and for different vehicles, crafts or aeroplanes.
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- 15.2 The Head: Social Services may determine the speed limit applicable in a municipal park, provided that different speed limits may be determined for different municipal parks and for different vehicles, crafts or aeroplanes.
- 15.3 The requirements or conditions contemplated in sub-clause 15.1 and the speed limit contemplated in sub-clause 15.2 shall be made known by a notice by the Head: Social Services.

16. Playing of Games

- 16.1 No person may play or conduct any game of any nature that will cause –
- (a) disturbance or potentially disturb; or
 - (b) injury to other park users except at places set aside for that purpose by notice and in accordance with the directions of the Head: Social Services.

17. Unbecoming Gestures or Language

- 17.1 No person may in a municipal park —
- (a) perform an act which is indecent or conduct himself or herself improperly by exposure of his or her person or otherwise, or make improper gestures or incite or urge someone to perform a disorderly or indecent act;
 - (b) use foul, lewd or indecent language;
 - (c) write, paint, draw or in any way make a lewd, explicit or immoral figure, writing, drawing or representation; or
 - (d) enter or use a toilet facility intended or indicated as such by notice for members of the opposite sex, provided that this shall not apply to children below the age of seven accompanied by an adult.

18. Powers to Investigate

- 18.1 An authorised official may —
- (a) enter at any time upon in a municipal park to conduct an investigation thereat in order to determine whether the provisions of this By-law are complied with;
 - (b) for the effective exercising of any power of any function or duty assigned or granted to him or her, an official can take along an interpreter for communicating a message in an understandable language;
 - (c) give instructions to or direct the public, for the purposes of this By-law, to act in a specific manner whilst at the public park.

19. Amendment, change and addition of a Notice or Pictogram

- 19.1 The Head: Social Services may, subject to the provisions of this By-Law, amend, change or add any notice or pictogram in the park.
- 19.2 The Head: Social Services must, within five (5) working days after an amendment, change or addition of a notice or pictogram as contemplated in sub-clause 19.1, display such amended, changed or added notice or pictogram in the relevant park or at the entrance thereto.

20. Offences and Penalties

- 20.1 Any person who contravenes or fails to comply with a notice issued in terms of, or a condition imposed under, or any other provision of, this By-law, shall be guilty of an offence and if convicted shall be liable for a fine not exceeding R3 000, 00 or imprisonment for a period not exceeding six months, or to both such fine and such imprisonment.
- 20.2 In addition to imposing a fine or imprisonment in terms of sub-clause 20.1, a court may order any person convicted of an offence under this By-law —
- (a) to remedy the harm caused; or
 - (b) to pay damages for harm caused to another person or to property which order shall have the force and effect of a civil judgment.

21. Conflicting Laws

If there is any conflict between a provision in this By-law and a provision of any other by-law of the Municipality, the provisions of this By-law shall prevail to the extent of the inconsistency.

22. Repeal

Any by-laws relating to municipal parks adopted by the Council or any municipality now comprising part of the City is repealed from the date of promulgation of this By-law.

23. Short Title and Commencement

This By-law is called **Mangaung, Municipal Parks By-law** and comes into operation on the date of promulgation thereof in the Provincial Gazette.

[PROVINCIAL NOTICE NO.100 OF 2016]

**MANGAUNG METROPOLITAN MUNICIPALITY
PROMULGATION NOTICE**

**Events By-law
Passed by Council, 5 May 2016**

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the new set of Events By-laws, at its sitting dated 05 June 2016.
- 2) The by-laws are published for the purpose of general public notification.

**Adv. Tankiso Mea
Acting City Manager**

EVENTS BY-LAW

1. Purpose

The purpose of this by-law is to regulate the holding or hosting of events within the area of jurisdiction of the City of Mangaung in a manner that is properly co-ordinated, safe and secure, and matters incidental thereto.

2. Definitions

In this By-law, unless the context otherwise indicates —

“**Authorized Official**” means an official of the Municipality/City authorized to implement or enforce the provisions of this by-law;

“**Municipality/City**” means Mangaung Metropolitan Municipality established by the Provincial Notice No. 261 of 28 March 2011, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**Municipal Manager/City Manager**” means the person appointed by the Council of the City as Municipal Manager/ City Manager and shall include any person acting in that position or to whom authority is delegated.

“**Council**” means the Council of the Mangaung Metropolitan Municipality or any political structure, political office bearer, councillor or any staff member acting under council’s delegated or sub-delegated power;

“**Event**” means —

- (a) any sporting, recreational or entertainment event, including live acts;
- (b) any educational, cultural or religious event;
- (c) any business event including marketing, public relations and promotional, or exhibition events; or
- (d) any charitable event, including any conference, organizational or community event, or any similar activity hosted at a stadium, venue or along a route or its precinct, that is planned, has a clear programme, control and accountability, but excludes an event hosted by a private person held in his or her private capacity at any venue; or filming staged in terms of the By-law relating to filming.

“**Event Organiser**” means a person who lodges an application to hold an event whether he or she submits the application for himself or herself or on behalf of another natural person or juristic person;

“**Event Permit Officer**” means an officer of the City authorized by either the City Manager or Head of Department to issue an event permit.

“**Law Enforcement Officer**” includes members of the City’s Law Enforcement Unit and South African Police Services;

“**Permit**” means a permit issued for the holding of an event in terms of this by-law;

“**Public Place**” means—

- (a) any public land, square, public swimming bath, public resort, public recreation site, zoological, botanical or other public garden, park or hiking trail, including any portion thereof and any facility or apparatus therein or thereon, as well as any public open space, public road, road reserve, reserve street, lake, dam, or river;
- (b) any public building, structure, hall, room or office including any part thereof and any facility or apparatus therein, which is the property of, or possessed, controlled or leased by the City and to which the general public has access, whether on payment of admission fees or not;

- (c) any nature conservation area including —
- (i) nature reserves;
 - (ii) protected natural areas;
 - (iii) nature conservation worthy areas; and
 - (iv) natural open spaces;

“**Purpose-built Venue**” means a venue correctly zoned, built and suitable for the holding of specific events;

“**Stakeholder**” includes any person, organization or body who is affected or has a role to play in the management or holding of an event;

“**This By-law**” includes the **Schedule 1** which is Schedule of Offences and Penalties to this By-law;

“**Venue**” means any open space, enclosed or semi-enclosed temporary structure or permanent structure zoned in terms of the applicable legislation –

- (a) within which a temporary or permanent structure may be erected, where an event is to be hosted; and
- (b) which, for the purposes of any categorization, designation and certification of an event may consist of —
 - (i) seating for spectators, attendees or an audience; or
 - (ii) a field of play or a permanent or temporary podium or other area within a venue, reserved for the purposes of hosting an event;

“**Venue Owner**” means any person or legal entity that, now or in the future, will directly or indirectly own, lease, rent, acquire or exercise the powers of an owner or occupier of a venue used for events.

3. Scope of Application

- 3.1 This By-law applies to any event held within the area of jurisdiction of the City, including events held on both private land and public places, provided that where an event is held on private land, subject to any other applicable legislation, it has an impact on the resources of the City and the surrounding community.
- 3.2 This By-Law does not apply to –
 - (a) events of fewer than 50 persons where there is no amplified sound or no temporary structures to be used; and
 - (b) small events such as family or community events held on private property or purpose built venues, subject to any other legislation.
- 3.3 Notwithstanding sub-clause 3.2, the Events Permit Officer or a Law Enforcement Officer may —
 - (a) when the Events Permit Officer or a Law Enforcement Officer finds that the provision(s) of this By-law is or are likely to be contravened by an event organizer; or
 - (b) when a stakeholder affected by the impact and risk attached to an event lodges a complaint with the Event Permit Officer or a Law Enforcement Officer, issue a compliance notice to the event organizer in terms of clause 9 and act in terms of this By-law.
- 3.4 Purpose-built venues are excluded from this By-law in respect of events normally held in such venue, provided that –
 - (a) This exclusion does not apply to events or parts of events held outside the venue or building, or which by their nature, size or impact are considered outside the normal use parameters for the venue; and
 - (b) owners or managers of purpose-built venues must submit an application to the events permit office for approval of their events programmes which shall be valid for one year.
- 3.5 The Events Permit Officer may, from time to time, issue directives regarding specific or special application process for any specific or special event which may vary in respect of the criteria referred to in clause 7.
- 3.6 In the event of a conflict between this By-law and any other by-law of the City this By-law shall prevail regarding the regulation of the holding of events.

4. Application Procedure

- 4.1 The application to hold an event in terms of this by-law should meet the following requirements-
 - (a) by a person who is at least 18 years old or above;
 - (b) in a form as prescribed by the Events Permit Officer;
 - (c) within the prescribed time frames; and
 - (d) by a person or on behalf of a person who possesses the necessary capacity and resources to the events permit office.
- 4.2 The application must include all information required as indicated in the prescribed form and any additional information as may be requested by the City.
- 4.3 In the event of failure to submit the information referred to in sub-clause 4.2 an application may not be considered by the City.

5. Terms and Conditions

- 5.1 No person may hold any event without first obtaining an event permit from Event Permit Officer.
 - 5.2 An application for an event should comply with the provisions of this By-law and contain such information as indicated in the prescribed application form.
 - 5.3 The event organiser may not advertise the planned event before an application is submitted to the City and the Event Permit Officer has informed the event organiser that the application has been approved.
-

- 5.4 The Events Permit Officer should, depending on the nature of the event, ensure that consultation with relevant stakeholders identified by the City is undertaken by the event organizer.
- 5.5 The Council must, as part of its budgeting process, determine tariffs and deposit payable for events.
- 5.6 The City shall not, in respect of any planning for an event, application, approval or permit issued for an event in terms of this By-law, be held liable for any –
- (a) damage to or loss of any property of the event organiser; or
 - (b) costs incurred by an event organiser or any third party.
- 5.7 The event organiser, or the venue owner in the case of a small event referred to in sub-clause 3(2)(b), shall be liable for the cost of any service provided by the City for or in respect of an event.

6. Decisions on Applications

- 6.1 The City may approve or decline an application for an event in terms of this By-Law.
- 6.2 Once a decision has been taken in terms of sub-clause 6.1 the applicant must be informed accordingly in writing.
- 6.3 Where an application for an event has been approved, the Events Permit Officer must issue a permit with conditions.
- 6.4 Where an application for an event has been declined, reasons for the decision must be communicated to the applicant in writing.
- 6.5 The event organizer must make sure that the permit is available at the venue for inspection at all stages and at all times of the event.

7. Criteria for Application Consideration

- 7.1 The Events Permit Officer must ensure that applications for holding an event are considered in accordance with the following criteria, where applicable:
- (a) the type and size of an event;
 - (b) impact of the event in respect of noise and amplified sound, traffic and logistical aspects, as well as marketing, economic, social and environmental objectives;
 - (c) the proposed use of the land complies with the applicable zoning scheme and any conditions applicable thereunder;
 - (d) the safety and security risk management of the event in respect of the event plan, logistics, location, site design and other activities taking place near or at the event venue and other threats to the event;
 - (e) return on investment of the event, in cases where the event is sponsored fully or partly by the City; and
 - (f) the event complies with all applicable legislation.

8. Responsibilities of Organisers

- 8.1 Event organisers whose applications have been approved in terms of this By-law are responsible for the event and must ensure that –
- (a) the event is held in compliance with the provisions of this By-law and does not contravene any other law;
 - (b) the conduct of persons attending an event and the activities undertaken or carried out at the event do not negatively impact on affected communities during such event;
 - (c) any compliance notice issued by the Events Permit Officer or a Law Enforcement Officer in terms of clause 9 is complied with.

9. Issuing of Compliance Notice

- 9.1 When the Events Permit Officer or a Law Enforcement Officer finds that a provision of this By-law is contravened by an event organizer or that a condition has arisen that has the potential to lead to a contravention of this By-law or any other law, he or she –
- (a) may issue a compliance notice to the event organizer; or
 - (b) may, on receipt of information from an authorized official relating to the contravention of this By-law or any other law in respect of the holding of an event, issue a compliance notice to the event organiser.
- 9.2 A notice issued in terms of sub-clause 9.1 must state –
- (a) the provision of the By-law that is being contravened or will be contravened if the condition is allowed to continue;
 - (b) the measures that must be taken to rectify the condition; and
 - (c) the time period in which the notice must be complied with.
- 9.3 If a person on whom notice was served in terms of sub-clause 9.1, fails to comply with the requirements of the notice, the Event Permit Officer, a Law Enforcement Officer or an authorized official may, for the purposes of this By-law, take such steps as may be necessary to rectify the condition at the cost of the event organizer.
- 9.4 A person who fails to comply with a compliance notice issued in terms of Sub-clause 9.1 commits an offence.
- 9.5 The City shall, in respect of a person who fails to comply with a compliance notice in respect of one or more events –
- (a) keep a record of non-compliance and consider any appropriate action as may be required; and
 - (b) require an increased deposit from the person for future events to be held or staged by such person.

10. Right of Access and Inspections to Event Venue

- 10.1 The Events Permit Officer, an authorized official or a law enforcement officer may conduct inspections of a venue after the submission of an application, during or after the holding of an event to determine compliance with this By-law.
- 10.2 The Events Permit Officer or a law enforcement officer has a right of access to or over any venue for the purposes of –
- (a) doing anything authorised or required to be done by the City under this By-law;
 - (b) ascertaining whether there is or has been a contravention of the provisions of this By-law; and
 - (c) enforcing compliance with the provisions of this By-law.
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10.3 An Events Permit Officer, an authorized official, or a law enforcement officer may, by notice in writing served on the owner or occupier of any property, require such owner or occupier to provide, on the day and at the hour specified in such notice, access to such property to a person and for a purpose referred to in sub-clause 10.2.

11. Suspension or Revocation of Permit

- 11.1 The Event Permit Officer may, where the event organizer fails to comply with a compliance notice issued in terms section 8, by notice in writing to the event organiser —
- (a) suspend the permit immediately until the event organiser has complied with the compliance notice;
 - (b) revoke the permit and take such steps as may be necessary in terms of this By-law, and the event organiser shall be liable for any costs incurred thereby; or
 - (c) on receipt of information from a Law Enforcement Officer or an authorised official relating to failure to comply with a compliance notice, suspend or revoke the permit of an event organizer.
- 11.2 The City may, where the Event Permit Officer has acted in terms sub-clause 11.1, withhold the deposit paid by the event organizer for an event as security for the payment of such costs.

12. Co-Hosting by Agreement

- 12.1 The City may enter into such agreements and partnerships with event organizers as may be necessary for the holding and management of events in terms of this By-Law.
- 12.2 The City may, under an agreement or partnership contemplated in sub-clause 12.1, provide support either logistically, financially or both to specific events which are aligned to the strategic objectives of the City.
- 12.3 The agreements and partnerships contemplated in sub-clause 12.1 must provide for service levels which must be met by the parties in order to ensure compliance with this By-law and any applicable legislation.
- 12.4 Notwithstanding the provisions of this By-law relating to offences and penalties, an agreement concluded in terms of this clause may provide for penalties for which an event organizer may be liable in the event of non-compliance therewith.

13. Right of Appeal

- 13.1 Parties to a dispute arising from a conflict in terms of this By-Law must attempt to resolve such conflict before exercising the right of appeal contemplated in sub-clause 13.3.
- 13.2 The event organizer may appeal against a decision where his or her application to hold an event has been declined.
- 13.3 An appeal may be lodged in writing with the City Manager within a period of five (5) working days after the receipt of the application outcome.
- 13.4 The application which is a subject of appeal must be decided in terms of clause 6 before the appellant may lodge an appeal within the applicable time-frames set out in sub-clause 13.3.
- 13.5 An appeal lodged in terms of this clause must be considered and decided within a period of seven (7) working days after the receipt of the appeal documents.
- 13.6 The City Manager may delegate any official of the City to consider and decide on appeals referred to in sub-clause 13.3.

14. Indemnity against Damage or Loss

- 14.1 The event organizer must provide —
- (a) evidence, to the satisfaction of the City Manager, of an appropriate indemnity cover; and
 - (b) where an activity which may put the public at risk will be involved, further evidence to the satisfaction of the Events Permit Officer of an appropriate specialized risk insurance, blanket liability or work cover.
- 14.2 The City shall not be liable for any costs, including any damage or loss, incurred or suffered as a result of an event held without an approval in terms of this By-law.

15. Offences and Penalties

- 15.1 Failure to comply with any provision of this By-Law constitutes an offence.
- 15.2 A person who commits an offence in terms of this By-Law shall, on conviction, be liable for a fine not exceeding five thousand rand (R5 000, 00) or a term of imprisonment not exceeding five (5) months, or both such fine and such imprisonment.
- 15.3 Schedule 1(Offences and Penalties) to this By-laws forms part of this clause.

16. Repeal

Any by-laws relating to events adopted by the Council or any municipality now comprising part of the City is repealed from the date of promulgation of these by-laws

17. Conflicting Laws

If there is any conflict between a provision in this By-law and a provision of any other by-law of the Municipality, the provisions of this By-law prevail to the extent of the inconsistency.

18. Short title and Commencement

This By-law is called **Mangaung Events By-law** and comes into operation on the date of promulgation thereof in the Provincial Gazette.

Schedule 1

SCHEDULE OF OFFENCES AND PENALTIES

(Notwithstanding any other penalty which might be imposed in terms of any other law, these penalties may be imposed for contraventions of the Mangaung, Events By-laws and may be additional to such penalties)

| CLAUSE | OFFENCE | PENALTY | PENALTIES FOR REPEAT OFFENDERS |
|-------------|---|------------|--------------------------------|
| 5(1) | Holding an event without a permit | R2 000, 00 | R1 000, 00 |
| 8(b) | Failure to ensure that the conduct of persons attending an event and the activities undertaken or carried out do not disturb or harm the neighbouring communities or residents. | R3 000, 00 | R2 000, 00 |
| 8(c) & 9(1) | Failure to ensure that a compliance notice issued by the Events Permit Officer or Law Enforcement is complied with. | R2 000, 00 | R1 000, 00 |

[PROVINCIAL NOTICE NO.101 OF 2016]

MANGAUNG METROPOLITAN MUNICIPALITY
PROMULGATION NOTICE

Public Streets By-law
Passed by Council, 5 May 2016

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the new set of Public Streets_By-laws, at its sitting dated 05 June 2016.
- 2) The by-laws are published for the purpose of general public notification.

Adv. Tankiso Mea
Acting City Manager

PUBLIC STREETS BY-LAW

1. PURPOSE

To provide for the regulation and control of the cleaning and maintaining public streets and public places, and matters incidental thereto.

2. DEFINITIONS

In this by-law, unless the context indicates otherwise –

"animals" means any horses, mules, donkeys, cattle, pigs, sheep, goats, ostriches indigenous mammals and other wild animals;

"caravan" means any vehicle permanently fitted out for use by persons for living and sleeping purposes, whether or not such vehicle is a trailer;

"Council" means the Council of the City or of Mangaung Metropolitan Municipality or any political structure, political office bearer, councillor or any staff member acting under council's delegated or sub-delegated power;

"Municipality/City" means Mangaung Metropolitan Municipality established by the Provincial Notice No. 261 of 28 March 2011, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"municipal area" means the area of jurisdiction of Mangaung Metropolitan Municipality as determined in terms of the Municipal Demarcation Act 1998 (Act No. 27 of 1998);

"Municipal Manager/City Manager" means the person appointed by the Council of the City as Municipal Manager and shall include any person acting in that position or to whom authority is delegated.

"motor vehicle" means any self-propelled vehicle and includes-

- (a) a trailer,
- (b) a vehicle having pedals and an engine or an electric motor as an integral part thereof or attached thereto and which is designed or adapted to be propelled by means of such pedals, engine or motor, or both such pedals and engine or motor, but does not include-
 - (i) any vehicle propelled by electrical power derived from storage batteries and which is controlled by a pedestrian; or
 - (ii) any vehicle with a mass not exceeding 230 kilograms and specially designed and constructed, and not merely adapted, for the use of any person suffering from some physical defect or disability and used solely by such person;

"park" means to keep a vehicle, whether occupied or not, stationary for a period of time longer than is reasonably necessary for the actual loading or unloading of persons or goods, but does not include any such keeping of a vehicle by reason of a cause beyond the control of the person in charge of such vehicle;

"public place" means any square, park, recreation ground, sports ground, sanitary lane or open space which has -

- (a) in connection with any subdivision or layout of land into erven, been provided, reserved or set apart for use by the public or the owners or occupiers of such erven, whether or not it is shown on a general plan, plan of subdivision or diagram;
- (b) at any time been dedicated to the public;
- (c) been used by the public without interruption for a period of at least thirty years, or
- (d) at any time been declared or rendered such by the municipality or other competent authority;

"public street" means-

- (a) any street which has at any time been-
 - (i) dedicated to the public;
 - (ii) used without interruption by the public for a period of at least thirty years;
 - (iii) declared or rendered such by the municipality or other competent authority, or
 - (iv) constructed by a local authority, and
- (b) any land, with or without buildings or structures thereon, which is shown as a street on-
 - (i) any plan of subdivision or diagram approved by the municipality or other competent authority and acted upon, or
 - (ii) any general plan as defined in the Land Survey Act, 1927, registered or filed in a deeds registry or Surveyor General's office; unless such land is on such plan or diagram described as a private street;

"semi-trailer" means a trailer having no front axle and so designed that at least 15% of its tare is super-imposed on and borne by a vehicle drawing such trailer;

"sidewalk" means that portion of a street between the outer boundary of the roadway and the boundary lines of adjacent properties or buildings which is intended for the use of pedestrians;

"street" means any road, street or thoroughfare or any other place 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 except where in-consistent with the context includes -

- (a) the verge of any such road, street or thoroughfare
- (b) any footpath, sidewalk or similar pedestrian portion of a road reserve;
- (c) any bridge, ferry or drift traversed by any such road, street or thoroughfare;
- (d) any other object belonging to such road, street or thoroughfare.

"tare", in relation to a motor vehicle, means the mass of such a vehicle ready to travel on a road and includes the mass of-

- (a) any spare wheel and of all other accessories and equipment supplied by the manufacturer as standard for the particular model of motor vehicle concerned;
- (b) anything which is a permanent part of the structure of such vehicle;
- (c) anything attached to such vehicle so as to form a structural alteration of a permanent structure; and
- (d) the accumulators, if such vehicle is self-propelled by electrical power, but does not include the mass of -
 - (i) fuel, and
 - (ii) anything attached to such vehicle which is not of the nature referred to in paragraph (b) or (c);

"trailer" means a vehicle which is not self-propelled and designed or adapted to be drawn by a motor vehicle, but does not include a side-car fitted to a motor cycle;

"vehicle" means a device designed or adapted mainly to travel on wheels or crawler tracks and includes such a device which is connected with a draw-bar to a breakdown vehicle and is used as part of the towing equipment of a breakdown vehicle to support any axle or all the axles of a motor vehicle which is being salvaged other than such a device which moves solely on rails; and

"work" means work of any nature whatsoever undertaken on any land within the area of jurisdiction of the Municipality and, without in any way limiting the ordinary meaning of the word, includes the erection of a new building or alterations or additions to any existing building, the laying of cables and pipes, the dumping of building or other material anywhere in the street, or delivery to or removal from any site of any soil or material of any nature whatsoever.

3. STREETS, SIDEWALKS AND ENCROACHMENTS ON STREETS

3.1 No person must –

- (a) make, construct, reconstruct, or alter a street or sidewalk in a street –
 - (i) except with the written permission of the Municipality,
 - (ii) otherwise than in accordance with the requirements prescribed by the Municipality, or
- (b) construct a veranda, stoep, steps or other projection or erect a post in a street except with the written permission of the Municipality.

4. ADVERTISEMENTS VISIBLE FROM STREETS

4.1 No person must display any advertisement, placard, poster or bill in a street –

- (a) except with the written permission of the Municipality, and
- (b) otherwise than in accordance with such conditions as may be determined by the Municipality.

4.2 This section is not applicable to signs which have been exempted under the provisions of the Municipality's by-law relating to Outdoor Advertising.

5. ANIMALS OR OBJECTS CAUSING AN OBSTRUCTION

5.1 No person must –

- (a) deposit or leave any goods or articles in a street, other than for a reasonable period during the course of the loading, offloading or removal thereof;
- (b) in any way obstruct the pedestrian traffic on a sidewalk by bringing or allowing to be brought thereon any animal, object or vehicle (other than a perambulator or wheelchair which is being used for the conveyance of children or the disabled); or
- (c) cause or allow any blind, awning, cord or other object to project or to be stretched over or onto a street -
 - (i) except with the written permission of the municipality, or
 - (ii) otherwise than in accordance with such conditions as may be determined by the municipality.

6. TREES IN STREETS

6.1 No person must –

- (a) plant a tree or shrub in a street, or in any way cut down a tree or a shrub in a street or remove it there from, except with the written permission of the municipality;
- (b) climb, break or damage a tree growing in a street; or
- (c) in any way mark or paint any tree growing in a street or attach any advertisement thereto.

6.2 Any tree or shrub planted in a street becomes the property of the municipality.

7. TREES OR GROWTH CAUSING AN INTERFERENCE OR OBSTRUCTION

7.1 Whenever there is upon any property any tree or other growth which interferes with overhead wires or is a source of annoyance, danger or inconvenience to persons using a street, the municipality may by notice in writing order the owner or occupier of such property to prune or remove such tree or growth to the extent and within the period specified in such notice.

7.2 Any person failing to comply with a notice issued in terms of subsection (7.1) is guilty of an offence.

7.3 If any person fails to comply with a notice in terms of this section, the municipality may itself prune or remove the tree or growth at the expense of the person on whom the notice was served.

8. REFUSE, MOTOR VEHICLE WRECKS, WASTE MATERIAL

8.1 No person must –

- (a) dump, leave or accumulate any garden refuse, motor vehicle wrecks, spare parts of vehicles, building or waste materials, rubbish or any other waste products in any street or public place; or
- (b) permit any such objects or substances to be dumped or placed in a street or public place from premises owned or occupied by him or her, except with the written permission of the municipality and otherwise than in accordance with such conditions as may be determined by the municipality.

9. PROHIBITION UPON CERTAIN ACTIVITIES IN CONNECTION WITH OBJECTS IN STREETS

9.1 No person must, in a street –

- (a) effect any repairs or service to a vehicle, except where necessary for the purpose of removing such vehicle from the place where it was involved in an accident, or
 - (b) clean or wash a vehicle.
-

10. PROHIBITION UPON GAMES AND OTHER ACTS IN STREETS

10.1 No person must -

- (a) roll a hoop, fly a kite, shoot with a bow and arrow or catapult, discharge fireworks or throw a stone, stick or other projectile in, onto or across a street; or
- (b) do anything in a street which may endanger the life or safety of any person, animal or thing or may be a nuisance, obstruction or annoyance to the public unless such street is provided with clear signs and identifiable paving and equipment which distinguishes it as residential erf or street park.

11. USE OF EXPLOSIVES

11.1 No person must in or upon a street use explosives or undertake blasting operations –

- (a) except with the written permission of the municipality; and
- (b) otherwise than in accordance with such conditions as may be determined by the municipality.

12. CONVEYANCE OF ANIMAL CARCASSES OR OTHER WASTE PRODUCTS THROUGH STREETS

12.1 No person must carry or convey through a street the carcass of an animal or any garbage, night soil, refuse, litter, rubbish, manure, gravel or sand -

- (a) unless it is properly covered; and
- (b) unless it is conveyed in such type of container as will not allow any offensive liquids or parts of the load to be spilt in the street.

13. FENCES ON STREET BOUNDARIES

No person must erect a barbed-wire fence or other dangerous fence on the boundary of a street except with the written permission of the municipality.

14. BUILDING MATERIALS IN STREETS

No person must bore or cut stone or bricks, slake or sift lime, or mix building materials, or store or place building materials in a street except with the written permission of the municipality, and then only in accordance with the requirements prescribed by the municipality.

15. BALCONIES AND VERANDAS

15.1 No person must, except with the written permission of the municipality-

- (a) use a balcony or veranda erected beyond the boundary line of a street for purposes of trading or the storage of goods, or for the washing or drying of clothes thereon; or
- (b) enclose or partition a balcony or veranda erected beyond the boundary line of a street or portion thereof as a living or bedroom.

16. DRYING OF WASHING ON FENCES ON BOUNDARIES OF STREETS

No person must dry or spread washing on a fence on the boundary of a street.

17. OUTSPANNING IN STREETS

No person must outspan or allow to be outspanned in any street any vehicle drawn by animals, or detach or leave in any street any trailer, caravan or vehicle which is not self-propelled: Provided that this provision does not apply to the actual loading or unloading of such vehicle.

18. PROTECTION OF STREETS SURFACE

18.1 No person must-

- (a) use a vehicle or allow it to be used in any street if such vehicle is in such a defective condition that it will or may-cause damage to any street;
- (b) drive, push, roll, pull or propel any object, machine or other material through or along a street in such a way, or while such object, machine or material is in such a condition, as may damage, break or destroy the surface of the street in any way;
- (c) undertake any work which may cause the surface of any street to be altered, damaged or broken without the permission of the municipality.

18.2 If the municipality identifies a person who, as a result of the actions referred to in subsection (1), has damaged, broken or destroyed the surface of a street, the cost of repairs, as determined by the municipality, may be recovered from the offender.

18.3 Any person who is the owner of land on which any work is done is liable for any damage to any portion of a street caused by or in connection with the execution of such work by such owner, his or her employee or any independent contractor acting on behalf of such owner.

18.4 When any work which has to be undertaken on any land entails the driving of vehicles over kerbs, sidewalks or road verges, the owner of such land must not commence, or allow any other person to commence, any such work unless and until such a person has deposited with the municipality an amount sufficient to cover the cost of repairing any damage which may be caused to any portion of such street as a result of, or in connection with, the execution of such work by such owner, his or her employee or any independent contractor acting on behalf of such owner.

18.5 After completion of such work, the municipality must itself undertake the repair of any portion of such street as may have been damaged by such work and must set off the cost of such repairs against such deposit. If such cost is less than the amount of the deposit, the municipality must refund the balance to the depositor, but if the amount of the deposit does not cover such cost, the owner is liable for the difference, which must become payable on receipt of an account specifying the additional amount due.

18.6 No person other than an authorised official of the municipality in the performance of his or her duties may apply, mark, paint or draw lines, marks, words, signs or advertisements on the surface of a street

19. DAMAGING OF NOTICE-BOARDS

No person must deface, damage or in any way interfere with any notice-board, road traffic sign, street-name board or other similar sign or any hoarding which has been erected in a street by or with the permission of the municipality.

20. STREET AND DOOR-TO-DOOR COLLECTIONS

20.1 No person must –

- (a) collect or attempt to collect money in a street or organise or in any way assist in the organisation of such collection, except with the written permission of the municipality and otherwise than in accordance with such conditions as may be determined by the municipality; or
- (b) collect from door to door, beg or solicit or accept alms, except with the written permission of the municipality.

21. EXCAVATIONS IN STREETS

21. No person must make or cause to be made an excavation or dig or cause to be dug a pit, trench or hole in a street –

- (a) except with the written permission of the municipality; and
- (b) otherwise than in accordance with the requirements prescribed by the municipality.

22. Poison in streets

No person other than an official of the municipality or an authorised person who administers legally approved weed-killers or poisons, must use, set or cast poison in any street.

23. PROCESSIONS

23.1 Subject to the provisions of sub-section (23.6) no person must hold, organise, initiate, control or actively participate in a procession or gathering in a street, or dance or sing or play a musical instrument, or do anything which is likely to cause a gathering of persons or the disruption or obstruction of traffic in such street, or must use any loudspeaker or other device for the reproduction or amplification of sound without the written permission of the municipality in terms of subsections (23.2) and (23.3).

23.2 Any person who intends to perform or carry out any one or more of the actions described in subsection (23.1) in any street must submit a written application for permission thereto, which must reach the municipality at least seven days before the date upon which any one or more of such actions is or are intended to be performed or carried out: Provided that persons who intend participating actively in a procession, or gathering in any street need not apply to the municipality for permission thereto and it is not illegal for such persons to participate actively in such procession or gathering if the organiser, promoter or controller thereof has obtained the permission of the municipality. An application made in terms hereof must contain the following –

- (a) full details of the name, address and occupation of the applicant;
- (b) full details of the street where or route along which any one or more of the actions prescribed in subsection (23.1) is or are intended to be performed or carried out, proposed starting and finishing times or any one or more of the aforesaid actions and, in the case of processions and gatherings, the number of persons expected to attend, and
- (c) general details of the purpose of any one or more of the aforesaid actions intended to be performed or carried out.

23.3 Any application submitted in accordance with subsection (23.2) must be considered by the municipality, and if any one or more of the actions to be performed or carried out as proposed in such application is or are not, in the opinion of the municipality, likely to be in conflict with the interests of public peace, good order or safety, the municipality must issue a certificate granting permission and authorisation for the performance or carrying out of any one or more of such actions subject to such conditions as the municipality may deem necessary to uphold public peace, good order or safety.

23.4 The municipality may refuse to grant permission for the performance or carrying out of any one or more of the actions described in subsection (23.1), if the performance or carrying out of such action or actions will, in the opinion of the municipality, be in conflict with the interests of public peace, good order or safety.

23.5 The municipality may withdraw any permission granted in terms of subsection (23.3), if, as a result of further information, it is of the opinion that the performance or carrying out of the action or action in question will be in conflict with the interests of public peace, good order or safety.

23.6 The provisions of this section do not apply –

- (a) to wedding or funeral processions, or
- (b) to a gathering or demonstration as contemplated by the Regulation of Gatherings Act, 1993 (Act No. 205 of 1993) in which case the provisions of the said Act is applicable.

24. ROLLER-SKATING AND SKATING ON SKATE -BOARD-

No person must, except with the prior written permission of the municipality, skate on roller skates or a skate board or a similar device in or on a public road, place, street or in or upon an area where skating is prohibited by an applicable road traffic sign.

25. PERSONS TO BE DECENTLY CLAD

No person must appear in any street without being clothed in such a manner as decency demands.

26. OVERFLOW OF WATER INTO STREETS

No person must cause or allow any water other than rain water to flow into a street except in the case of emergency.

27. BEHAVIOUR IN STREETS

27.1 No person must –

- (a) cause a nuisance to other persons by loitering, standing, sitting, laying or begging;
- (b) sleep overnight or erect any shelter,
- (c) wash or dry clothes, blankets or any other domestic articles;
- (d) use abusive, insulting, obscene, threatening or blasphemous language;
- (e) fight or act in a riotous manner;
- (f) discharge a fire-arm, airgun or air-pistol;
- (g) annoy or inconvenience any other person by yelling, shouting or making any noise in any manner whatsoever;
- (h) defecate, urinate or wash himself or herself;
- (i) solicit or importune any person for the purpose of prostitution or immorality;
- (j) engage in gambling;
- (k) use intoxicating liquor or drugs;
- (l) use bows or arrows;
- (m) make fire, in particular open fires;
- (n) spit in a street.

28. ANIMALS IN A STREET

28.1 No owner or person-

- (a) in charge of any wild or ferocious animal, monkey or horned cattle must allow such animals at any time to be insufficiently attended or at large in any street or keep any such animal in such a manner as to be a danger or annoyance to the public; or
- (b) allow, permit or cause any animal to graze or stray in or about any street.

29. DISPLAY OF STREET NUMBER OF PLACES

29.1 The municipality may prescribe by notice in writing to the owner of any premises that a number allocated to such premises by the municipality in terms of section 37(c) must be displayed and the owner of such premises must, within 30 days of the date of such notice, display the allocated number on the premises.

29.2 A number displayed as contemplated by sub-section (29.1) must –

- (a) be displayed in a conspicuous position on the premises and must at all times be visible and legible from the adjacent street; and
- (b) be replaced by the owner of the premises as often as it gets obliterated, defaced or illegible.

30. BRIDGES AND CROSSING OVER GUTTERS AND SIDEWALKS

30.1 No private crossing, pathway, bridge or culvert must be made or built to or in front of any dwelling or other premises in any street or public place-

- (a) except with the written permission of the municipality; and
- (b) otherwise than in accordance with the requirements prescribed by the municipality.

31. CONTROL OF AMUSEMENT SHOWS AND DEVICES

31.1 No person must set up or use in any street or public place any circus, whirligig, roundabout or other side-show or device for the amusement or recreation of the public –

- (a) except with the written permission of the municipality;
- (b) otherwise than in accordance with such conditions as may be determined by the municipality;
- (c) unless suitable sanitary conveniences for both sexes of the staff have been provided; and
- (d) if it is in any way dangerous or unsafe for public use.

31.2 An authorised official of the municipality must, for the purposes of inspection; at all reasonable times have free access to such circus, whirligig, roundabout or other sideshow or device.

32. CONTROL OF ANIMAL-DRAWN VEHICLES

32.1 No person must –

- (a) simultaneously drive or be in control of more than one animal-drawn vehicle in a street;
- (b) drive or be in control of an animal-drawn vehicle in a street if he or she is under 16 years of age; or
- (c) if he or she is in control of an animal-drawn vehicle in a street, allow a person under 16 years of age to drive or be in control of such vehicle.

33. VEHICLES TO BE ATTENDED

No person must, in a street, sleep in a vehicle other than a motor vehicle parked at a taxi rank or on some other stand duly allocated by the municipality.

34. MUNICIPALITY MAY ACT AND RECOVER COSTS

- 34.1 Notwithstanding any other provisions of this by-law, the municipality may –
- (a) where the permission of the municipality is required before a person may perform a certain action or build or erect anything, and such permission has not been obtained; and
 - (b) where any provision of this by-law is contravened under circumstances in which the contravention may be terminated by the removal of any structure, object, material or substance, serve a written notice on the owner of the premises or the offender, as the case may be, to terminate such contravention, or to remove the structure, object, material or substance, or to take such other steps as the municipality may require to rectify such contravention within the period stated in such notice.
- 34.2 Any person who fails to comply with a notice in terms of subsection (34.1) must be guilty of an offence, and the municipality may, without prejudice to its powers to take action against the offender, take the necessary steps to implement such notice at the expense of the owner of the premises or the offender, as the case may be.

35. CLOSURE AND DIVERSIONS OF STREETS

No person must, without the approval of the municipality, close or barricade any street or restrict access thereto.

36. CLOSURE AND DIVERSION OF STREETS BY MUNICIPALITY

- 36.1 The municipality may close or divert any public street or part thereof;
- 36.2 When the municipality decides to act in terms of subsection (36.1), it must give notice of such intention in terms of its communication policy;
- 36.3 Any objection against the intended action must be delivered in writing to the Municipal Manager within 30(Thirty) days from the date of notification in terms of subsection (36.2) for submission to Council or a committee or person who has delegated powers to decide upon it.

37. TEMPORARY CLOSURE OF PUBLIC STREET

- 37.1 The municipality may, without complying with the provisions of section (36.1) temporarily close a public street –
- (a) for the purpose of or pending the construction, reconstruction, maintenance or repair of such street;
 - (b) for the purpose of or pending the construction, erection, laying, extension, maintenance, repair or demolition of any building, structure, works or service alongside, on, across, through, over or under such street
 - (c) if such street is, in the opinion of the municipality, in a state dangerous to traffic;
 - (d) by reason of any emergency or public event which, in the opinion of the municipality, requires special measures for the control of traffic or special provision for the accommodation of crowds; or
 - (e) for any other reason which, in the opinion of the municipality, renders the temporary closing of such street necessary.
- 37.2 The municipality may temporarily divert a public street which has been closed in terms of section (37.1).

38. CONSTRUCTION, MAINTENANCE AND NAMING AND RENAMING OF STREETS AND PUBLIC PLACES

- 38.1 The municipality may in its area-
- (a) make, construct, reconstruct, alter and maintain streets and public places;
 - (b) name and re-name streets and public places;
 - (c) allocate and re-allocate numbers to properties abutting on streets and public places.

39. DECLARATION OF PUBLIC STREETS AND PUBLIC PLACES

- 39.1 The municipality may declare any street or portion thereof to be a public street or any place to be a public place;
- 39.2 When the municipality decides to act in terms of subsection (39.1), it must give notice of such intention in terms of its communication policy;
- 39.3 Any objection against the intended action must be delivered in writing to the Municipal Manager within 30(Thirty) days from the date of notification in terms of subsection (39.2) for submission to Council or a committee or person who has delegated powers to decide upon it.

40. PARKING OF HEAVY VEHICLES AND CARAVANS

- 40.1 No person must park on a public road within the municipal area;
- (a) a motor vehicle with a tare exceeding 3500 kg;
 - (b) a trailer;
 - (c) a semi-trailer; or
 - (d) a caravan,
- for an uninterrupted period exceeding two hours.
- 40.2 Whenever a vehicle is parked in contravention of sub section (40.1), it is deemed that such vehicle has been parked by the owner thereof unless the contrary is proved.

41. PENALTIES

- 41.1 Any person who contravenes or fails to comply with any provision of this by-law is guilty of an offence and liable upon conviction to-
- (a) a fine, not exceeding three thousand rand (R3 000, 00) or imprisonment not exceeding three (3) months, or both such fine and such imprisonment;
 - (b) in the case of a continuing offence, to an additional fine, not exceeding one thousand five hundred rand (R1 500, 00) or an additional period of imprisonment not exceeding one (1) month or to 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 result of such contravention or failure.
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42. CONFLICTING LAWS

If there is any conflict between a provision in this By-law and a provision of any other by-law of the Municipality, the provisions of this By-law prevail.

43. REPEAL OF LAWS

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

44. SHORT TITLE AND COMMENCEMENT

This By-law is called **Mangaung Public Streets By-law** and comes into operation on the date of promulgation thereof in the Provincial Gazette.

[PROVINCIAL NOTICE NO.102 OF 2016]

**MANGAUNG METROPOLITAN MUNICIPALITY
PROMULGATION NOTICE**

**Public Nuisance By-law
Passed by Council, 5 May 2016**

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the new set of Public Nuisance By-laws, at its sitting dated 05 June 2016.
- 2) The by-laws are published for the purpose of general public notification.

**Adv. Tankiso Mea
Acting City Manager**

PUBLIC NUISANCE BY-LAW

1. PURPOSE

1.1 To create a safe, healthy and peaceful living environment in which people exercise their Constitutional rights responsibly, respect the rights of others and uphold high moral values, thus fulfilling the primary objects of this By-law, viz:

- a) To give effect to the Municipality's constitutional mandate to promote a safe and a healthy environment as contained in section 152 (d) of the Constitution of the Republic of South Africa, 1996
 - (i) by regulating public nuisances likely to affect peace and safety, and
 - (ii) by prohibiting all public nuisances having negative impact on health,
- (b) To give effect to the Municipality's duty to protect and uphold communities' good moral values by outlawing all immoral and indecent practices.

2. DEFINITIONS

In this By-law, unless the context otherwise indicates:

"building" means any enclosed area of a structure owned or leased or administered by the Municipality;

"graffiti" means any drawing, figure inscription, symbol, or other marking which is scratched, painted, drawn in pen or marker or placed by some other permanent or semi-permanent means upon streets, public or private view without the express permission or consent of the property owner;

"health Officer" means an individual who carries on, and is registered in terms of legislation to carry on, an occupation which involves the provision of health care, health advice or treatment for the physical or mental health or for the well-being of individuals.

"local community" means community as defined in section 1 of the Local Government: Municipal Systems Act 32 Of 2002;

"Municipality/City" means Mangaung Metropolitan Municipality established by the Provincial Notice No. 261 of 28 March 2011, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"Municipal area" means Municipal area of the Mangaung Metropolitan Municipality determined in terms of the Local Government: Municipal Demarcation Act 27 of 1998;

"Municipal Manager/City Manager" means the person appointed by the Council of the City as Municipal Manager and shall include any person acting in that position or to whom authority is delegated.

"public nuisance" means a thing, act, occupation, condition or use of property which shall continue for such length of time as to:

- (a) annoy, injure or endanger the comfort, health, repose or safety of the public
- (b) in any way render the public insecure in life or in the use of the property;
- (c) greatly offend the public moral decency;
- (d) unlawfully and substantially interfere with; obstruct or render dangerous for passage any street, ally, road, navigable body of water or other public way;

"smoking" means using, carrying or possessing a lighted cigarette, cigar, pipe or other lighted smoking equipment;

"vehicle" means any self-propelled, enclosed car owned or leased by the Municipality, including those vehicles contracted for passenger transportation services;

3. INTERPRETATION

When interpreting a provision of this By-law, the interpreter must prefer any reasonable interpretation of the provisions that is consistent with the spirit and object of this By-law over any alternative interpretation that is inconsistent thereto.

4. APPLICATION

4.1 This By-law applies to:

- (a) The local community of or within the area of jurisdiction of the Municipality, as contemplated in Section 1 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000); and
- (b) Legal personae existent or incorporated within the Municipal area.

5. HEALTH NUISANCES

5.1 The following acts, omissions, places, conditions and things are hereby specifically declared to and prohibited as public health nuisances, but may not be construed to exclude any other health nuisance within the definition of any applicable law

- 5.1.1 All decayed, harmfully adulterated or unwholesome food or drink sold or offered for sale to the public;
- 5.1.2 Carcasses of animals, birds or fowls not buried or otherwise disposed of in a sanitary manner within twenty-four hours after death;
- 5.1.3 Accumulation of decayed animals or vegetable matter, trash, rubbish, rotting lumber, bedding, packing material, scrap metal or any material whatsoever in which flies, mosquitoes, disease-carrying insects, rats or other vermin may breed;
- 5.1.4 Stagnant water in which mosquitoes, flies or other insects can multiply;
- 5.1.5 Uncovered refuse bins;
- 5.1.6 Noxious weeds and other rank growth or vegetation,
- 5.1.7 The escape of smoke, soot, cinders, noxious acids, fumes, gases, fly ash or industrial dust within one kilometre therefore in such quantities as to endanger the health of persons or ordinary sensibilities or to threaten or cause substantial injury to property;
- 5.1.8 The pollution of any public well or cistern, stream lake, canal or body of water by sewerage, industrial wastes or other substances;
- 5.1.9 Any use of property, substances or things within the Municipal area, emitting or causing any foul, offensive, nauseous, noxious, or disagreeable odours, or stenches extremely repulsive to the physical senses of ordinary persons which annoy, discomfort, injure or inconvenience the health of any appreciable number of persons within the Municipality;
- 5.1.10 All abandoned wells not securely covered or secured from public use; and
- 5.1.11 All animals running at large.

6. MORAL DECAY NUISANCES

6.1 The following acts, places, conditions and things are hereby specially declared to be prohibited as public nuisances offending public morals and decency, but such enumeration is not being construed to exclude other nuisance offending public morals and decency within the definition of any other applicable law:

- 6.1.1 all disorderly houses, houses of ill fame, gambling houses and buildings or structures kept for or resorted to for the purposes of prostitution, sexual intercourse or gambling in contravention of any law;
- 6.1.2 all gambling devices and slot machines not operated in accordance with the law;
- 6.1.3 all places where intoxicating liquor or fermented malt beverages are sold, possessed, stored, brewed, bottled, or manufactured, without a permit or license as provided for in law;
- 6.1.4 any place or premises within the area of the Municipality where laws relating to the public health, safety, peace, morals or welfare, are openly, continuously, repeatedly and intentionally violated;
- 6.1.5 any place or premises resorted to for the purpose of drinking intoxicating liquor or fermented malt beverages in violation of the laws of the republic;
- 6.1.6 consumption of any intoxicating liquor or fermented malt beverages while in or upon any public street, alley, sidewalk or public place;
- 6.1.7 defecating or urinating outside of designated sanitary facilities, upon sidewalk, street, alley, public parking lot, park, playground, cemetery, or other public area or upon a private property in open view of the public or in the halls, rooms, stairway, or elevators of public or commercial building or indecent exposing his or her person; and
- 6.1.8 smoking in any of the Municipality's vehicles, buildings or areas designated as non-smoking zone.

7. PEACE AND SAFETY NUISANCES

- 7.1 The following acts, place, conditions and things are hereby declared to be and outlawed as public nuisances affecting peace and safety, but this enumeration may not be construed to exclude other nuisances affecting public peace or safety within the definition of any other applicable laws:
- 7.1.1 signs and billboards, awnings and other similar structures over or near streets, sidewalks, public grounds or places frequented by the public, so situated as to endanger the public safety;
 - 7.1.2 all buildings erected, repaired or altered in violation of the provision of the building regulations relating to materials and manner of construction of buildings and structures within the Municipality;
 - 7.1.3 all unauthorised signs, signals, markings or devices whose purpose is or may be mistaken as official traffic control devices placed or maintained upon or in view of any Municipal road;
 - 7.1.4 all trees, billboards or obstructions which prevent persons driving vehicles on public streets and Municipal roads from obtaining a clear view of traffic when approaching an intersection or pedestrian crossing;
 - 7.1.5 all use or display of fireworks except as approved by Council resolution;
 - 7.1.6 unnecessary discharging of firearms, shooting or discharging a bow, crossbow or similar devices which propels or projects an arrow or similar projectile within the area of the municipality;
 - 7.1.7 all building structures so old, dilapidated or out of repairs as to be dangerous, unsafe, unsanitary or otherwise unfit for human use;
 - 7.1.8 all loud, discordant and unnecessary noises or vibration of any kind;
 - 7.1.9 the keeping or harbouring of any animal or fowl which by frequent or habitual howling, yelping, barking, crowing or making of other noises greatly annoys or disturbs a neighbourhood or any considerable number of persons within the area of the Municipality;
 - 7.1.10 all obstructions of streets, sidewalks or municipal roads and all excavations in or under the same, except as permitted by the by-laws of the Municipality or which, although made in accordance with such bylaws, are kept or maintained for an unreasonable length of time after the purpose therefore has been accomplished,
 - 7.1.11 all open and unguarded pits, wells, excavations or unused basements freely accessible from any public street, alley or sidewalks,
 - 7.1.12 all abandoned refrigerators from which the doors and other covers have not been removed or which are not equipped with a device for opening from inside;
 - 7.1.13 any unauthorised or unlawful use of property abutting on a public street, alley or sidewalks or of a public street, alley or sidewalks which cause large crowds of people to gather, obstructing traffic and free use of the streets or sidewalks;
 - 7.1.14 repeated or continuous violations of the by-laws of the Council or laws of the Republic relating to the storage of flammable liquids;
 - 7.1.15 discarding or leaving outside of any building or dwelling in a place accessible to children any box or container of any kind which has an airtight door or lock which may not be realized for opening from inside, without first removing the door lock.

8. PROPERTY AND PROPERTY USAGE

- 8.1 Property owners, occupants or person authorized to use same:
- 8.1.1 shall maintain in good repair, painted or covered with exterior siding material intended for that use by the manufacturer for purposes of preservation and appearance, the exterior of every structure or accessory structure, residential and non-residential, including fences;
 - 8.1.2 shall maintain, free of broken or missing siding, shingles or exterior woodwork, crumbling stone or bricks, excessive chipped, peeling, or lack of paint, missing, broken or deteriorating steps, porches, handrails and guardrails or any other condition reflective of deterioration and or inadequate maintenance or as may tend to
 - 8.1.3 may not allow on any property any debris or condition, including, but not limited to woods, bricks, concrete, rubble, or other building material, scrap metal, tree limbs or bush, tree stumps with a height greater than their diameter, diseased or dead trees or other yard waste, household refuse not properly contained or stored, inoperable machinery or parts thereof (except when housed inside out of public view), refrigerators, stoves, washing machines, dryers, or other appliance, water heaters, bedsprings or other furniture not intended for exterior use by the manufacturer and used or stored on open porches or yards, rutted lawns on driveways or any other unsightly conditions as may tend to depreciate property values in the area or create a nuisance, hazard or eyesore;
 - 8.1.4 may not store outdoors or allow the outside storage of firewood on any property used or zoned for residential use, except as permitted in this paragraph. Firewood may not be stored in the front yard of such property or within the setback, except that firewood maybe temporarily stored for a period not exceeding fourteen days of delivery to the property. All firewood may be stacked no higher than the upper-most horizontal portion of the fence and infestation of mice, rats, other rodents or insects may not be permitted under or near the stack;
 - 8.1.5 may not allow any brush, debris or refuse from the processing of firewood to remain anywhere on the property;
 - 8.1.6 shall be responsible for the extermination of any insects, rodents, pigeons or pests when the infection is caused by their failure to maintain the building in the pests -proof condition.

9. DEFACEMENT OR DAMAGE OF PROPERTY BY GRAFFITI

- 9.1 Graffiti is hereby declared to be a public nuisance devaluing property and:
- 9.1.1 any person who affix graffiti to any property is liable for the cost of removing or covering such graffiti in addition to any fine imposed for violating this section;
 - 9.1.2 parents of any minor child who affixed graffiti may be held liable for the cost of removing or covering the said graffiti;
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- 9.2 upon the discovery of the graffiti the owner or lawful occupant of the property must:
- notify the Council before removing or covering such graffiti.
 - cover or remove the graffiti within fifteen days in compliance with written notice served upon them by the Council to remove or cover such graffiti.
- 9.3 In the event of the owner or lawful occupant of the property failing to comply with the Council notice to cover or remove the graffiti, the Council shall have the graffiti covered or removed and all costs, fees and expenses will be assessed to the said owner or lawful occupant.

10. DAMAGE TO PUBLIC PROPERTY

- 10.1 The following acts constitute damage to public property and are declared public nuisance:
- 10.1.1 breaking, soiling, defacing, injuring or damaging any guidepost, signs, street lamp or post, traffic signs or signal, fountain, statue, monument or other ornamental structure within any public street, alley, park, cemetery or other public place;
 - 10.1.2 breaking, soiling, defacing, injuring or damaging any part of any public building or any public property or equipment,
 - 10.1.3 opening, removing, operating or otherwise tampering with any Municipal property or equipment, including but not limited by way of enumeration, to manholes and covers, pumps, storm grates, sewers and mains, water valves and stop shut-off boxes, meters, vehicles, and attachment thereto, barricades and signal lighting for construction and emergency purposes;
 - 10.1.4 painting or posting any bill, notice, picture, advertisement upon any public building, curb stone, crosswalk, gutter, street, sidewalk, hydrant, lamp post and bridge;
 - 10.1.5 tampering with, injuring, breaking, cutting, taking down or disarranging any electric light pole, fire or alarm box, or any wire cord, lamp or other apparatus used in operating or maintaining any electric light or firearm, without authority to do so or, post any bills or posters of any kind whatsoever upon any such poles or posts within the area of the Council;
- 10.2 This section (Section 10) does not apply to duly authorized employees or agents of the Municipality or to a person authorized by the permit issued by the Council, or to any person possessing written authorisation from the Municipal Manager.

11. ADVERTISEMENT ON PRIVATE PROPERTY WITHOUT CONSENT

A person may not post paper or any written or painted bill, notice or advertisement on any part of the outer walls of any building without first having obtained the consent of the owner thereof.

12. PROCEDURE ON RECEIPT OF COMPLAINT

Whenever complaint is made to the Municipal Manager that a public nuisance exists within the Municipal area, the Municipal Manager must notify the police, municipality's law enforcement officers or peace officers, health officer or building inspector who must forthwith inspect the premises and make a written report of his or her findings to the Municipal Manager. Whenever practicable, the Inspecting Officer shall cause photographs to be taken of the premises and must file the same.

13. SUMMARY ABATEMENT

- 13.1 If the inspecting officer shall determine that a public nuisance exists on private property and that there is great and immediate danger to the public health, safety, peace, morals or decency, the Municipal Manager may direct that a notice be served on the owner or, if the owner cannot be found on the occupant or person causing, permitting or maintaining such nuisance and to post a copy of said notice on the premises. Such notice must direct the owner, occupant or person causing, permitting or maintaining such nuisance to abate or remove such nuisance within twenty-four hours and must state that unless such nuisance is so abated, the Municipality will cause the same to be abated and will charge the cost thereof to the owner, occupant or person causing, permitting or maintaining the same, as the case may be.
- 3.2 If the nuisance is not abated within the time provided or if the owner, occupant or person causing the nuisance cannot be found, the health Officer, in case of health nuisance, and the police and/or municipality's law enforcement officers, in other cases, shall cause the abatement or removal of such public nuisance.

14. OFFENCES AND PENALTIES

- 14.1 Failure to comply with any provision of this By-Law constitutes an offence.
- 14.2 A person who commits an offence in terms of this By-Law shall, on conviction, be liable for a fine not exceeding three thousand rand (R3 000, 00) or a term of imprisonment not exceeding two (2) months, or both such fine and such imprisonment.

15. CONFLICTING LAWS

If there is any conflict between a provision in this By-law and a provision of any other by-law of the Municipality, the provisions of this By-law prevail.

16. REPEAL OF LAWS

- 16.1 The by-laws relating to the public nuisances as adopted by the former Bloemfontein City Council on 18 December 1981 and 15 January 1932, as amended in 20 May, are hereby repealed.
- 16.2 Any by-laws relating to the public nuisance adopted by the municipality or any municipality now comprising part of the municipality is repealed from the date of promulgation of these by-laws.

17. SHORT TITLE AND COMMENCEMENT

- 17.1 This By-law is called **Mangaung Public Nuisance By-law** and comes into operation on the date of promulgation thereof in the Provincial Gazette.
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[PROVINCIAL NOTICE NO.103 OF 2016]

**MANGAUNG METROPOLITAN MUNICIPALITY
PROMULGATION NOTICE**

**Building Regulations By-law
Passed by Council, 5 May 2016**

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the new set of Building Regulations By-laws, at its sitting dated 05 June 2016.
- 2) The by-laws are published for the purpose of general public notification.

Adv. Tankiso Mea
Acting City Manager

BUILDING REGULATIONS BY-LAW

1. PURPOSE

To provide for the regulation and control of building activities in respect of construction, demolition aesthetics, standard setting, building plans and inspection, and to provide for matters incidental thereto.

2. DEFINITIONS

- 2.1 In this by-law, 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 back pressure;

"cleaning eye" means an 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 a 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 or temporary retention of the discharge from a drainage installation and which is emptied at intervals determined by the Council;

"consumer" means -

- (a) the occupier of any premises with whom or which the Council has contracted to supply water or
- (b) the owner or any person who has entered into a contract with the Council for the supply of water or
- (c) who is lawfully obtaining water from the Council;

"Council" means the Council of the Mangaung Metropolitan Municipality or any political structure, political office bearer, councillor or any staff member acting under council's delegated or sub-delegated power;

"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 or 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 which is 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.

"Municipality/City" means Mangaung Metropolitan Municipality established by the Provincial Notice No. 261 of 28 March 2011, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"Municipal Manager/City Manager" means the person appointed by the Council of the City as Municipal Manager and shall include any person acting in that position or to whom authority is delegated.

"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 sewage 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;

'Schedule 1' hereto attached forms part of this By-law

"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;

3. APPLICATION

3.1 This by-law 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 Municipality to be made or altered in terms of the National Building Regulations or this by-law.

4. CAT-HEADS, CRANES AND PLATFORMS

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

5. SLABS FOOTWAYS OR PAVEMENTS

5.1 The owner or occupier of an erf adjoining a street, may lay or fix slab footways or pavements on any street sidewalk or footway.

5.2 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 must be used for cross-falls between 1:25 and 1:15: provided that the maximum cross-fall must not exceed 1:15.

(c) Longitudinal grades must 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 must not exceed 1:15.

5.3 When carriage openings are formed in kerbs and cross footways or pavements, such openings must be paved or slabbed.

5.4 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.

6. PLANTING ON FOOTWAYS AND SIDEWALKS

6.1 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.

6.2 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.

6.3 The Municipality 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.

7. STREET GUTTER BRIDGES

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

8. ENCROACHMENTS

8.1 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.

- 8.2 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.
- 8.3 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.
- 8.4 Eaves projections may exceed the street boundary or building line.

9. RESTRICTION ON THE ERECTION OF BUILDINGS WITHIN THE ONE-IN FIFTY YEAR FLOOD LINE

- 9.1 No building must without the prior permission of the Municipality 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.
- 9.2 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.

10. MINIMUM ERF SIZE

- 10.1 Subject to the town planning scheme of the Municipality and any other legislation, all erven within the jurisdiction of the Municipality must be at least 400 m² in size.

11. RESTRICTION OF ADDITIONAL BUILDINGS

- 11.1 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.
- 11.2 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.
- 11.3 Should the owner fail to demolish the building within the time period, referred in subsection (11.2), the Municipality may demolish the building and the owner will be liable for the reasonable cost associated with such demolition.

12. RELAY OF STORM WATER FROM A HIGH LYING ERVEN TO A LOWER LYING ERVEN

- 12.1 If, in the opinion of the Municipality, 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.

13. ENCLOSURES

- 13.1 Where any erf is enclosed in whichever manner, such enclosure must be designed, erected and maintained according to sections 14, 15 and 16.

14. HEIGHT RESTRICTIONS

- 14.1 No enclosure except those on Industrial and Business zoned erven irrespective of the type of material used, may exceed a height of 2.1m.
- 14.2 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.

15. DESIGN AND APPEARANCE

- 15.1 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 -
 - a) be skilfully finished;
 - b) be of good quality material;
 - (iii) be without defect; and
 - (iv) have an exposed or finished side;
 - (b) painted surfaces visible from such street or public open spaces, must be white only or a different colour as approved by the Council.
 - (c) If such enclosure is made of precast material and is visible from such street or public open space, it must 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.
- 15.2 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;
 - c) 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.
- 15.3 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 Municipality so requires;
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- (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 Municipality;
- (d) the height of any enclosure or wall will be measured from natural ground level.

16. ROOFS

- 16.1 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 Municipality so requires.
- 16.2 No roof surface may have a luminous finish.

17. CONNECTION TO SEWER

- 17.1 No part of any drainage installation must 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.
- 17.2 Subject to the provisions of subsection 17.3, 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.
- 17.3 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.
- 17.4 No person must 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.
- 17.5 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.
- 17.6 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.

18. DISCONNECTION OF DRAINAGE INSTALLATIONS AND CONSERVANCY AND SEPTIC TANKS

- 18.1 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 Municipality 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 Municipality may consider necessary, regard being had to all the circumstances of the case.
- 18.2 After all the requirements of the National Building Regulations in regard to disconnection have been complied with and on request by the owner, the Municipality 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 Municipality, any such charges must continue to be raised.
- 18.3 When a drainage installation is disconnected from a sewer, the Municipality must seal the opening so made and must recover from the owner the cost of such work in terms of subsection 19(5).
- 18.4 Any person who, without the permission of the Municipality, breaks or removes or causes or permits the breakage or removal of any such seal referred to in subsection (18.3), is guilty of an offence.
- 18.5 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 Municipality, 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.

19. DRAINAGE WORK WHICH DOES NOT COMPLY WITH THE REQUIREMENTS

- 19.1 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 Municipality 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.
 - 19.2 When, in the opinion of the Municipality, 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 Municipality 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.
 - 19.3 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 Municipality 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.
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- 19.4 The Municipality 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 bylaws and may recover the cost thereof from the owner by the ordinary process of law in terms of subsection (5).
- 19.5 Where any work other than that for which a fixed charge has been determined, is undertaken by the Municipality, 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 Municipality as will cover all expenditure reasonably incurred by the Municipality.

20. MAINTENANCE

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.

21. DRAINAGE AND SEWER BLOCKAGES

- 21.1 No person must 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.
- 21.2 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 Municipality of the facts and take steps to have it cleared.
- 21.3 Where a blockage occurs in a drainage installation any work necessary for its removal shall, subject to the provisions of subsection (21.5), 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.
- 21.4 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 Municipality of that fact and of the nature, location and cause of the said blockage.
- 21.5 The Municipality 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 19(5).
- 21.6 Should the clearing by the Municipality of any blockage in a drainage installation necessitate the removal or disturbance of any paving, lawn or other artificial surfacing on any premises, the Municipality is not liable for the reinstatement thereof.
- 21.7 Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and the Municipality 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 Municipality may recover such cost from the owner in accordance with Section 19(5).
- 21.8 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 must however, be jointly and severally liable for the whole charge.

22. INTERFERENCE WITH OR DAMAGE TO SEWERS AND WATER CARE WORKS

Any damage caused to the Municipality'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 this by-law must be rectified or repaired by the Municipality at the expense, of the person responsible for the said non-compliance or contravention or of causing or permitting same.

23. ENTRY ONTO PREMISES

- 23.1 An official authorized by the Municipality 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 Municipality may deem necessary.
- 23.2 Any owner or occupier of premises is guilty of an offence if-
- denies or causes or instructs any other person to deny entry to premises to any official demanding the same in terms of subsection (23.1), 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.

24. MANHOLES ON MUNICIPAL PROPERTY

- 24.1 Where, for any reason whatsoever, the provision of adequate means of access to the Municipality's connecting sewer is impracticable on any private premises, the Municipality may at the expense of the owner, cause or permit a manhole to be constructed over the Municipality's connecting sewer in such public place and in such position and of such materials and dimensions as the Municipality may decide and, in addition, the owner must bear the cost, as assessed by the Municipality, of any alteration to existing services in the public place which may, by reason of the construction of the manhole, be necessary.
- 24.2 The owner of the private premises referred to in subsection (24.1) must, if so required by the Municipality, pay rental to the Municipality for the space occupied by the manholes in the public place.
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25. MECHANICAL FOOD-WASTE OR OTHER DISPOSAL UNITS

- 25.1 No person must 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 Municipality installs and seals at the cost of the owner and to which the Municipality has the right of access at all times, has been connected into the supply pipe which provides water to the unit or grinder; provided that-
- (a) The Municipality installs and seals the water meter at the cost of the owner; and
 - (b) The Municipality has the right of access to the water meter at all times.
- 25.2 The Municipality 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 Municipality, is functioning inefficiently or which may impair the working of the Council's sewerage system.
- 25.3 The owner must, upon the removal of any such unit or grinder, notify the Municipality in writing within 14 days of its removal.
- 25.4 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 (25.1).

26. SEWAGE OR OTHER POLLUTANTS NOT TO ENTER STORM WATER DRAINS

- 26.1 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 Municipality has specifically permitted such discharge.
- 26.2 Where the hosing down or flushing by rainwater of an open area on any private premises is, in the opinion of the Municipality, likely to-
- (a) cause the discharge of objectionable matter into any street gutter, storm water drain, river, stream or other watercourse, whether natural or artificial, or
 - (b) to contribute towards the pollution of any such watercourse, the Municipality 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.

27. STORM WATER NOT TO ENTER SEWERS

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

28. DISCHARGE FROM FOUNTAINS, BOREHOLES, WELLS, RESERVOIRS OR SWIMMING POOLS

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 Municipality and subject to such conditions as to place, time, rate of discharge and total discharge as the Council may impose.

29. PERMISSION TO DISCHARGE INDUSTRIAL EFFLUENT

- 29.1 No person must 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 Municipality or, if such permission has been obtained, otherwise than in strict compliance with any and all of the conditions of such permission.
- 29.2 Every person must, before discharging any industrial effluent or other liquid substance into a sewer, make application in writing to the Municipality 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 Municipality may require.
- 29.3 The Municipality 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 Municipality 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.
- 29.4 A person to whom permission has been granted in terms of subsection (29.3) 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 Municipality in writing of the date on which it is proposed that the change must take place and of the nature of the proposed change.
- 29.5 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 (29.3) is guilty of an offence and is-
- (a) 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; and
 - (b) liable for any damage caused as a result of the unauthorized discharge.
- 29.6 Without prejudice to its rights in terms of subsection (29.5) or of section 32.2(c), the Municipality 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 32 or which has been the subject of an order issued in terms of Section 32.2, the whole cost of expenses or charges incurred or to be incurred by the Municipality 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 Municipality 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 Municipality 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 Municipality.
- 29.7 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 Municipality 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 Municipality may from time to time-
- a) review, amend, modify or revoke any permission given or any conditions attached to such permission;
 - b) impose new conditions for the acceptance of any industrial effluent into the sewer or
 - c) prohibit the discharge of any or all such effluent into the sewer provided that-
 - (i) Municipality giving adequate written notice in advance of its intention to do so, and,
 - (ii) 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.

30. CONTROL OF INDUSTRIAL EFFLUENT

- 30.1 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.
- 30.2 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.
- 30.3 The Municipality 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 32(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 Municipality is necessary to enable any water care works receiving the said effluent, whether under the control of the Municipality 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 Municipality 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 Municipality, 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 Municipality 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 (COD) 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 Municipality 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 Municipality 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 Municipality, used on the property and discharged as industrial effluent into the sewer.

31. METERING AND ASSESSMENT OF THE VOLUME AND COMPOSITION OF INDUSTRIAL EFFLUENT

- 31.1 The Municipality 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 Municipality 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.
- 31.2 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.
- 31.3 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 Municipality;
 - b) provide the Municipality with full particulars of the discharge capacity of the borehole or well; and
 - c) if the Municipality 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 Municipality, be necessary for the purpose of these by-laws.
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32. PROHIBITED DISCHARGE

- 32.1 No person must 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 90°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 Municipality 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 Municipality is satisfied that, in the circumstances, the discharge of such substance will not:
 - (i) damage any sewer, mechanical appliance, water care works or equipment; or
 - (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 Municipality:
 - (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 affluent 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 Municipality'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.
- 32.2 (a) Any person receiving from an official duly authorized thereto by the Municipality a written order instructing him to stop the discharge into the sewer of any substance referred to in subsection (32.1), must forthwith stop such discharge.
- (b) Any person who contravenes the provisions of subsection (32.1) or who fails to comply with an order issued in terms of subsection (32.2) (a), is guilty of an offence.
- (c) Notwithstanding the provisions of subsection (32.2) (b), should any person have failed to comply with the terms of an order served on him or her in terms of subsection (32.2)(a) and such discharge is likely, in the opinion of the Municipality, to cause damages to any sewer or mechanical or other appliance or to seriously prejudice the efficient operation of any water care works, the Municipality 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 Municipality may prevent him from proceeding with the discharge.

33. CONNECTIONS FROM MAIN

- 33.1 All communication pipes which are intended for preventive or automatic use in case of fire must be laid by the Municipality as far as the boundary of the consumer's property.
- 33.2 Such communication pipes must be used only for fire extinguishing purposes.
- 33.3 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.

34. VALVES IN COMMUNICATION PIPES

- 34.1 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 Municipality.
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35. ADDITION TO SYSTEM

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

36. EXTENSION OF SYSTEM TO OTHER PREMISES

No extension or connection from any fire extinguishing system to other premises must be made. In the event of any such connection or extension being made, the Municipality 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.

37. INSPECTION AND APPROVAL OF FIRE EXTINGUISHING SERVICES

37.1 No supply of water must be made or given until the fire extinguishing system has been inspected and the Municipality has certified in writing that –

- (a) such service is in accordance with these by-laws and
- (b) the work has been carried out to the Municipality's satisfaction

38. CONNECTION TO BE AT PLEASURE OF THE MUNICIPALITY

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

39. INSTALLATION OF REFLUX VALVES

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

40. SPRINKLER SYSTEM

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

41. HEADER TANKS AND DUPLICATE SUPPLY FROM MAIN

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.

42. NOTICES

- 42.1 Every notice, order or other document issued or served by the Municipality in terms of these by-laws is valid if signed by the Municipal Manager or an official of the Municipality duly authorized thereto by the said Municipal Manager.
- 42.2 If a notice is to be served on a person in terms of this by-law, 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
- 42.3 If service cannot be effected in terms of sub-section (42.2) 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.
- 42.4 Any notice, order or other document served in terms of this by-law 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.
- 42.5 In every notice, order or other document issued or served in terms of this by-law, 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.

43. OFFENCES AND PENALTIES

- 43.1 Any person who contravenes or fails to comply with any provision of this by-law is guilty of an offence and liable upon conviction to-
 - (a) a fine not exceeding R3 000, 00 or imprisonment for a period not exceeding three months or both such fine and such imprisonment;
 - (b) in the case of a continuing offence, an additional fine not exceeding R1 500, 00 or an additional period of imprisonment not exceeding one month both such additional fine and additional period of imprisonment, 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

44. CONFLICTING LAWS

If there is any conflict between a provision in this By-law and a provision of any other by-law of the Municipality, the provisions of this By-law prevail.

45 REPEAL OF LAWS

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.

46 SHORT TITLE AND COMMENCEMENT

This By-law is called **Mangaung Building Regulations By-law** and comes into operation on the date of promulgation thereof in the Provincial Gazette.

SCHEDULE 1
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 300m/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 CaCO₂): 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 20mg/l, nor must the concentration of any individual metal in any sample exceed 5mg/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 50mg/l, nor must the concentration of any individual metal in any sample exceed 20mg/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.
-

(c) 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 Municipality.

[PROVINCIAL NOTICE NO.104 OF 2016]

**MANGAUNG METROPOLITAN MUNICIPALITY
PROMULGATION NOTICE**

**Noise Control By-law
Passed by Council, 5 May 2016**

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the new set of Noise Control By-laws, at its sitting dated 05 June 2016.
- 2) The by-laws are published for the purpose of general public notification.

Adv. Tankiso Mea
Acting City Manager

NOISE CONTROL BY-LAW

1. PURPOSE

To provide for the control and prevention of noise pollution and matters incidental thereto.

2. DEFINITIONS

In this By-law any word or expression to which a meaning has been assigned in the Act, shall have the meaning so assigned to it and, unless the context otherwise indicates:

“**Act**” means the Environmental Conservation Act, 1989 (Act No. 73 of 1989)

“**ambient sound level**” means the reading taken at the end of a period at least 10 minutes, uninterrupted by an alleged disturbing noise, or an integrating impulse sound level meter placed at a measuring point during which period the said meter has been in operation at all times;

“**animal**” also includes birds in group or single;

“**controlled area**” means a piece of land designated by the Municipality where, in the case of:

- (a) road transport noise in the vicinity of a road:
 - (i) the reading on an integrating impulse sound level meter, taken outdoors at the end of a period extending from 06:00 to 24:00 on any day, during which period the said meter has been in operation at all times, exceeds 65 dBA; or
 - (ii) the equivalent continuous “A” – weighted sound pressure level at a height of at least 1,2 metres, but not more than 1,4 metres, above the ground for a period extending from 06:00 to 24:00 as calculated in accordance with SABS 0210-1986, titled “Code of Practice for calculating and predicting road traffic noise”, published under Government Notice No. 358 of 20 February 1987, and projected for a period of 15 years following the date on which the Municipality has made such designation exceeds 65 dBA;
- (b) aircraft noise in the vicinity of an airfield, the calculated noisiness index, projected for a period of 15 years following the date on which the Municipality has made such designation, exceeds 65 dBA; or
- (c) industrial noise in the vicinity of an industry:
 - (i) the reading on an integrating impulse sound level meter, taken outdoors at the end of a period of 24 hours while such meter is in operation, exceeds 61 dBA;
 - (ii) the calculated outdoor equivalent continuous “A” weighted sound pressure level at a height of at least 1,2 metres, but not more than 1,4 metres, above the ground for a period of 24 hours, exceeds 61 dBA, where dBA means the value of the sound pressure level in decibels determined using a frequency weighting network A and derived from the following equation:

p = the “A” weighted sound pressure; and Ap = the reference sound pressure.

“**Council**” means the Council of the Mangaung Metropolitan Municipality or any political structure, political office bearer, councillor or any staff member acting under Council’s delegated or sub-delegated power;

“**disturbing noise**” means a noise level which exceeds the zone sound level or, if no zone sound level has been designated, a noise level which exceeds the ambient sound level at the same measuring point by 7 dBA or more;

“**erect**” also means alter, convert, extend or re-erect;

“**integrating impulse sound level meter**” means a device which integrates a function of the root mean square value of sound pressure over a period of time while it is set on :1” – time weighting and which indicates the result in dBA;

“measuring point”, relating to:

- (a) a piece of land from which an alleged disturbing noise emanates, means a point outside the property projection plane where an alleged disturbing noise, in the opinion of the Municipality
- (b) a building with one or more occupants, means a point in or outside the building where an alleged disturbing noise, in the opinion of the Municipality, and
- (c) a stationary vehicle, means a point as described in SABS 0181-1981 where a measuring microphone shall be placed;

“**Municipality/City**” means Mangaung Metropolitan Municipality or City of Mangaung established by the Provincial Notice No. 261 of 28 March 2011, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**Municipal Manager/City Manager**” means the person appointed by the Council of the City as Municipal Manager and shall include any person acting in that position or to whom authority is delegated.

“**noise control officer**” means a person designated by the Municipality to implement and enforce these bylaws;

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

“**noise nuisance**” means any sound which disturbs or impairs or may disturb or impair or is deemed to disturb or impair the convenience or peace of any person;

“**noisiness index**” means a number expressed in dBA as defined in SABS0117;

“**non-exempted vehicle**” means a vehicle not listed in annexure A to SANS 10281;

“**plant**” means a refrigeration machine, air-conditioner, fan system, compressor, power generator or pump or mechanical driven device;

“**property protection plane**” means a vertical plane on, and including the boundary line of a piece of land defining the boundaries of such piece of land in space;

“**recreational vehicle**” means:

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

“**SABS 0103**” means South African Bureau of Standards Publication No. 10103 entitled: “The measurement and rating of environmental noise with respect to annoyance and to speech communication” published under Government Notice No. 718 in Government Gazette No. 18022 of 30 May 1997, as amended from time to time or its corresponding replacement.;

“**SANS 10117**” means South African Bureau of Standards publication No. 0117- 1974 titled: “Code of Practice for the determination and limitation of disturbance around an aerodrome due to noise from aeroplanes” published under Government Notice No. 151 of 01 February 1985, as amended from time to time or its corresponding replacement;

“**SANS 10181**” means South African Bureau of Standards Publication No. 0181- 1981 titled: “Code of Practice for the measurement of noise emitted by road vehicles when stationary” published under General Notice No. 463 of 09July 1982, as amended from time to time or its corresponding replacement;

“**SABS 0210**” means South African Bureau of Standards Publication No. 0210- 1986 titled: “Code of Practice for calculating and predicting road traffic noise” published under Government Notice No. 358 of 20 February 1987, as amended from time to time or its corresponding replacement;

“**SANS 10281**” means South African Bureau of Standards Publication No. 0281- 1997 titled: “Engine speed (S values), reference sound levels and permissible sound levels of stationary road vehicles” published under Government Notice No. 761, 762, and 763 in Government Gazette No. 18040 of 06 June 1997, as amended from time to time or its corresponding replacement;

“**sound level**” means the reading on a sound level meter taken at a measuring point;

“**sound level meter**” means a device measuring sound pressure while is set on “**F**” – time weighting and which indicates the result in dBA;

“**zone sound level**” means a derived dBA value determined indirectly by means of a series of measurements, calculations or table readings and designated by the Municipality for an area.

3. APPLICATION

This By-law is applicable within the area of jurisdiction of the City of Mangaung.

4. DISTURBING NOISE

No person may cause a disturbing noise, or allow it to be caused by any person, animal, machine, device, vehicle, recreational vehicle, apparatus or any combination thereof.

5. NOISE NUISANCE

5.1 Where it could cause a noise nuisance, a person must not -

- (a) operate or play, allow to be operated or played, a radio, television set, drum, musical instrument, sound amplifier, loudspeaker system or similar device producing, reproducing or amplifying sound;
- (b) allow an animal owned or controlled by him or her to make noise;
- (c) build, make, construct, repair, rebuild, modify, operate or test a vehicle, vessel, aircraft, or object, or allow it to be built, made, constructed, repaired, rebuilt, modified, operated or tested, in or near a residential zone or premises;
- (d) erect, demolish or alter a building or structure, or allow it to be erected, demolished or altered, in accordance with the building regulations of the municipality, if it affects a residential zone or premises unless permission is granted by the municipality to conduct building operations within the hours specified in SANS 10400 for the control of noise, if building operations are to be carried out outside of these hours then an exemption is required;
- (e) use or discharge any explosive, firearm or similar device that emits impulsive sound or allow it to be used or discharged, except with the prior consent in writing of the municipality and subject to such conditions as the municipality may deem necessary, save as such person may otherwise be authorised in law to use or discharge;
- (f) on a piece of land or in water or in airspace above water or in airspace above a piece of land used for recreational purposes –
 - i) operate a recreational vehicle; or
 - ii) as the owner or person in control of the piece of land, water or airspace, allow any person to operate a recreational vehicle on such land or in such water or such airspace;
- (g) except in emergency situations or unless permission is obtained from the municipality, emit a sound, or cause or allow a sound to be emitted, by means of a bell, carillon, siren, hooter, static alarm, whistle, loudspeaker or similar device;
- (h) drive a vehicle on a public road;
- (i) use any power tool or power equipment used for construction purposes, drilling or demolition work, or allows it to be used, in or near a residential area, unless permission was granted by the municipality to conduct normal construction or repair work to public and private property.

5.2 This section is not applicable to use of or noise caused by generators.

6. LAND USE

6.1 No person may–

- (a) establish any zone unless a Noise Impact Assessment has been undertaken in accordance with SANS 10328. The assessment must indicate that either the outdoor equivalent continuous day/night rating level (LR,dn), the outdoor equivalent continuous day-time rating level (LR,d) or the outdoor continuous equivalent night-time rating level (LR,n) appropriate for the particular district will not be exceeded at any position within the boundaries of the proposed zone;
- (b) construct or erect any building or make changes to existing facilities on a premises which will house an activity which does not conform with the dominant land use specified in the applicable zoning scheme;
- (c) construct or erect any building or make changes to existing facilities on premises which will house an activity which produces more noise with respect to that of the dominant land use specified in the applicable zoning scheme or will create a disturbing noise unless it has been proven that precautionary measures will be implemented. Such measures must be to the satisfaction of the municipality in that the premises, after being erected or developed or changes made, will be adequately insulated against the transmission of sound to the outside, so that either the outdoor equivalent day/night rating level (LR,dn), the outdoor equivalent continuous day-time rating level (LR,d) and/or the outdoor equivalent continuous night-time rating level (LR,n), will not exceed the appropriate rating level for

outdoor noise specified in SANS 10103 at any position on the property projection plane of the premises; or(d) undertake any activity which constitutes a noise source referred to in SANS 10328 and any of the listed activities requiring an EIA in terms of the NEMA Regulations, , which are considered to have a potential noise impact unless a Noise Impact Assessment has been undertaken in accordance with SANS 10328.

6.2 The municipality may -

- (a) before changes are made to existing facilities or existing uses of land or buildings or before new buildings are erected, in writing require that Noise Impact Assessments or tests be conducted to the satisfaction of the municipality by the owner, developer, tenant or occupant of the facilities, land or buildings concerned. Such reports or certificates must be submitted by such owner, developer, tenant or occupier to the municipality. The report should prove that either the outdoor equivalent continuous day/night rating level (LR,dn), the outdoor equivalent continuous day-time rating level (LR,d) and the outdoor equivalent continuous night-time rating level (LR,n) at any position on or outside the property projection plane of the existing facility, use of land or building will not exceed values for the appropriate level given in SANS 10103. The Noise Impact Assessment, if required shall be conducted in accordance with SANS 10328 or other applicable documentation and the tests, if required, must be conducted in accordance with SANS 10103 or other applicable documentation; or
- (b) If excavation, earthmoving, pumping, drilling, construction, or demolition, or any similar activity, power generation or music causes or may cause a noise nuisance or disturbing noise, instruct in writing that such work, activity, generation or music be forthwith discontinued until such conditions as the municipality may deem necessary have been complied with.

7. DESIGNATION OF CONTROLLED AREAS

7.1 The municipality may -

- (a) by notice in the provincial gazette, designate a controlled area in its area of jurisdiction or amend or cancel an existing controlled area; and by notice in the provincial gazette; and
- (b) designate zone sound levels for specific areas and for specific times in its area of jurisdiction or amend or cancel such designation;

7.2 No person may -

- (a) erect educational, residential, flat, hospital, church or office buildings in an existing township in controlled area or area for which a zone sound level has been designated in terms of subsection (7.1)(b), unless acoustic screening measures have been provided in the building to limit the reading on an integrating impound and sound level meter, measured inside the building after completion, to 40 Dba or such level as may be determined in accordance with subsection (7.1)(b): provided that any air-conditioning or ventilating system shall be switched off during the course of noise measurements;
- (b) locate educational, residential, hospital or church even within a controlled area in a new township or an area that has been rezoned: provided that such situation may be allowed by the municipality in accordance with the acoustic screening measures mentioned by that municipality in the approved buildings plans.

8. MOTOR VEHICLES

8.1 No person may drive a vehicle, or allow it to be driven, on a public road, if the sound level at the measuring point measured, when stationary, in accordance with the procedure prescribed in SANS 10181 exceeds -

- (a) in the case of a non-exempted vehicle, the stationary sound level specified in SANS 10281 for that type of vehicle; or
- (b) in the case of an exempted vehicle, by more than 5 dBA the applicable reference sound level indicated in SANS 10281, for that type of vehicle.

8.2 The municipality may in order to determine whether a vehicle being used on any road in the area of jurisdiction of the municipality, including a private, provincial or national road crossing its area of jurisdiction, complies with the provisions of the by-law, instruct the owner or driver of the vehicle -

- (a) to stop the vehicle or cause it to be stopped; and
- (b) to have any appropriate inspection or test, as the municipality may deem necessary, conducted on the vehicle on the roadside where it was stopped or on a place, date and time determined by the municipality in writing.

8.3 The authorised person must, prior to any testing being undertaken inform the driver of the vehicle that -

- (a) the vehicle has been stopped to test it in terms of this by-law for noise nuisance;
- (b) the vehicle is being detained for the purpose of such testing;
- (c) if the results of such testing indicates noise nuisance from the vehicle or if the driver concerned fails or refuses to assist with such test, it will constitute an offence under this by-law; and
- (d) A person who fails to comply with a direction given under this section commits an offence.

8.4 An inspection done in terms of subsection (8.2)(b) shall be carried out -

- (a) at or as near as practicable to the place where the direction to stop the vehicle is given; and
- (b) within 1 hour of the vehicle being stopped in accordance with the direction of the authorised person.

8.5 If, after conducting a sound level test, the authorised person is satisfied that the vehicle -

- (a) is not exceeding the permitted sound levels prescribed, then the authorised person must furnish the driver of the vehicle with a certificate (valid for a period of 24 months) indicating that the vehicle is not being driven or used in contravention of this By-law; or
- (b) is exceeding the permitted sound levels prescribed, the authorized must issue the driver of the vehicle with a repair notice in accordance with subsection (8.6).

8.6 A repair notice must -

- (a) direct the owner of the vehicle to repair the vehicle within a specified period of time, and to take the vehicle to a place identified in the notice for re-testing before the expiry of that period; and

- (b) contain, amongst others, the following information –
 - (i) the make, model and registration number of the vehicle;
 - (ii) the name, address and identity number of the driver of the vehicle; and
 - (iii) if the driver is not the owner, the name and address of the vehicle owner.
- 8.7 A person commits an offence under this section if the person fails -
 - (a) to comply with the repair notice;
 - (b) to take the vehicle for re-testing;
- 8.8 It is not a defence in proceedings to aver that the driver of the vehicle failed to bring the repair notice to the attention of the owner of that vehicle.
- 8.9 The authorised person must issue a notification in terms of section 341 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), where the owner of the vehicle fails -
 - (a) to comply with a repair notice issued in terms of subsection (8.6); or
 - (b) to take the vehicle for re-testing.

9. MUSIC, OPEN-AIR MUSIC FESTIVALS AND SIMILAR SHOWS AND GATHERINGS

- 9.1 (a) No person may stage any open-air entertainment festival, such as, but not limited to a show, an air show, music concert, festival, sports event or similar gathering without a prior written consent of the municipality.
- (b) If any music causes or may cause a noise nuisance, the municipality may instruct in writing that such music be discontinued until such conditions as the municipality may deem necessary have been complied with.
- (c) Subject to the provisions of paragraph (b) and applicable provisions of the any other law, the municipality may attach any instrument and/or equipment used to generate music if no permission has been obtained as required by paragraph (a).
- (d) An instrument and/or equipment attached under paragraph (c) shall be kept in safe custody by the municipality.
- (e) The municipality may lift the attachment contemplated in paragraph (c) if the owner or person in control of the instrument and/or equipment has applied for permission in terms of paragraph (a).
- (f) This section is not applicable to –
 - (i) churches;
 - (ii) schools;
 - (iii) other education facilities; or
 - (iv) any other defined area or activity to which the Council has declared this section not to apply.

10. GENERAL PROHIBITIONS

- 10.1 Any person who –
 - (a) fails to comply with the provisions of this section;
 - (b) fails to comply with a written condition, instruction or notice issued by the municipality in terms of this section;
 - (c) tampers with, remove, put out of action, damage or impair the functioning of a noise monitoring system, noise limiter, noise measuring instrument, acoustic device, road traffic sign or notice placed in a position by or on behalf of the municipality;
 - (d) in respect of a duly authorised person of the municipality -
 - (i) fails or refuses to grant admission to such official to enter and to inspect the premises;
 - (ii) fails or refuse to give information which may lawfully be required of him or her to such official;
 - (iii) hinders or obstruct such official in the execution of his or her duties; or
 - (iv) gives false or misleading information to such official knowing that it is false or misleading, is guilty of an offence.

11. POWERS OF AUTHORIZED PERSON

- 11.1 An authorised person may –
 - (a) for the purposes of applying this section, at any reasonable time enter premises upon reasonable notice to conduct any appropriate examination, inquiry or inspection thereon as it may deem expedient and to take any steps it may deem necessary;
 - (b) if a noise emanating from a premises, vehicle, recreational vehicle or private area is a noise nuisance or disturbing noise, instruct in writing –
 - (i) the person causing such noise or who is responsible for the infringement;
 - (ii) the owner, tenant or occupant of such building, premises, vehicle, recreational vehicle or private area from which or from where such noise emanates or may emanate; or
 - (iii) all such persons to discontinue or cause to be discontinued such noise or to take steps to or apply appropriate remedies to lower the level of such noise to a level conforming to the requirements of this by-law within the period stipulated in the instruction - provided that the provisions of this paragraph do not apply in respect of a disturbing noise or noise nuisance caused by rail vehicles or air traffic or on a public road by vehicles that are not used as recreational vehicles;
 - (c) if the noise is caused by an animal, and the owner or person in charge of that animal fails to comply with an instruction referred to in subsection (11.1)(b), subject to the applicable provisions of any other law, impound or cause to be impounded such animal;
 - (d) impose such appropriate conditions as it deems fit when granting any permission or exemption, including the specification of times and days when activities that may cause noise are permitted or prohibited;
 - (e) subject to the applicable provisions of any other law, place or cause to be placed measuring instruments or similar devices, road traffic signs or notices at any place within the municipality's jurisdiction for the enforcement of the provisions of this bylaw - provided that road traffic signs and notices shall be placed on private property only with the permission of the owner.
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12. USE OF MEASURING INSTRUMENTS

- 12.1 Any person taking reading must ensure that –
- (a) the acoustic sensitivity of sound level meters is checked before and after every series of measurements by using a sound calibrator, verified every two years by an accredited calibration laboratory for compliance with the specifications for accuracy of national codes of practice for acoustics, to comply with the Measuring Units and National Measuring Standards act 2006(Act No.18 of 2006)
 - (b) the microphone of an integrating impulse sound level meter is at all times provided with a windshield;
 - (c) the measuring instruments are operated strictly in accordance with the manufacturer's instructions; and
 - (d) sound measuring instruments are checked annually by the South African Bureau of Standards or a calibration laboratory approved by the National Minister of Trade and Industry in order to comply with the appropriate specifications for accuracy.
- 12.2 The measurement of dBA values in respect of controlled areas, ambient sound levels or noise levels in terms of these bylaws shall be done as follows:
- (a) Outdoor measurements on a piece of land; by placing the microphone of an integrating impulse sound level meter at least 1,2metres but not more than 1,4metres above the ground and at least 3,5 metres away from walls, building or other sound reflecting surfaces; and
 - (b) indoor measurements in a room or enclosed space, which is not ventilated mechanically; by placing the microphone of an integrating impulse sound level meter at least 1, 2 metres, but not more than 1,4 metres above the floor and at least 1,2 metres away from the wall, with all the windows and outer doors of the room or enclosed space entirely open; provided that the windows and doors are closed for indoor measurements in rooms or enclosed spaces which are mechanically ventilated.
- 12.3 Any deviation from heights and distances referred to in subsection (12.2) shall be reported with the furnishing of reason.

13. EXEMPTIONS

- 13.1 The provisions of this By-law shall not apply, if:
- (a) the emission of sound is for the purposes of warning people of a dangerous situation, or
 - (b) the emission of sound takes place during an emergency.
- 13.2 Any person may by means of a written application, in which the reasons are given in full, apply to the Municipality for exemption from any provision of these bylaws.
- 13.3 As exemption shall, if approved, be granted by the Municipality in writing, and the conditions under which and the period for which such exemption is granted, shall be stipulated in such exemption.
- 13.4 An exemption shall not take effect before the applicant has undertaken in writing to comply with all conditions imposed by the Municipality under sub-section (13.3); provided that if activities are commenced before such undertaking has been submitted to the Municipality, the exemption shall lapse.
- 13.5 If any condition of exemption is not complied with, the exemption may be withdrawn by the Municipality after notice to show cause against the proposed withdrawal has been given, and the representations, if any, resulting therefrom have been considered.

14. ATTACHMENT

- 14.1 A vehicle impounded shall be kept in safe custody by the Municipality.
- 14.2 The Municipality may lift the attachment if the owner or person in control of the vehicle concerned has been instructed in writing by an authorised officer of the Municipality:
- (a) to repair or to modify the vehicle concerned or cause it to be repaired or to be modified; and
 - (b) to have such inspection or test as the Municipality may deem necessary conducted on the vehicle on a date and at a time and place mentioned in the instruction.

15. OFFENCES AND PENALTIES

- 15.1 Any person who:
- (a) wilfully conceals any facts or documents in connection with an application for interment;
 - (b) makes any false statement in his/her written application for interment;
 - (c) contravenes any provision of this By-law or who fails to comply with a notice issued in terms of, or a condition imposed under, or any other provision of this By-law, shall be guilty of an offence and if convicted shall be liable for a fine not exceeding R 3 000, 00 or imprisonment for a period not exceeding three months, or to both such fine and such imprisonment.

16. RESTRICTION OF LIABILITY

No authorized employee of the municipality shall be liable in respect of anything done in good faith in the exercise of a power or the performance of a duty conferred or imposed in terms of this By-law.

17. CONFLICTING LAWS

If there is any conflict between a provision in this By-law and a provision of any other by-law of the Municipality, the provisions of this By-law shall prevail to the extent of the inconsistency.

18. REPEAL OF LAWS

Any by-laws relating to noise control adopted by the Council or any Municipality now comprising part of the City is repealed from the date of promulgation of this By-law.

19. SHORT TITLE AND COMMENCEMENT

This By-law is called **Mangaung Noise Control By-law** and comes into operation on the date of promulgation thereof in the Provincial Gazette.

[PROVINCIAL NOTICE NO.105 OF 2016]

**MANGAUNG METROPOLITAN MUNICIPALITY
PROMULGATION NOTICE**

**Disaster Management By-law
Passed by Council, 5 May 2016**

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the new set of Disaster Management By-laws, at its sitting dated 05 June 2016.
- 2) The by-laws are published for the purpose of general public notification.

Adv. Tankiso Mea
Acting City Manager

DISASTER MANAGEMENT BY-LAW

1. PURPOSE

To provide for the proper regulation planning of disaster manage in advance and to provide for matter matters incidental therewith.

2. DEFINITIONS

In this by-law, unless the context indicates otherwise –

Disaster – means a progressive or sudden, widespread or localized, natural or Human caused occurrence which

- a) Causes or threatens to cause;
 - i) Death, injury or disease
 - ii) Damage to property, infrastructure or the environment or
 - iii) Disruption of the life of a community and
- b) Is of a magnitude that exceeds the ability of those affected by the disaster to cope with its effects using their own resources.

Local Disaster – means a disaster that, affect the area of jurisdiction of the Mangaung Metropolitan Municipality, including 100 meters from the boundary of a neighbouring municipality that, the Mangaung Metropolitan Municipality is able to deal with using its own resources.

Disaster Management Memorandum of Understanding – mean an agreement entered into between the Mangaung Metropolitan Municipality with its neighbouring municipalities ensuring a joint effort during a disaster / catastrophic event that shall ensure a well-co-ordinated assessment and provision of disaster relief measures during such catastrophe.

Disaster Management – means a continuous and integrated multi-sectoral, multi-Disciplinary process of planning and implementation of measures aimed at:

- a) Preventing or reducing the risk of disasters;
- b) Mitigating the severity or consequences of disasters;
- c) Ensuring emergency preparedness;
- d) Ensuring rapid and effective response to disasters;
- e) Ensuring post-disaster recovery and rehabilitation.

Emergency Preparedness – means a state of readiness, which enables organs of state and other institutions involved in disaster management, the private sector, communities, and individuals to mobilize, organize and provide relief measures to deal with an impending or current disaster or the effects of a disaster.

Municipality / City – means Mangaung Metropolitan Municipality established by the Provincial Notice No. 261 of 28 March 2011, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998).

NGO – means None Governmental Organizations.

Mitigation – in relation to a disaster, means measures aimed at reducing the impact or effects of a disaster.

Municipal Disaster Management Centre – means a centre established by the Municipality in terms of the Disaster Management Act of 2002, as amended.

Post Disaster Recovery – means efforts, including development, aimed creating a situation where:

- a) Normality in conditions caused by a disaster is restored.
- b) The effects of a disaster are mitigated or
- c) Circumstances are created that will reduce the risk of a similar disaster from occurring.

Prevention – in relation to a disaster, means measures aimed at stopping a disaster from occurring or preventing an occurrence from becoming a disaster.

Response– in relation to a disaster means measures taken during or immediately after a disaster in order to bring relief to people and communities affected by the disaster.

Act – means the Disaster Management Act (Act 57 of 2002), as amended.

Statutory Function – means a function assigned to that a person by national, provincial and/or municipal legislation.

Vulnerability – means the degree to which an individual, a household, community or an area may be adversely affected by a disaster.

Competent Person – means a person that has the relevant qualifications or is a high ranking person and familiar with procedures of the particular organization.

3. IMPENDING, OCCURRENCE OF DISASTERS OR CATASTROPHIC EVENTS

- 3.1 Where a disaster has occurred within the area of jurisdiction of the City, also affecting the boundaries of a neighbouring municipality, the City shall release any available resources of the municipality, including stores, equipment, vehicles and facilities to deal with such a disaster in an effective and prompt manner. The City shall extend its services within 100 meters from the boundary of a neighbouring municipality of which the neighbouring municipality shall do the same.
- 3.2 The City shall release its emergency personnel as required to effectively render emergency services during a disaster/ catastrophic event.
- 3.3 During a state of a disaster the City shall implement all or any of the provisions of its disaster management plan, framework as well as these bylaws that will be applicable in the circumstances at the point in time to effectively deal with the effects of such catastrophic event.
- 3.4 Where a disaster/ catastrophic event has occurred and the City is of the opinion that the safety of its residents is at stake or compromised in any way and circumstances require the evacuation to temporal accommodation or shelter of all or part thereof of the population from the disaster stricken or threatened area for the purposes of preserving life, the municipality shall evacuate all the affected people to a place of safety.
- 3.5 Where the City is of no doubt that before, during or after the occurrence of a disaster or catastrophic event, the flow of traffic, including people to and from the disaster stricken area poses danger the municipality shall ensure the regulation of such traffic, people/persons and goods to, from or within the disaster stricken or threatened area in order to preserve life or ensure safety.
- 3.6 Once the City is of the opinion that occupation of premises believed to be vulnerable to an impending disaster or already stricken by the disaster and such occupancy pose a high risk to occupiers, the municipality shall prohibit occupation of such premises and where necessary people will be evacuated to ensure their safety.
- 3.7 Where a disaster has already stricken or threatening to occur, the municipality may suspend or limit the sale, dispensing or transportation of alcoholic beverages to that area to prevent any uncontrollable behaviour of persons under the influence of alcohol, which may result in mortality/fatality rate increasing.

4. PREPARATION, HOSTING OF PUBLIC EVENTS

- 4.1 When a public event is organized either by the City, Provincial or National Government, private company within the area of jurisdiction of the City and as a result of the event members of the public more than 250 are expected to partake in such event, the following conditions shall apply in order to ensure the safety of the public during the proceedings of such event.
 - 4.1.1 The application must be forwarded to the municipality 14 days before the event shall take place.
 - 4.2.1 Once the application of the event has been lodged to the municipality, the Social Services or any relevant Department in the municipality shall convene a section 4 planning meeting at a date convenient enough to allow proper planning of the event and such meeting shall consist of all relevant stakeholders to plan for the event and / or where an application to erect a marquee has been lodged such information shall be also provided to the disaster management section.

The following conditions or requirements must be adhered or be met to:

- 4.3.1 The person assigned as Event Co-ordinator must be a competent person in terms of this By-law or any relevant by-law such as the Municipality's Events By-law.
 - 4.4.1 Proof must be given that the applicant provides sufficient public liability insurance to cover the costs of any claims that may arise due to any accidents/incidents that may occur at this event.
 - 4.5.1 An estimate of expected number of people to attend the event must be provided in the application to allow for proper planning by all role-players. i.e. Fire & Rescue Services, Ambulance Services, S.A.P.S., Traffic Department, Health Department. etc.
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- 4.6.1 Refuse bins and skips for waste collection and removal.
- 4.7.1 The number of marshals at the ration of 50:1 must be provided to assist during the proceedings of the event.
- 4.8.1 Security personnel for crowd control must be made available.
- 4.9.1 Where a marquee has been erected to accommodate more than 250 people, the convener of the event shall be liable of producing an Engineer's Structural Certificate that certifies the facility safe for utilization failing which no member of the public shall be allowed inside the facility.
- 4.10.1 Where a stage more than one (1) meter has been erected either inside and/or outside the marquee, an Engineer's Compliance Certificate must be produced.
- 4.11.1 The General Manager: Disaster Management of the City or somebody acting on his behalf shall be an authorized Officer to ensure that, the contents of these by-laws are enforced diligently.
- 4.12.1 The convener of the event must make sure that, a layout plan indicating all permanent and/or temporal structures where the event is going to be held. This shall as well clearly indicate the emergency exit routes, assembly area and parking arrangements.
- 4.13.1 The time-span of the event must be provided, i.e. starting time and expected closing time of the event.
- 4.14.1 An emergency plan, including a complete lay-out map, indicating all the emergency entrances and exits, the Joint Operations Centre, the Forward Command Post & Triage area and Medical Station must be provided along with all the names and contact numbers of all emergency, security and safety roll players.
- 4.15.1 The Fire Brigade emergency telephone numbers must be available at the Joint Operations Centre. The telephone number of the Venue Co-ordinator and his delegated subordinate must be provided to the Fire Brigade Control Room.
- 4.16.1 Banks of Dry Chemical Powder type fire extinguishers are to be provided at all marquees, stage area and any stall/buildings being utilised during this event and these extinguishers must be either new or have undergone a service (calibration) within the last twelve months.
- 4.17.1 The Fire Prevention Officer will carry out a full inspection to ensure that the area is in compliance with applicable fire requirements, at which time the positioning of all fire extinguishers will be specified.
- 4.18.1 No open fires will be allowed except for food preparation in the designated food sale/preparation areas.
- 4.19.1 Gas cylinders on any designated food sale/preparation areas must be kept to a maximum of 2 x 48Kg cylinders on a manifold and the Fire Prevention Officer must be satisfied with the location and installation of the said cylinders.
- 4.20.1 All fire-fighting equipment and emergency exits must be kept unobstructed at all times.
- 4.21.1 No vehicles, with the exception of VIP's, emergency, security and organising official's vehicles will be allowed inside the premises.
- 4.22.1 The Joint Operations Centre must be provided with all the necessary office equipment (tables, chairs, etc.) layout map, emergency plan, contact numbers, communications equipment, etc.
- 4.23.1 All functionaries representing their departments at the Joint Operations Centre shall remain at the JOC at all times until told otherwise by the person in charge of the JOC.
- 4.24.1 The Fire Brigade will have on duty in this area, one Disaster Management Officer, one Senior Fire Brigade Officer, four Fire fighters and one medium fire tender.
- 4.25.1 All functionaries present at the JOC shall confirm the number of resources available at the JOC from their respective departments.
- 4.26.1 The Venue Co-ordinator must arrange for a final fire prevention inspection 2-hours before the gates open for the event.
- 4.27.1 An account for the stand-by service performed by the Fire Brigade will be forwarded to the applicant as per Councils tariff of charges.
- 4.28.1 A compulsory Disaster Management meeting must be held on site whereby all the emergency, safety and security personnel can liaise and co-ordinate the final arrangements for the event.
- 4.29.1 The Municipality does not accept any responsibility for any claims of damage, loss, injury or death of any person or property that may arise as a result of the permission granted for the presentation of the above event/s.

General conditions or requirements

The following points should be clarified before the event in the interests of safety and security planning:

- 4.30.1 Will members of the public be allowed to bring alcoholic beverages onto the site and if not how will such a situation be dealt with in the event of a member of the public attempting to do so.
 - 4.31.1 Will members of the public be allowed to enter the premises in possession of any dangerous weapons (fire-arms, knives, etc).
 - 4.32.1 Will any age limit be enforced on entry or is the event open to people of all ages.
 - 4.33.1 Will there be a certified stand-by electrician on site in the event of power failure.
 - 4.34.1 It is recommended from Disaster Management that, preferably, the S.A.P.S. helicopter be negotiated to do air support and observations of the event, should it be necessary.
 - 4.35.1 If the designated event area is full, how will the rest of the public be notified and turned away.
 - 4.36.1 A competent person (Structural Engineer) shall inspect and certify the marquee and/ or stage safe and shall provide a certificate of compliance to relevant authorities before the commencement of the event.
 - 4.37.1 Proper identification tags inclusive of the job designation must be provided to all personnel working at the event.
 - 4.38.1 If food is provided / prepared they must comply with environmental by-laws and a Certificate of Acceptability must be submitted.
 - 4.39.1 Adequate provision of toilets must be made that are in line with the health by-laws.
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5. MAJOR HAZARD INSTALLATIONS

All industrial premises situated within the area of jurisdiction of the City must:

- 5.1 Submit to the municipality an onsite Emergency Plan.
- 5.2 Such plan shall be updated/ reviewed at least once in every three years.
- 5.3 If no change has taken place that may result to the amendment of the emergency plan during the period at which such plan is to be updated, the industries shall provide correspondence to the municipality indicating the same.
- 5.4 Once the plan has been reviewed and / or updated, it shall be submitted to General Manager: Disaster Management and / or the Manager responsible for Disaster Management, in his/her absence to the person acting on behalf of the General Manager: Disaster Management or the Manager responsible for Disaster Management.
- 5.5 The plan shall be signed by the company representative and witnessed by two people before submitting to the municipality.
- 5.6 The General Manager: Disaster Management and the Manager responsible for Disaster Management shall evaluate the plan and either approve it or refer it back if realized that, the plan has got shortcomings.
- 5.7 The onsite emergency plan shall be tested in practice at least once a year whereby the emergency services of the municipality shall be informed for presence to evaluate the simulation.
- 5.8 Conduct a risk assessment on intervals not exceeding a period of five years and submit such risk assessment to the office of the General Manager: Disaster Management and/ or the Manager responsible for Disaster Management.
- 5.9 The risk assessment shall be carried out by an approved Inspection Authority which is competent to express an opinion as to the risks associated with the major hazard installation.
- 5.10 All emergency occurrences and /or incidents that occurred shall be reported to the municipality within 48 hours by means of telephone and there-after submit a written report to the General Manager: Disaster Management within seven days of the occurrence of the incident

The Emergency Plan should at least contain the following minimum requirements but shall not be limited to:

- 5.11.1 A brief description of the production of the company.
- 5.11.2 Clearly outline the risks associated with the production process of the company.
- 5.11.3 A layout plan for the company indicating all the crucial points in so far as risks are concerned and also indicating all the emergency assembly points.
- 5.11.4 The emergency team organization chart.
- 5.11.5 Communication channels in the organizations in case of an emergency
- 5.11.6 Inventory for emergency control centre (if there is any) and /or vehicles.
- 5.11.7 Emergency Contingency Plans to deal with the different risks identified e.g. Fires, Bomb Threats, Explosions, Gas leaks, Trauma etc.
- 5.11.8 Evacuation Contingency Plan incorporating people with disabilities.
- 5.11.9 Emergency Contingency Plan addressing environmental contamination.
- 5.11.10 All emergency contact numbers.
- 5.11.11 Proof of induction on emergency standards for external contractors employed in the company.
- 5.11.12 Training requirements for emergency personnel.
- 5.11.13 A material safety data sheet

6. OFFENCES AND PENALTIES

- 6.1 Any person who contravenes or fails to comply with any provision of these bylaws shall be guilty of an offence and on conviction be liable to a fine not exceeding five thousand rand (R5 000.00) or imprisonment for a period not exceeding three (3) years and
- 6.2 In the case of continuous offence, to an additional fine of two thousand rand five hundred rand (R2 500.00) or additional imprisonment for each day on which the offence continues, provided that the period of such additional imprisonment shall not exceed two (2) years six (6) months.

7. CONFLICTING LAWS

If there is any conflict between a provision in this By-law and a provision of any other by-law of the Municipality, the provisions of this By-law shall prevail to the extent of the inconsistency.

8. REPEAL

Any by-laws relating to disaster management adopted by the Council or any municipality now comprising part of the City is repealed from the date of promulgation of this By-law.

9. SHORT TITLE AND COMMENCEMENT

This By-law is called **Mangaung Disaster Management By-law** and comes into operation on the date of promulgation thereof in the Provincial Gazette.

[PROVINCIAL NOTICE NO.106 OF 2016]

**MANGAUNG METROPOLITAN MUNICIPALITY
PROMULGATION NOTICE**

**Traffic Regulations By-law
Passed by Council, 5 May 2016**

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the new set of Traffic Regulations By-laws, at its sitting dated 05 June 2016.
- 2) The by-laws are published for the purpose of general public notification.

Adv. Tankiso Mea
Acting City Manager

TRAFFIC REGULATIONS BY-LAW

1. DEFINITIONS

In these by-laws, unless the context indicates otherwise,

"Abnormal vehicle" means a vehicle or a combination of vehicles which do not comply with the relevant provisions of the National Road Traffic Act, 1996 (Act No. 93 of 1996) and which is otherwise not fit to be used on a public road;

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

"Council" means the Council of the Mangaung Metropolitan Municipality or any political structure, political office bearer, councillor or any staff member acting under Council's delegated or sub-delegated power;

"Gathering" means an assembly, concourse or procession of one or more persons, in support of or against a person, cause, action of failure to take action.

"Municipality/City" means Mangaung Metropolitan Municipality established by the Provincial Notice No. 261 of 28 March 2011, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"Municipal Manager/City Manager" means the person appointed by the Council of the City as Municipal Manager in terms of section 54A of the Local Government Municipal Systems Act, 2000, as amended by Local Government: Municipal Systems Amendment Act, 2011 (Act No. 7 of 2011) and shall include any person acting in that position or to whom authority is delegated.

"Traffic Chief/Chief of Traffic" means the Traffic Chief appointed by the Municipality in terms of the provisions of the Act or his delegate;

2. PURPOSE OF BY-LAW

- 2.1 To provide for the regulation of traffic control, and road safety within the area of jurisdiction of the Municipality, and to provide for matters incidental thereto.

3. SCOPE OF APPLICATION

This by-law applies to:

- 3.1 All public roads and streets within the area of jurisdiction of the Municipality
- 3.2 Everyone using or found in the public roads and streets of the Municipality; and
- 3.3 Every property within the area of jurisdiction of the Municipality

4. TEMPORARY TRAFFIC GUARDS AND SIGNALLERS

- 4.1 A person appointed as a temporary traffic guard or signaller is under the direct control and for the assistance of the Traffic Chief in order to properly control any abnormal existing or expected traffic congestion or pedestrian volume.
 - 4.2 A traffic guard or signaller must be in possession of a letter of appointment and must wear a uniform or distinguishing badge as determined by the Municipality.
 - 4.3 A traffic guard or signaller must carry out all duties and instructions which, in the opinion of the Traffic Chief, are necessary for proper and safe traffic control.
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- 4.4 A traffic guard or signaller is appointed to perform his duties within the area of jurisdiction of the Municipality.
- 4.5 Except for the powers and duties as set out in this section, traffic guard or signaller may -
- 4.5.1 require from the driver of a vehicle to stop such vehicle;
- 4.5.2 control and regulate traffic on a public road; and
- 4.5.3 give those instructions which are necessary for the safe and efficient control of such traffic.
- 4.6 Any person who fails to comply with any instruction or order given to him by a traffic guard or signaller or who complies therewith in such a manner as to defraud, or who hinders or obstructs such an official in the performance of his duties is guilty of an offence.
- 4.7 If the Traffic Chief is of the opinion that traffic control measures in the form of traffic assistance by temporary traffic guards or signallers of the Municipality are under certain circumstances necessary, such traffic assistance shall be rendered on payment of the fee as from time to time determined by the Council by means of resolution.

5. LETTING OF TEMPORARY TRAFFIC SIGNS

- 5.1 The Municipality may let temporary traffic signs to the public on such conditions as it may determine and for such purposes as it may approve of for the orderly control of traffic on or near a public road.
- 5.2 The rental and deposit for a temporary traffic sign is as from time to time determined by the Council by means of resolution. The deposit will be refunded on the return of the temporary traffic sign, in an undamaged condition, to the Municipality within 3 days of the termination of the rental period.

6. BREAKING OF GLASS IN A PUBLIC ROAD

- 6.1 Any person who breaks a bottle or glassware in a public road, thoroughfare, parking area or public place shall immediately be required to remove such broken glass from such public road, thoroughfare, parking area or public place.

7. CONVEYANCE OF RUBBISH OR ANY OTHER MATERIAL

- 7.1 No person shall convey rubbish, manure, sand, earth, gravel, grit, ash or any other material by means of a vehicle upon a public road or in a public place unless the load is loaded, covered or secured at all times in such a manner that it will not fall from or be blown off the vehicle.
- 7.2 Any person who dumps any rubbish, manure, sand, earth, gravel, grit or any other material in a public road, thoroughfare, parking area or public place shall immediately be required to remove such rubbish, manure, sand, earth, gravel, grit or any other material from such public road, thoroughfare, parking area or public place.

8. TREES, HEDGES AND STRUCTURES OBSTRUCTING THE VIEW

- 8.1 No one shall allow -
- 8.1.1 any boundary fence, hedge, structure, tree, plant or shrub or part thereof to be unsightly or to overhang or penetrate into a public road in such a manner that it creates a danger or inconvenience to any person who uses such a public road;
- 8.1.2 any tree, hedge, structure, plant or shrub to impede the free and unhampered movement of traffic or to obstruct the view which is necessary for traffic approaching an intersection;
- 8.2 the Municipality may, by written notice addressed to the owner or occupier of the premises whereupon any tree, hedge, structure, plant or shrub is in contravention with subsections 8.1.1 and 8.1.2, require such tree, hedge, structure, plant or shrub or part thereof to be cut back or removed within 7 days of receipt of such notice, and should the owner or occupier fail to do so, the Municipality may do the necessary work and recover the costs thereof from the owner or occupier.
- 8.3 No owner or occupier of fixed property abutting on any public road shall fence in such property or any portion thereof with barbed wire.

9. GOODS OBSTRUCTING PUBLIC ROADS

- 9.1 No one shall allow any goods, be it his property or under his control, to be or remain in a public road, on a sidewalk or in any other public place so as to obstruct traffic or inconvenience the public.
- 9.2 A period of one hour is allowed for the loading and off-loading of goods. All goods must be removed from the sidewalk or public road within the said period.
- 9.3 No one shall for trading or any other purpose place any goods, wares or articles on any stand or support in or projecting over a public road, nor place or hang such goods, wares or articles upon or from any veranda-post, stay or balcony in or over a public road.
- 9.4 No one shall open, pack or unpack cases, furniture, goods, materials or merchandise in a public road.
- 9.5 No one shall place upon, off-load on or convey across a public road or side-walk any material or goods unless he had taken precautions to protect the surface of such public road or side-walk from damage.
- 9.6 No one shall permit any vehicle, object or animal belonging to him or in his charge to obstruct any public road;
- 9.6.1 no one shall outspan, permit, or allow such vehicle, object or animal in a public road without proper supervision;
- 9.6.2 any stray animal found in a public road without proper supervision will be promptly impounded.
- 9.7 No one shall, without previously having obtained the written consent of the Municipality and subject to such conditions as the Municipality may impose, place any barricade, line, cord, wire, pole, object or anything whatsoever across any public road or place or hang or place anything whatsoever, on such barricade, line, cord, wire, pole or object.

10. PERSONS LOITERING IN A PUBLIC ROAD OR CAUSING AN OBSTRUCTION

- 10.1 No one shall roll any hoop, ring, tyre or wheel or fly any kite or play any ball or other game whatsoever or use any roller skates or skate boards or similar contrivance or appliance or soap box carts or similar devices upon any public road within the municipal area, tending to cause annoyance or danger to the inhabitants or pedestrians, or which may injure or destroy property: Provided however that the foregoing section shall not apply to a public place which has been set aside specifically for the purpose of sports or games and provided further that organised sport may be practised at such times and in those places as the Municipality may determine and consent to.
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11. MUSICIANS PERFORMING IN A PUBLIC ROAD

11.1 No one shall perform or sing in a public road or place without the written consent of the Municipality.

12. PEDESTRIANS ON SIDE-WALKS TO OBEY THE RULE OF THE ROAD

- 12.1 Pedestrians making use of a side-walk shall obey the rule of the road by walking, as far as possible, on the left hand side of the side-walk.
12.2 A pedestrian shall not cross a public road at an intersection except by using the pedestrian crossing whilst also obeying the traffic signs at the intersection.

13. QUEUES

13.1 A queue of persons outside a business or place or entertainment shall not be formed exceeding two persons abreast or across a side-walk. Persons who queue in front of the entrance to such premises shall allow free access to or exit from those premises to people who wish to enter or leave those premises. Under no circumstances may a queue be formed upon or across the roadway and no person joining a queue shall take up a position other than abreast or behind the last person in the queue.

14. GATHERINGS

- 14.1 Except with the prior written consent of the Municipality, no one shall organise or hold a gathering in or at a public place.
14.2 The granting of consent is in the discretion of the Municipality.
14.3 Application for such consent shall be made and submitted to the Municipal Manager at least 5 working days prior to the planned gathering.
14.4 In granting consent in terms of sub-section 14.1, the Municipality may impose such conditions as he may deem expedient.
14.5 Consent granted in terms of sub-section 14.1 may be withdrawn at any time.
14.6 If the Traffic Chief is of the opinion that traffic control measures in the form of traffic assistance by officers of the Municipality are necessary at a gathering, such traffic assistance shall be rendered on payment of the fee as from time to time determined by the Council by means of resolution.

15. DRIVING OF CATTLE

- 15.1 No one shall drive an animal in the municipal area in such a way that a danger is created.
15.2 Livestock shall not be driven through the boundaries of the city of Bloemfontein.
15.3 In other business centres within the municipal area the driving of livestock is not allowed except with the written permission of the Municipality.

16. REPAIR OF VEHICLES IN A PUBLIC ROAD

16.1 No one shall (except in the case of an accident or when repair on the spot is necessary) clean or repair any part of a vehicle in a public road.

17. THE USE OF AMPLIFIERS OR LOUD-SPEAKERS

- 17.1 No one shall use or allow to be used a loud-speaker or amplifier in order to increase the volume of the sound of radios, musical instruments or similar apparatus in such a way as to cause a nuisance to his neighbours or the general public within the municipal area.
17.2 Without the prior written consent of the Municipality no one shall use or allow to be used a loud-speaker or similar apparatus in order to increase or strengthen the volume of sound in a public road, thoroughfare, parking area or open space.
17.3 Except with the prior written consent of the Municipality no one shall advertise any wares or services or make a public announcement by means of a megaphone, loud-speaker system or similar device or by insistent shouting or cause a nuisance in a public road.
17.4 Loud-speaker or similar apparatus may be used for the purposes of inviting people to a meeting or similar gatherings.

18. PARKING OF MOTOR CYCLES

- 18.1 A motor cycle shall be parked in the following manner:
18.1.1 where a traffic sign indicates a special parking place for motor cycles, such motor cycle shall be parked wholly within the parking lines; and
18.1.2 where no parking place for motor cycles is demarcated along the kerbing, such motor cycle shall be parked parallel to and as near as possible to the kerbing.

19. ABANDONING OR LEAVING OF VEHICLES IN A PUBLIC ROAD

- 19.1 A vehicle which -
19.1.1 has been left in a public road in the circumstances as described in terms of Act; or
19.1.2 has been left in a place or in a position in such a manner that it creates a danger or obstruction to motor traffic in the opinion of a traffic officer; or
19.1.3 has been parked or left standing in contravention of any notice or traffic sign;
can immediately be wheel clamped or removed and pounded by an officer of the Traffic Division of the Municipality.
19.2 The owner, driver or person in charge of a vehicle which had been wheel clamped by an officer of the Traffic Division of the Municipality, may request the Traffic Division of the Municipality to remove the wheel clamp on payment of the fee as from time to time determined by the Council by means of resolution: Provided that no fee is payable for the removal of a wheel clamp from a stolen or defective vehicle.
19.3 A vehicle which is removed and pounded in terms of the provisions of this section, is kept in a pound at the owner's risk and may be released by the owner, driver or person in charge thereof on payment at the Traffic Division, of the fee from time to time determined by the Council by means of resolution.
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20. DRIVING OR PARKING AT SCENE OF FIRE

20.1 No one shall park or drive a vehicle nearer than 100m from a fire-fighting vehicle or apparatus erected on the scene of a fire. This section does not apply to vehicles of the traffic section, the fire section or of the South African Police Services.

21. DRIVING VEHICLE OVER FIRE-HOSE

21.1 No one shall drive a vehicle over a fire-hose lying in the roadway of a public road.

22. RIGHT OF WAY AT UNCONTROLLED INTERSECTIONS

22.1 The right of way at uncontrolled intersections, with proper consideration for the safety of other vehicles and persons, shall be as follows:

22.2 when two or more vehicles enter an intersection at more or less the same time, the driver of the vehicle on the left-hand side shall grant right of way to the vehicle on his right-hand side.

23. STOPPING IN ORDER TO LOAD GOODS

23.1 Goods shall be loaded on that side of a vehicle which is nearest to the kerbing.

24. CROSSING PRIVATE PROPERTY TO BY-PASS A TRAFFIC SIGN

24.1 No one shall drive on, to or across private property in an effort to avoid compliance with any traffic sign.

25. SPECIAL ROUTES FOR ABNORMAL VEHICLES AND CONVOYS

25.1 No one may drive an abnormal vehicle or move an abnormal load within the municipal area without the permission of the Traffic Chief.

25.2 Should the Traffic Chief deem it necessary to pilot an abnormal vehicle or load in the municipal area, the owner or driver of such vehicle or load shall be obliged to pay the fee as from time to time determined by the Council by means of resolution.

25.3 No one shall drive a motor vehicle, forming part of a convoy of vehicles which are to be delivered to a motor vehicle dealer or any other person, on any other route in the municipal area than the one determined by the Traffic Chief or as designated by an appropriate road traffic sign.

25.4 No one shall drive a goods-vehicle or other specified vehicle or convey a load in the municipal area otherwise than on a route as determined by the Traffic Chief or as designated by an appropriate road traffic sign.

26. PARKING OF MOTOR VEHICLE OUTSIDE A GARAGE

26.1 The owner or driver or person in control of a motor vehicle business, garage, workshop or industry using or in control of motor vehicles, shall not allow a motor vehicle or part thereof which is under the control of such business, garage, workshop or industry or which was brought to such business, garage, workshop or industry for repair to be parked or left on a public road including sidewalks or a public open space next to or in the vicinity of the premises in which the business, garage, workshop or industry is carried on.

26.2 public road, open space or public open space in the residential areas, between sunrise and sunset.

27. IMPEDING OR OBSTRUCTING OF STREET INTERSECTIONS

27.1 When traffic circumstances are such that a driver of a vehicle entering an intersection will be obliged to stop in the intersection in such a manner that cross traffic will be impeded, the driver shall stop his vehicle before entering the intersection and he shall not move forward until the traffic circumstances have changed to such an extent that it will allow traffic to flow freely through the intersection without it being necessary to stop in the intersection: Provided however that this section will not be applicable to the driver of a vehicle who is about to turn left or right and who is forced to stop in an intersection to give way to vehicles approaching him or to pedestrians.

28. ROBOTS/TRAFFIC SIGNAL

28.1 Where a robot erected at a crossing, shows a deviation from the prescribed light indications a vehicle driver shall, if -

28.1.1 a robot shows a flashing circular red indication, treat such indication as a no. R1 stop sign and shall stop on the near side of the stop line and thereafter proceed against such red indication if it is safe to do so;

28.1.2 a robot shows a flashing circular amber indication, treat such indication as a no. R2 yield sign and allow all traffic on the other entrances to such intersection the right of priority;

28.1.3 a robot shows a flashing circular red indication on all entrances in order to control vehicular traffic on such entrances, treat such robot controlled intersection as a four-way stop controlled intersection and shall stop on the near side of the stop line and shall remain stationary until it is safe to enter such intersection;

28.1.4 any robot shows a flashing circular amber indication on all entrances, treat the robots as probably defective and shall stop on the near side of the stop line and remain stationary until it is safe to enter such intersection;

28.1.5 a robot shows no or abnormal light indications, treat such robot as probably defective and shall stop on the near side of the stop line and remain stationary until it is safe to enter such intersection.

28.2 When a pedestrian intends to cross a roadway at a robot provided with a button switch which can be controlled by a pedestrian, such pedestrian shall press the button switch and wait on the sidewalk until the robot gives a green light indication permitting him to cross the roadway.

28.3 No person shall tamper with or in any manner deface or damage a pedestrian controlled robot or part thereof or press the button switch of such robot if it is not his intention to cross the roadway at such robot.

29. NOTICES AND ROAD TRAFFIC SIGNS FOR THE CONTROL OF TRAFFIC ON MUNICIPAL GROUNDS

29.1 The Municipality may -

29.1.1 by way of a notice displayed on a notice board, wall, sign or on the surface of the grounds -

29.1.1.1 prohibit or control the admission of vehicles or persons to the grounds;

29.1.1.2 prohibit or control the parking or stopping of vehicles on the grounds;

29.1.1.3 limit the speed at which vehicles may travel on such grounds;

29.1.2 cause to be erected and display prescribed road traffic signs on such places on the grounds as it may determine.

29.2 When exercising the powers in terms of sub-section 29.1.1.1 it is permissible to differentiate between vehicles of different classes and the classes of persons using the vehicles.

29.3 Anyone who fails to comply with -

29.3.1 a notice displayed in terms of sub-regulation 29.1.1; or

29.3.2 the direction of a traffic sign erected in terms of sub-section 29.1.2 is guilty of an offence.

29.4 The provisions of the Act are applicable mutatis mutandis to any person who, whilst driving a vehicle on municipal grounds, becomes involved in a collision, drives recklessly or negligently or without due care or whilst under the influence of intoxicating liquor or any drug having a narcotic effect.

29.5 A Traffic Officer may exercise the powers vested in him in terms of the Act in respect of traffic, including persons in or on vehicles on municipal grounds.

29.6 Any person who hinders or obstructs a Traffic Officer in the execution of his duties or who refuses or fails to comply to the best of his abilities with an instruction of such Traffic Officer shall be guilty of an offence.

30. OFFENCES AND PENALTIES

30.1 Any person contravening any of the provisions of these by-laws or who fails to comply therewith, shall be guilty of an offence, and shall be liable on conviction with a fine not exceeding R20 000, 00 or a term of imprisonment not exceeding five years, or both such fine and such imprisonment.

30.2 Any expense incurred by the Municipality as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do or under these by-laws and which he failed to do, may be recovered by the Municipality from the person committing the contravention or failing to do such thing.

30.3 Any person who, after conviction in terms of these by-laws, persists in the conduct or neglect which constituted the offence, shall be guilty of a continuing offence and liable to a fine not exceeding R10 000, 00 or a term of imprisonment not exceeding three years, or both such fine and such imprisonment.

31. PRESUMPTIONS

31.1 Where in any prosecution under these by-laws, it is alleged that an offence was committed on a public road, the road concerned shall, until the contrary is proved, be presumed to be a public road.

31.2 Where in any prosecution under these by-laws, it is alleged that an offence was committed on a freeway, the road concerned shall, until the contrary is proved, be deemed to be a freeway.

31.3 Where in any prosecution under these by-laws, it is alleged that an offence was committed on a public road in an urban area, the road concerned shall, until the contrary is proved, be presumed to be a public road in an urban area.

31.4 Where in any prosecution under these by-laws, it is material to prove who was the driver of a vehicle, it shall be presumed, until the contrary is proved, that such vehicle was driven by the owner thereof.

31.5 For the purposes of sub-sections 31.5 and 31.6, it shall be presumed, until the contrary is proved, that, where the owner of the vehicle concerned is a corporate body, such vehicle was driven, as contemplated in those sub-sections by a director or servant of the corporate body in the exercise of his powers or in the performance of his duties as such director or servant or in furthering or endeavouring to further the interests of the corporate body.

31.6 In any prosecution under any of the provisions of these regulations, the fact that any person purports to act or has purported to act as a traffic officer or an inspector of licences, examiner of vehicles or examiner for drivers' licences, shall be prima facie evidence of his appointment and authority so to act: Provided that the provisions of this sub-section shall not apply with regard to a prosecution on a charge relating to personation.

32. CONFLICTING LAWS

32.1 If there is any conflict between a provision in these By-laws and a provision of any other by-law of the Municipality, the provisions of these By-laws shall prevail to the extent of the inconsistency.

33. REPEAL OF LAWS

33.1 The Bloemfontein Traffic Regulations No. 116 of May 22, 1981, as amended, are hereby repealed, and any by-laws relating to traffic control adopted by Council or any municipality now comprising part of the Municipality are hereby.

34. SHORT TITLE AND COMMENCEMENT

34.1 This By-law is called **Mangaung Traffic Regulations By-laws** and comes into operation on the date of promulgation thereof in the Provincial Gazette.

[PROVINCIAL NOTICE NO.107 OF 2016]

**MANGAUNG METROPOLITAN MUNICIPALITY
PROMULGATION NOTICE**

**Encroachment on Property By-law
Passed by Council, 5 May 2016**

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the new set of Encroachment on Property By-laws, at its sitting dated 05 June 2016.
- 2) The by-laws are published for the purpose of general public notification.

Adv. Tankiso Mea
Acting City Manager

ENCROACHMENT ON PROPERTY BY-LAW

1. PURPOSE

To enable the Municipality to monitor any physical object which intrudes on or over Municipality property or property which the Council has control over or other property in respect of which servitude or other property right has been registered in favour of the Council.

2. DEFINITIONS

- 2.1 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 the Council of the Mangaung Metropolitan Municipality or any political structure, political office bearer, councillor or any staff member acting under council's delegated or sub-delegated power;

"encroachment" means any physical object which intrudes on or over municipal property, or property which the Municipality has control over or other property in respect of which a servitude or other property right has been registered in favour of the Municipality;

"Municipality/City" means Mangaung Metropolitan Municipality established by the Provincial Notice No. 261 of 28 March 2011, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

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

- 2.2 If any provision in these By-laws vests or imposes any power, function or duty of the Municipality in or on an employee of the Municipality 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.

3. MUNICIPALITY PERMISSION REQUIRED

- 3.1 No person may, without prior written permission of the Municipality, 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.
- 3.2 The Municipality may refuse the permission required in terms of subsection (3.1) 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 Municipality in each case and subject to payment of the prescribed fee.
- 3.3 The prescribed fee mentioned in subsection (3.2) 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 Municipality, and the owner of the encroachment is liable for the payment of the prescribed fee for each encroachment.

- 3.4 The owner of an encroachment must within 90(Ninety) days after the date of commencement of these By-laws notify the Municipality 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.
- 3.5 Until the Municipality is notified of the horizontal dimension of the encroachment in terms of subsection (3.4)(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.

4. RULES FOR THE CONSTRUCTION OF ENCROACHMENTS

- 4.1 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 Municipality.
- 4.2 If corrugated iron is used for covering a veranda, its exposed surfaces must be painted.
- 4.3 A veranda over a public road must correspond in line, height and detail with existing adjoining verandas.

5. COLUMNS

- 5.1 The Municipality may determine areas within the municipal area where no person is permitted to place veranda columns over any public road or pavement.
- 5.2 No person is permitted to place any veranda column over any pavement where such pavement is less than 2,6 m wide.
- 5.3 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.
- 5.4 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.
- 5.5 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.
- 5.6 No person may place a twin or double veranda column over any public road or pavement.
- 5.7 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.
- 5.8 If the form of a column is classic in character, the shaft must have suitable entasis and cap and base in due proportions
- 5.9 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.
- 5.10 No person may, without the prior written permission of the Municipality 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.
- 5.11 The minimum height from the footway or sidewalk to the underside of each cantilever or fascia girder is 3 m.
- 5.12 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.
- 5.13 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.
- 5.14 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.

6. BALCONIES AND BAY WINDOWS

- 6.1 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.
- 6.2 No balcony may encroach more than 1,35 m over any public road.
- 6.3 No bay window may encroach more than 900 mm over any public road.
- 6.4 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.
- 6.5 Any balcony superimposed upon a veranda must be set back at least 1,2 m from the line of such veranda.
- 6.6 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.
- 6.7 No dividing wall across a balcony over a public road may exceed 1 m in height or 225 mm in thickness.
- 6.8 A balcony over any public road may not be the sole means of access to any room or apartment.
- 6.9 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.
- 6.10 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.

7. PLINTHS, PILASTERS, CORBELS AND CORNICES

- 7.1 No plinth, pilaster or other encroachment beyond a building line carried up from ground level is permitted to encroach on a public road.
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- 7.2 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 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;
 - 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;
 - 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.

8. VERANDAS AROUND CORNERS

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.

9. PAVEMENTS OPENINGS

- No pavement opening may be the sole means of access to any vault or cellar.
- No pavement opening on any public road may extend more than 1,2 m beyond the building line.
- 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.
- 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.
- 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 Municipality.
- No pavement opening may be covered with a metal bar grating or with a metal plate or with wood.

10. MAINTENANCE, REMOVAL AND TENANCY OF PROJECTIONS

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

11. ENCROACHMENT ERECTED IN FRONT OF BUILDING

- If any encroachment has been erected or constructed in front of any building, the owner must at his, her or its own expense –
 - 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
 - lay the road kerbing and guttering and paving in front of the building for the full width of the footway or pavement.

12. ENCROACHMENTS

- 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 Municipality, must apply to the Building Control Officer on a form prescribed by the Municipality for that purpose.
 - 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 Municipality.
- 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 Municipality 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.
- The owner of the building in connection with which any encroachment exists, or is proposed –
 - must defray any cost incurred in connection with wires or property of the Municipality;
 - must allow the Municipality to erect on, or attach to the encroachment or fixture or anything required in connection with electrical or other activities of the Municipality.

13. OFFENCES AND PENALTIES

- Any person who –
 - contravenes or fails to comply with any provision of these By-laws
 - fails to comply with any notice issued in terms of these By-laws; or
 - fails to comply with any lawful instruction given in terms of these By-laws; or
 - 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 not exceeding R2 000,00(Two thousand) rand or in default of payment to imprisonment for a period not exceeding 6 (Six) months, and in the case of a continuing offence, to a further fine not exceeding R1 000,00(One thousand rand) , or in default of payment to imprisonment not exceeding one months, 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 offence.

14. CONFLICTING LAWS

If there is any conflict between a provision in this By-law and a provision of any other by-law of the Municipality, the provisions of this By-law prevail to the extent of the inconsistency.

15. REPEAL OF LAWS

Any by-laws relating to encroachment on property adopted by the council of the municipality or any municipality now comprising a part of the Council is repealed from the date of promulgation of these by-laws.

16. SHORT TITLE AND COMMENCEMENT

This By-law is called **Mangaung Encroachment on Property By-law** and comes into operation on the date of promulgation thereof in the Provincial Gazette.

[PROVINCIAL NOTICE NO.108 OF 2016]

**MANGAUNG METROPOLITAN MUNICIPALITY
PROMULGATION NOTICE**

**Municipal Libraries By-law
Passed by Council, 5 May 2016**

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the new set of Municipal Libraries By-laws, at its sitting dated 05 June 2016.
- 2) The by-laws are published for the purpose of general public notification.

Adv. Tankiso Mea
Acting City Manager

MUNICIPAL LIBRARIES BY-LAW

1. Definitions

In these by-laws, unless the context otherwise indicates –

“**Borrower**” means a person who can present evidence of membership of the library and whose name appears on the list of members kept by the library;

“**charges**” means any fine or miscellaneous charges in respect of the library as determined from time to time by the municipality;

“**Council**” means the Council of the Mangaung Metropolitan Municipality or any political structure, political office bearer, councillor or any staff member acting under council’s delegated or sub-delegated power;

“**Legal deposit section**” means the section that received all publications as determined by the Legal Deposit Act, 1997 (Act No. 54 of 1997);

“**lending period**” means the period which the municipality determines for the lending out of different types of library material;

“**librarian**” means the officer, or his or her representative, appointed by the municipality to exercise control over and to manage the library;

“**library**” means the collection of library material under the control of the librarian which is made available for the use by the public;

“**library material**” means any material of whatever nature or form which is kept in a library and made available to the public; “**member**” means any person or organisation registered as a member of the library,

“**Municipality**” means Mangaung Metropolitan Municipality established by the Provincial Notice No. 261 of 28 March 2011, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**non-resident**” means a person who does not live within the Municipality or a person who does not own rateable property within the Municipality;

“**reference section**” means the section where reference books are kept and where facilities are provided for study and reading;

“**resident**” means a person living within the Municipality or a person who owns rateable property within the area;

“user” means a person who enters the library building for the purposes of using the library services and library material.

2. Use of the library

Any person admitted to the library by the Municipality may use the library facilities during official hours of opening. However, if a person wishes to borrow library material, he or she must first register as a member of the library.

3. Membership

- (1) (a) Subject to the provisions of paragraph (b) and subsection (2), the Municipality may grant to any person residing or employed within the area of jurisdiction of the municipality or who is a rate payer of the municipality, membership of the library, subject to the conditions determined by the municipality and provided such person undertakes to subject himself or herself to the provisions of these by-laws and the rules for conducting the business of the library, adopted by the Municipality.
- (b) the Municipality may, subject to the conditions it may determine, grant membership of the library to a pre-school or school-going child, should its parent or guardian consent, in writing, thereto and undertake to stand surety for the observance by such child of the provisions of these by-laws and the rules for conducting the business of the library adopted by the Municipality.
- (c) Membership is not transferable.
- (d) the Municipality must issue a membership card to a member authorizing him or her to borrow from the library such quantity of library material as may be determined by the municipality from time to time.
- (e) a membership card is valid from the date of issue thereof until the date of its expiry as determined by the Municipality from time to time. The membership of a person to whom such a membership card has been issued, lapses after the expiry date, unless it be renewed.
- (g) the borrowers must produce membership cards when borrowing library materials from time to time.
- (2) the Municipality may grant membership of the library to a person residing outside its area of jurisdiction on conditions determined by the Municipality from time to time.
- (3) a member desirous of terminating his or her membership of the library, must return his or her membership card, as well as all library material lent to him, to the librarian without delay, failing which he or she may be held responsible of all library material that might be borrowed against such membership card.
- (4) when a member changes his or her address, he or she must notify the librarian, in writing, within seven days of such change of address.
- (5) (a) when a member's membership card gets lost, he or she must forthwith notify the librarian, in writing, and the librarian may, on payment of the prescribed charges, issue a duplicate of such membership card.
- (b) should a lost membership card be found, the duplicate membership card issued in place thereof, must forthwith be returned to the librarian: Provided that any charges paid for such duplicate is not refundable to the member.
- (c) if a member gives notice in terms of paragraph (a), such member must, notwithstanding the provisions of section 8 (1), not be liable in terms of the said section in respect of any library material borrowed against the lost membership card after the date of such notice.
- (6) a person residing for a period of less than three months in the area of jurisdiction of the Municipality, may register as a visitor if-
 - (a) he or she applies for such registration on the form prescribed by the Municipality: Provided that the required proof of identification and particulars as determined by the Municipality, are submitted;
 - (b) he or she deposits with the librarian the prescribed deposit; and
 - (c) the Municipality approves such application.
- (7) the deposit contemplated by subsection (6) (b) must be refunded to a member on application by him or her provided that if any member does not renew his or her membership card within a period of three months after the expiry of the period of validity, such deposit is forfeited to the Municipality: Provided further that upon any such refunding or forfeiture, the registration of the member must be cancelled.
- (8) any person may, on behalf of any organisation or similar body, if duly authorised thereto by such organisation or body, apply on the form prescribed by the municipality for registration of such organisation or body as a member of the library.
- (9) The librarian can cancel the membership of any borrower who has been continuously non-active for a period of three years after the expiry date of his membership. However, the borrower thus having his membership cancelled does not forfeit the right at any future date to reapply for membership in terms of the provisions of this By-law.

4. Borrowing or lending of library material

- (1) A borrower is responsible for all library material which has been lent to him against his membership card.
 - (2) No person must be in possession of any library material not lent against a membership card.
 - (3) Library material bearing the mark of the library and on which there is no official indication that it has been withdrawn, written off or sold, is the property of the Municipality.
 - (4) (a) a member borrowing library material from the library must ascertain whether such material is damaged and, if damaged, he or she must draw the librarian's attention to the fact.
 - (b) the librarian should not make damaged library material available for borrowing purposes: Provided that where such damaged library material is nevertheless made available for borrowing purposes, particulars of such damage must be affixed thereto.
 - (5) Provided that the library material has not been requested by another borrower, the period of borrowing or lending, may at the discretion of the librarian, be extended –
 - (a) By delivering it to the librarian for reissue, or
 - (b) By furnishing the librarian in writing or verbally with the following information;
 - (i) the expiry date of lending period;
 - (ii) the code number of the library material; and
 - (iii) the name, address and telephone of the borrower.
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5. Returning of library material

A member must return the library material borrowed by him or her to the librarian not later than the last day of the borrowing period: Provided that-

- (a) the Municipality may extend the borrowing period of any library material not in demand by any other member after consideration of an application to that effect by the member who borrowed the library material, for not more than two further borrowing periods;
- (b) a member is responsible for the return of library material borrowed by him or her, and should such member find it impossible to personally return such library material, he or she may return it in any other way;
- (c) a member who has borrowed library material must not keep it for more than three days after receipt of a written notice from the librarian that such library material is to be returned.
- (d) All library material borrowed should be returned to the librarian within the period of fourteen(14) days of the date of issue.
- (e) If library material is not returned within the period of lending or extended period of such, the borrower to whom the material was issued should pay to the librarian an amount determined from time to time by the Council by resolution for each week or part of a week during which the material was outstanding after expiry of such period.
- (f) The borrower is responsible for the return of all library material to the librarian in a good and undamaged condition as it was lent to him.

6. Overdue library material

- (1) A borrower whose library material is habitually overdue may have his membership suspended or cancelled
- (2) If the returning of the library material is overdue, the provisions of sub-section 5(e) apply mutatis mutandis.
- (3) The Municipality may exempt any person from the payment of such fine if he or she is satisfied that failure to return library material is due to circumstances beyond the borrower's control.
- (4) In order to obtain overdue library material, the Municipality may determine a fine free period for a time in which such library material may be returned.
- (5) The Municipality may add the current replacement cost of any outstanding library material to the monthly services account of the member or his or her legal guardian should all other efforts in terms of this by-law fail to effect return of the library material.

7. Reservation of library material

A member is allowed to reserve library material.

8. Lost or damaged library material

- (1) Should library material be lost or become damaged or deemed to be lost in terms of subsection (2), the member against whose membership card such library material was borrowed must, in addition to any fine or other charges for which he or she is liable for in respect of the said library material, be liable for payment to the Municipality of the purchase price thereof or an amount to make good the damage as may be determined by the Municipality, unless he or she replaces it with a copy of equal value or a copy acceptable to the Municipality.
- (2) Library material retained by a borrower for more than three months calculated from the expiry date allocated to such material at the time of issuing or after granting any extension of the borrowing period, on receipt of a request to do so by registered post, fails to return library material within seven days, is deemed to be lost.
- (3) Lost or damaged library material remains the property of the Municipality.
- (4) No further library material must be lent to a member who, in terms of subsection (1), is responsible for the loss or damage of library material until such loss or damaged items have been replaced or until the amount of the damage caused or any other charge has been paid to the librarian.

9. Handling of library material

No person having library material in his or her possession, must either wilfully or negligently-

- (a) fail to keep such material in a clean condition;
- (b) expose or permit such material to be exposed to or be damaged by water, heat, fire, animals or any other thing;
- (c) mutilate, deface, mark, crease or in any way damage such material or permit such material to be mutilated, defaced, marked, creased or damaged;
- (d) remove or damage or permit to be removed or damaged any protective coverings of such material or fold;
- (e) lend any such material to any unauthorised person; or
- (f) make reproductions of material, except with the permission of the librarian

10. Exposure of library material to contagious diseases

- (1) No person suffering from a contagious disease must borrow or handle any library material from the library and no person must allow another person suffering from a contagious disease, to handle such library material lent to him or her.
 - (2) Any person being in possession of such library material from the library which was exposed to a contagious disease, must immediately advise the librarian that such library material was so exposed.
 - (3) No library material which has been exposed to an infectious disease shall be returned to the library before it has, in the opinion of the librarian, been properly disinfected.
 - (4) The Municipality must at least once a year fumigate the library and all associated buildings to prevent damage to books and furniture and the possible spreading of any contagious disease.
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11. Library material for special purposes

Library material of a specialised nature must only be used in such parts of the library as are set aside by the Municipality for special purposes and must not be removed from the library or to any other part of the library without the permission of the librarian.

12. Use of the group activities hall

- (1) Approval for the use of the group activities hall vests in the Municipality subject to any conditions laid down by the Municipality.
- (2) Any person who wishes to make use of the activities hall must pay to the Municipality the prescribed fee as may be determined by the Council from time to time.

13. Library hours

- (1) A notice by the Municipality, setting forth the days and hours during which the library is open to the public, should be displayed in a prominent place at or near the entrance of the library building or premises.
- (2) Libraries will not be open on Sundays and public holidays and the Municipality may temporarily close a library or any part thereof for such period as the Municipality deems necessary: Provided that the official notice of the Municipality's intention is displayed on the notice board seven days before the actual closing.

14. Posting of by-laws in the library

The librarian must place a copy of this by-law in a prominent place in the library and direct the attention of a user of the library thereto.

15. Request for material not available in the library

A borrower may on the prescribed form apply for library material which is not available in the library and the librarian may, if he deems it necessary, make arrangements to obtain it at a fee as determined by the Council from time to time by way of resolution.

16. Reference section or legal deposit section

- (1) No person shall be permitted to borrow library material from the collection of reference or the legal deposit section of the library.
- (2) Any person consulting library material or the legal deposit publication shall do so at the place indicated by the librarian.
- (3) Any person using library material from the reference or legal deposit section shall return such item when so requested by the librarian.

17. Conduct or behaviour not allowed in the library

No person must –

- (a) smoke in the library or any of its associate buildings;
 - (b) make use of a cell phone in a library to conduct a conversation or for any other reason, or fail to switch off any cell phone in his or her possession upon entering the library;
 - (c) conduct or participate in a conversation, read aloud, sing or whistle in the library in a manner which is disturbing to other persons present in the library building;
 - (d) impede, obstruct, disturb or in any other way annoy any other person in the legitimate use of the library;
 - (e) refuse to deliver any library material to the librarian within a reasonable time after being requested thereto verbally or telephonically;
 - (f) allow any child under his or her supervision to create a disturbance in the library;
 - (g) act in an uncouth or disorderly fashion;
 - (h) use unseemly, abusive or blasphemous language;
 - (i) lay a bet or gamble in any part of the library;
 - (j) recline, sleep, loiter or partake of refreshments in the library;
 - (k) cause or permit any animal under his or her supervision to enter or remain in the library;
 - (l) while using the library, refuse to comply with any lawful request of the librarian;
 - (m) bring any vehicle, carrier or container into the library without the permission of the librarian;
 - (n) distribute or deposit in the library for distribution, material for advertisement, publicity or any other purpose without the permission of the librarian;
 - (o) damage or deface any part of the library or any fitting, furniture equipment or contents thereof; supply a false name and address for the purpose of entering any part of the library or to benefit from any service rendered by the library;
 - (q) enter or remain in any part of the library if he or she is –
 - (i) unclean on body or dress,
 - (ii) suffering from a contagious or infectious disease notifiable in terms of any law, or
 - (iii) under the influence of intoxicating liquor or drugs;
 - (r) enter or remain in any part of the library during the hours that such a library or part thereof is not officially open for service to the public;
 - (s) enter or leave the library by an entrance or exit not officially provided for the use of the public;
 - (t) enter or remain in any part of the library which is reserved for the use of the library staff;
 - (u) obstruct or block any entrance to or exit from the library;
 - (v) remove from the library or be in the possession of library material the whereof the lending has not been registered by the librarian in terms of these by-laws;
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(u) bring his or her bags, food and refreshments in to the library.

18. Offences and penalties

- (1) Any person contravening or failing to comply with any provisions of this by-law is guilty of an offence.
- (2) Such a person may be removed from the library by the librarian or by a person called upon thereto by the librarian.
- (3) Or may upon conviction, be liable to a fine not exceeding R2000 or, in default of payment, to imprisonment not exceeding the period of five(5) days or both such fine and imprisonment .
- (4) In the case of continuous offence, to an additional fine of five hundred rand (R500.00) or additional imprisonment of one (1) day for each day on which the offence continues, or his membership or use or access to municipal libraries be cancelled or denied for the period of five years.

19. Repeal

The following regulations are hereby repealed:

- (1) The Bloemfontein Library regulations promulgated under Administrator's Notice No. 96 of June 26, 1992, as amended;
- (2) The Library Regulations of the former Municipal Council of Bainsvlei as promulgated by Administrator's Notice No. 44 of March 25, 1988,
- (3) The By-laws relating to the Control of Libraries as promulgated by Administrator's Notice No. 2610 of December 2, 1983, or
- (4) Any by -laws relating to libraries adopted by the former municipalities now forming part of the Municipality are repealed from the date of promulgation of this By-law.

20. Short title and commencement

This By-law is called **Mangaung Libraries By-law** and comes into operation on the date of promulgation thereof in the Provincial Gazette.

[PROVINCIAL NOTICE NO.109 OF 2016]

MANGAUNG METROPOLITAN MUNICIPALITY PROMULGATION NOTICE

Informal Trading By-law Passed by Council, 5 May 2016

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the new set of Informal Trading By-laws, at its sitting dated 05 June 2016.
- 2) The by-laws are published for the purpose of general public notification.

Adv. Tankiso Mea
Acting City Manager

INFORMAL TRADING BY-LAW

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1. Definitions and Interpretation

1.1 In this By-law;

- (a) the singular includes the plural and vice versa;
- (b) words and expressions denoting the male sex includes the female sex and vice versa ;
- (c) reference to natural person shall include juristic person and vice versa;
- (d) a reference to any legislation shall be a reference to that legislation and the regulations promulgated thereunder;
- (e) any words or expressions to which a meaning has been assigned in the Businesses Act, 1991 (Act No. 71 of 1991), have a corresponding meaning; and unless the context otherwise indicates:-

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

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

"authorised officer/official" means-

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

"Council" means the Council of Mangaung Metropolitan Municipality and includes any duly authorised political structure, political office bearer, councillor and official thereof;

"designated area" means an area prescribed by the Municipality as the area at which informal trading can be conducted;

"foodstuff" means any article or substance, except a drug as defined in the Drugs and Drug Trafficking Act, 1992(Act No 140 of 1992), ordinarily eaten or drunk by persons or purporting to be suitable or manufactured or sold for human consumption and includes any part or ingredient of any such article or substance or any substance used or intended or destined to be used as a part or ingredient of any such article or substance or any substance used or intended or destined to be used as part or ingredient of any such article or substance as defined in the Food Cosmetics and Disinfectants Act, 1972 (Act No. 54 of 1972.

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

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

"informal trader" means a person who is engaged in informal trading;

"informal trading" means the selling of goods and/or services by informal trader in the designated area in terms of the provisions of this By-law;

"informal trading card permit" means a card issued by the Municipality to informal trader identifying him/her and the informal trading site from where he may conduct informal trading;

"informal trading furniture" means any furniture installed by the Municipality or an informal trader

"informal trading site" means a site in a public place, determined and approved by the Council, from where informal trading may be conducted;

"intersection" means an intersection as defined in the regulations promulgated in terms of the Traffic Act;

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

"Municipality" means Mangaung Metropolitan Municipality established by the Provincial Notice No. 261 of 28 March 2011, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

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

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

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

"public building" means a building belonging to or occupied solely by a sphere of government and includes the Municipality;

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

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

"public road" means, as defined in Traffic Act, any road, street or thoroughfare or any other place commonly used by the public or any section thereof or to which the public or any section thereof has a right of access;

"rental" means an amount payable by an informal trader for the leased trading site in the designated area as agreed between the Municipality and the informal trader;

"roadway" means, as defined in the Traffic Act, the portion of a road, street or thoroughfare improved, constructed or intended for vehicular traffic, which is between the edges of the roadway;;

"sell" includes –

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

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

"sidewalk" means, as defined in the Traffic Act, the portion of a verge intended for the exclusive use of pedestrians;

"shoulder" means, as defined in the Traffic Act, the portion of the road, street or thoroughfare between the edge of the roadway and the kerb line;

"special events" means events that occur from time to time, including, without limitation, sports games, music festivals, religious, social, cultural or political gatherings;

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

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

"verge" means, as defined in the Traffic Act, the portion of a road, street or thoroughfare, including the sidewalk, which is not the roadway on the shoulder;

1.2 For the purpose of this by-law a single act of selling in a street, public road, public place or similar area or place constitutes informal trading.

2. Purpose of By-law

2.1 The purpose is to regulate informal trading within the area of jurisdiction of the Municipality in order to –

- (a) ensure that informal trading is conducted in a legal and orderly manner;
- (b) open job and entrepreneurial opportunities in the informal trading sector;
- (c) promote the good relations between the informal and formal trading sectors;
- (d) ensure the good environmental health and safety of the public.

3. Application of By-law

3.1 This By-law is applicable within the area of jurisdiction of the Municipality and is binding on every person conducting informal trading therein.

4. Forms of Informal Trading

4.1 Informal Trading includes, but not limited to, any of the following forms of trading:

- (a) street trading, which comprises the selling of goods or supply of services for reward in a public road;
 - (b) trading in pedestrian malls;
 - (c) trading at markets;
 - (d) trading at transport interchange;
 - (e) trading in public open spaces;
 - (f) mobile trading such as from caravans and light motor vehicles;
-

- (g) roving traders;
- (h) trading in stalls or kiosks; and
- (i) trading at special events.

5. Applications for Informal Trading

5.1 Application Forms

A person who wants to do informal trading within the jurisdictional area of the Municipality must apply to the Municipality on prescribed forms available at Municipal offices.

- (a) The Municipality will consider the application within the period of ten (10) working days upon the date of the receipt of the application forms.
- (b) For the application to be considered, the applicant must complete the forms fully, and attach to the forms the relevant documents mentioned subsection (5.3) below.

5.2 Identity Trading Card Permits

5.2.1 The following types of trading cards and the validity periods thereof shall be issued by the Municipality:

- (a) *Street Trading Card Permit*: valid for period of one (1) year calendar month.
- (b) *Mobile Trading Card Permit*: valid for period of one (1) year calendar month.
- (c) *Special Event Trading Card Permit*: valid for the duration of the special event.
- (d) *Seasonal Trading Card Permit*: valid for period of three (3) months.

5.2.2 The following terms and conditions apply to the trading card permits and the trading sites issued and allocated by the Municipality respectively:

- (a) trading card permit can only be issued by the Municipality upon the payment of the prescribed fee determined by Council from time to time;
- (a) every informal trader must, at all times, be in possession of the trading card permit whenever he is conducting business;
- (b) trading card permit and trading sites remain, at all times, the property of the Municipality;
- (c) trading card permit is not transferrable and however, the trading site can transferrable through the permission by the Municipality;
- (d) an informal trade must at all times be in a position to produce the trading card permit on demand by the authorised officer when he is engaged in trading;
- (e) if the trading card permit gets lost or accidentally or unwillingly damaged or destroyed the informal trader must immediately report the loss, damage or destruction thereof to the Municipality;
- (f) the Municipality may reduce, extend and or disestablish any trading site. At least 30 days written notice should be given to an informal trader to vacate a site that will be disestablished and the Municipality is under no obligation to offer any alternative site in this regard;
- (g) informal trader may not be allowed to have more than one (1) informal trading site;
- (h) any informal trading on the trading site may be temporarily suspended during the special events, should circumstances so warrant;

5.3 Requirements for Applicants

An applicant should meet the following requirements:

- (a) *South African Identity Document*, if he/she is a South African citizen;
- (b) *Proof of Residence*, if he/she is a Mangaung resident;
- (c) *Original Copy of Asylum Document or Temporary Resident Permit* issued by the South African Department of Home Affairs, if he/she is a foreign national;
- (d) He/she must not be employed by the Municipality, its entities or any organ of the State;
- (e) He/she must be eighteen (18) years old or above.

5.4 Approval of Application

- (a) Once the application has been approved by the relevant Head of Department or his designee, an applicant will be notified of the approval within the period of five (5) working days, and the relevant trading card permit will be issued to the informal trader.
- (b) Informal trader is not permitted to trade until he receives his identity trading card permit and the trading site has been allocated to him.

5.5 Disapproval of Application

- (a) If the Municipality, by the Head of Department or his designee, has decided to disapprove the application, the applicant will be notified of the decision to disapprove his application within the period of five (5) working days.
- (b) The applicant will be provided with written reasons for the disapproval, and the decision can be in terms of the provisions of this By-law or its regulations or in terms of any legislation applicable or circumstances warranting the Municipality to arrive at such decision.

5.6 Appeal against Disapproval

- (a) The applicant whose application has been disapproved has the right to appeal against decision.
 - (b) The affected applicant must lodge his appeal with the City Manager within the period of fourteen (14) days upon the receipt of the notice of the disapproval.
 - (c) The City Manager must considered and decide on the appeal within the period of fifteen (15) working days.
 - (d) The decision by the City Manager is final and binding.
-

6. Allocation or Lease of Sites

- 6.1 If the application has been successful:
- (a) In respect of lease, the Municipality may erect structures on informal trading sites and such structures shall be leased on a monthly basis to the informal trader to whom the site have been allocated.
 - (i) A lease agreement should be produced at the request of an authorised official.
 - (b) In respect of non-lease, the Municipality will allocate an applicant with an informal trading site after issuing of the informal trading card permit and the payment of the prescribed fees determined by the Council from time to time.

7. Trading Days and Hours

- 7.1 The following trading days and hours, excluding public holidays and days of special events, apply in respect of informal trading in terms of this by-laws:

| Day | Hours |
|-----------------|---------------|
| Monday – Friday | 07H00 – 18H00 |
| Saturdays | 07H00 – 15H00 |
| Sundays | 07H00 – 13H00 |

- 7.2 Trading hours on public holidays shall be regarded as trading hours of Sundays. In other words, trading hours is allowed between 07H00 and 13H00.
 On special event days, the Municipality may prescribe trading hours as it deems necessary for the purposes of or considering the nature and duration of hours of the event.

8. Hygiene Requirements

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

9. Prohibited and Restricted Areas

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

10. Prohibited Conduct

- 10.1 No person must carry on the business of an informal trader:-
- (a) at a place or in an area declared by the Council in terms of section 6A(2)(a) of the Act as a place or area in which informal trading is prohibited;
 - (b) in a garden or a park to which the public has a right of access;
 - (c) on a verge contiguous to -
 - (i) a building belonging to, or occupied solely by, the State or the Municipality;
 - (ii) a church or other place of worship;
 - (iii) a building declared to be a Public monument;
 - (iv) an auto-teller bank machine;

- (d) at a place where it causes an obstruction in front of –
 - (i) a fire hydrant;
 - (ii) an entrance to or exit from a building;
- (e) at a place where it could obstruct vehicular traffic;
- (f) at a place where it could substantially obstruct a pedestrian in his or her use of the sidewalk;
- (g) on that half of a public road contiguous to a building used for residential purposes, if the owner or person in control, or any occupier of that building objects thereto and such objection is made known to the informal trader by an authorised officer;
- (h) on a stand, or in any area demarcated by Municipality in terms of section 6A(3)(b) of the Act, if he or she is not in possession of a written proof that he or she has hired such stand or area from the Municipality, or that such stand has otherwise been allocated to him or her ;
- (i) within 5 (five) meters of any intersection; and
- (j) on a sidewalk contiguous to a building in which business is being carried on by any person who sells goods of the same or of a similar nature to the goods being sold on such sidewalk by the informal trader, if the goods are sold without the prior consent of such person and an authorised officer has informed the informal trader that such consent does not exist.

10.2 A person who has hired a site from, or been allocated a site by the Municipality, may not trade in contravention of the terms and conditions of such lease or allocation.

11. Restricted Conduct

11.1 A person carrying on the business of an informal trader –

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

- (v) may not carry on such business in a place or area in contravention of any prohibition or restriction approved by the Council in terms of section 6A(2)(a) of the Act.

12. Prohibited Goods

12.1 The following goods must not be sold by informal traders:

- (a) any form of alcohol or alcoholic drinks;
- (b) vehicles, trailers or caravans;
- (c) any noxious or smelly substance or article that may cause a nuisance;
- (d) pesticides, insecticides, poisonous and, or hazardous substances;
- (e) any counterfeit goods or articles;
- (i) drugs;
- (j) guns and similar dangerous weapons;
- (k) endangered species;
- (l) any goods on embargo;
- (m) protected ornaments and artwork pieces; and
- (n) any goods prohibited by any piece of legislation, e.g selling of beer or cigarette to persons under the age prohibited.

12.2 The following goods may not be sold by informal traders, except with the prior written permission of the Municipality:

- (a) live-stock;
- (b) pets;
- (c) reptiles;
- (d) birds;
- (e) rabbits;
- (f) wild animals;
- (g) poultry;
- (h) raw meat or fish;
- (i) milk;
- (j) yoghurt;
- (k) cosmetics; and
- (l) clay soil.

13. Cancellation or Suspension of Informal Trading Card Permit

13.1 The Council may cancel or suspend the informal trader's trading card permit if:

- (a) an informal trader fails to pay any prescribed fees, as determined in terms of this By-law, to the Municipality within a prescribed time, and
- (b) the informal trader is found guilty of a contravention of any provision of this By-law and any other piece of legislation upon which this By-law is based.

14. Removal and Impoundment

14.1 An authorised official may remove and impound any property, except perishable foodstuffs, of an informal trader-

- (a) which he or she reasonably suspects is being used or which intended to be used or has been used in or in connection with informal trading; and
- (b) which he or she finds at a place where informal trading is restricted or prohibited and which constitutes an infringement of any such restriction or prohibition whether or not such property is in possession or under the control of any person at the time of such removal or impoundment.

14.2 Any authorised official acting in terms of subsection (14.1) above must, except where goods have been left or abandoned, issue to the person carrying on the business of an informal trader, a receipt for any property so removed and impounded, which receipt must -

- (i) itemise the property to be removed and impounded;
- (ii) provide the address where the impounded property will be kept, and the period thereof;
- (iii) state the conditions for the release of the impounded property;
- (iv) state the terms and conditions relating to the sale of unclaimed property by public auction; and
- (v) provide the name and address of a municipal official to whom any representations regarding the impoundment may be made, and the date and time by which this must be done.

14.3 If any property about to be impounded is attached to any immovable property or a structure, and such property is under the apparent control of a person present thereat, any authorised officer may order such person to remove the property, and if such person refuses or fails to comply, he or she is guilty of an offence.

14.4 When any person fails to comply with an order to remove the property referred to in subsection (14.3), any authorised officer may take such steps as may be necessary to remove such property.

14.5 Perishable foodstuffs must be retained by the informal trader who must immediately remove such foodstuffs from the prohibited trading area.

14.6 The Municipality may provide storage facilities for the storage of any property impounded in terms of this By-law.

14.7 Goods impounded may be returned to a street trader after payment of the determined fines and prescribed fees levied for impounding and storing, except if a magistrate makes another ruling in this regard.

- 14.8 The Municipality may get rid of any impounded and stored goods, after the period of seven (7) days of the date of the impoundment, which have not been claimed and collected from the Municipality after the due processes, in terms of subsections (14.6) and (14.7) have been followed.
- 14.9 Any authorised officer shall not be liable for any loss or theft of or damage to any goods removed and impounded or got rid of in terms of this By-law.

15. Vicarious Liability

- 15.1 When an employee or agent of an informal trader contravenes a provision of this by-law, the informal trader is deemed to have committed the contravention himself unless he she satisfies the court that he she took reasonable steps to prevent such contravention.
- 15.2 The fact that the informal trader issued instructions to the employee or agent, prohibiting such contravention, does not in itself constitute sufficient proof of such reasonable steps.

16. Offences and Penalties

- 16.1 A person who -
- (a) contravenes any provision of this by-law or fails to comply therewith or with any condition imposed in terms thereof;
 - (b) threatens, resists, interferes with or obstructs any authorised officer in the performance of his duties or functions in terms of or under this by-law;
 - (c) deliberately furnishes false or misleading information or offering a bribe to an authorised officer;
 - (d) fails to comply with an instruction from an authorised officer to move or remove his or her goods, receptacles structures, litter or refuse;
 - (e) fails to comply with any condition granted or imposed in terms of this by-law;
 - (f) ignores, disregards or disobey any notice, sign or marking displayed or erected for purposes of this by-law,
- shall be guilty of an offence and shall upon conviction by a court be liable to a fine not exceeding R 10 000-00, or imprisonment for a period not exceeding one (1) year or both a fine as well as period of imprisonment, or such other fine or period of imprisonment which the Minister of Justice may from time to time determine in terms of the provisions of section 92 of the Magistrate's Courts Act, 1944 (Act No 32 of 1944)
- 16.2 Any person who, after conviction in terms of this by-law, persists in the conduct or neglect which caused the offence shall be guilty of a continuing offence and liable to a fine of at least R500 per day for each ensuing day that the contravention persists.
- 16.3 Any expenses incurred by the Municipality as a result of a contravention of this by-law or in the doing of anything which a person was directed to do under this By-law and which he failed to do, may be recovered by the Municipality from the person who committed the contravention or who failed to do such thing.

17. Informal Trading Regulations

- 17.1 The Council may make regulations in respect of:
- (a) declaring any area to be an area in which informal trading is restricted or prohibited, and putting signs, markings or other devices indicating such declaration;
 - (b) setting apart and demarcating sites or areas for the purposes of informal trading and the extension, reduction or disestablishment thereof;
 - (c) the disposal of any property removed and impounded, and the liability of any person for any reasonable expenses incurred in connection with such removal, impoundment and storage of the property;
 - (d) the prescription of penalties for the offences committed and the amendment of such penalties from time to time;
 - (e) any matter which may be prescribed in terms of this By-law and any matter which may facilitate the implementation and enforcement of this By-law.
- 17.2 The Municipality must follow the legislative process of public engagement, in terms of the Local Government: Municipal Systems Act of 2000, by:
- (a) publishing in the local newspaper(s) or local radio station(s) a notice calling for public comments on the draft regulations for a period of not less than fourteen (14) days before the Council can consider and pass the regulations, and
 - (b) the passed regulations must be promulgated in the Provincial Gazette for the purposes of enforcement.

18. Repeal of By-laws

- 18.1 The Street Trading By-law as promulgated in the Local Government Notice No. 4 of 20 January 2006 is hereby repealed.

19. Short Title and Commencement

- 19.1 This By-law is called **Mangaung Informal Trading By-law** and comes into operation on the date of publication in the *Provincial Gazette*.
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[PROVINCIAL NOTICE NO.110 OF 2016]

**MANGAUNG METROPOLITAN MUNICIPALITY
PROMULGATION NOTICE**

**Keeping of Animals, Poultry and Bees By-law
Passed by Council, 5 May 2016**

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the new set of Keeping of Animals, Poultry and Bees By-laws, at its sitting dated 05 June 2016.
- 2) The by-laws are published for the purpose of general public notification.

Adv. Tankiso Mea
Acting City Manager

KEEPING OF ANIMALS, POULTRY AND BEES BY-LAW

**CHAPTER 1
INTERPRETATION, PURPOSE AND SCOPE**

1. Definitions

In this By-law, unless the context otherwise indicates –

“**Act**” refers to Animals Protection Act, 1962 (Act No. 71 of 1962);

“**Animal**” means horse, pony, mule, donkey, cattle, pig, sheep, goat, camel, reptile, dog, cat or other domestic animal, indigenous animal and other wild or exotic animal;

“**Authorised Official**” means an officer authorised in terms of the Animals Protection Act, 1962 (Act No. 71 of 1962) and any official of the Municipality who has been authorised by the Municipality to enforce the provisions of this By-Law;

Breeder means a person who owns or keeps animals for the purpose of or with the intention of breeding from them;

“**Council**” means the Council of the Mangaung Metropolitan Municipality or any political structure, political office bearer, councillor or any staff member acting under council’s delegated or sub-delegated power;

“**Dwelling house**” means a single building designed for use as a residence for a single family situated on premises containing not more than two such buildings;

“**Dwelling unit**” means an inter-connected suite of rooms including a kitchen or scullery designed for occupation by a single family, other than a dwelling house, irrespective of whether such unit is a single building or forms part of a building containing two or more such units;

“**Feral animal**” means an animal existing in a wild, untamed state;

“**Nuisance**” means any activity, condition, premises or thing which, on account of effluent, vapours, chemical effluvia, odours, noise, vibration, radiation, refuse, waste products, dirt, chemical or biochemical material, microbial infection, vermin, vegetation, overcrowding, lack of proper general hygiene, ventilation, lighting, design, situation or on account of any other cause or practice whatsoever, is / are potentially injurious or dangerous to health or which is /are offensive, including, without affecting the generality of the afore-going, any facility for the storage, distribution or handling of water that is likely to be used by man for domestic purposes or consumption, including such water itself, which is contaminated or polluted;

“**Large dwelling house**” means a dwelling house on an erf of more than six hundred square metres;

“**Municipality**” means Mangaung Metropolitan Municipality established by the Provincial Notice No. 261 of 28 March 2011, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“**Owner**” means every person who

- a) owns the animal;
- b) is the parent or guardian of a person under the age of 17 years who;
 - i) is the owner under point (a) of this definition; and
 - ii) is a member of the parent or guardian’s household living with and dependant on the parent or guardian
- c) gives substance, harbours, shelters or protects the animal; or

d) is the registered owner of the land that the animal is kept on; and in relation to a dog, cat or working equine, “owner” includes any person having the possession, charge, custody or control of that dog, cat or working equine;

“Permit” means the written permission granted by the Council or Municipality in terms of this Bylaw;

“Person” means any natural and/or juristic person;

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

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

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

“Poultry” includes any domesticated or farmed bird including but not limited to, chickens, ducks, geese, turkeys, swans, peafowl, pigeons, parrots, turkey, doves and all other types of domestic or fancy birds.

“Pound” means a place designated by the Municipality in terms of any law for the impounding, sale and destruction of animals and includes the premises of the any animal welfare organisations recognised by the Council;

“Pound master” means a person who has been appointed by the Municipality to be in charge of a pound;

“Premises” means any building, tent or any other structure, together with the land on which the same is situated and the adjoining land used in connection therewith and any land without buildings or tents, and includes any vehicle, conveyance, ship or boat;

“Public place” and “Public street” means public place and public street as defined in other By-laws of the Municipality

“Semi-domesticated animal” means an animal that lives around human habitation and has their needs partly or indirectly supplied by human activities (including obtaining food from human carers).

“Sentience” is the ability to feel, perceive or experience subjectively and the recognition of an emotional dimension. The concept is central to the philosophy of animal freedoms because sentience is necessary for the ability to suffer;

“Structure” means any stable, shed, pigsty, kraal, aviary, paddock, covering structure, poultry house, enclosure, run, loft or building, used for the keeping, housing or enclosing of animals and poultry;

“Unreasonable Noise” relates to noise under human control that unreasonably interferes with the peace, comfort or convenience of persons;

“Working equine” means a horse, donkey, mule or ass that is fit for pulling an animal drawn vehicle used for financial gain.

2. Purpose of Bylaw

2.1 The purpose of this By-law is to:

- a) protect public from different types of nuisance, danger and outbreak of diseases;
- b) curbing over-population of animals by regulating places, numbers and kinds of animals that may be kept;
- c) provide for a system to regulate the keeping of poultry and bees;
- d) protect animals from cruelty within the area of jurisdiction of the Municipality, and to provide for matters incidental thereto.

3. Scope of Application

3.1 This Bylaw is applicable to anyone who is keeping animals, poultry and bees or such are under his/her control within the area of jurisdiction of the Municipality.

3.2 The provisions of this By-law do not apply to –

- (a) any bona fide farm;
- (b) the keeping of cows for commercial milk production;
- (c) any agricultural show where animals, poultry or birds are kept on a temporary basis;
- (d) any laboratory where animals, poultry or birds are kept for research purposes;
- (e) the temporary keeping of goat(s) on any land for the provision of milk for medical reasons; provided that the Authorised Official may, if he or she is satisfied that the application of one or more provisions of this By-law is essential in the interest of public health and safety, by notice to the person concerned, require such provision to be complied with.

4. Animal Sentience

- 4.1 Within the area of jurisdiction of the Municipality, non-human animals are accepted as sentience beings, able to feel the same pain and emotions as humans.
- 4.2 Within the area of jurisdiction of the Municipality non-human animals are afforded the following five universal freedoms:
- Freedom from hunger or thirst* by ready access to fresh water and a diet to maintain full health and vigour;
 - Freedom from discomfort* by providing an appropriate environment including shelter and a comfortable resting area;
 - Freedom from pain, injury or disease* by prevention or rapid diagnosis and treatment;
 - Freedom to express normal behaviour* by providing sufficient space, proper facilities and company of the animal's own kind; and
 - Freedom from fear and distress* by ensuring conditions and treatment which avoid mental suffering.

5. Requirements for Keeping of Animals, Poultry and Bees

- 5.1 All animals must be kept in such a way as to comply with the provisions of the Act.
- 5.2 No person shall keep or harbour any animal so as to be, or be likely to be injurious to health or a nuisance to others.
- 5.3 No person shall stack or store any offensive matter within 50 metres from any dwelling, or wholly or partly occupied building, street, public place, or the boundary of any occupied adjoining property; in such a way whatsoever as to be or likely to become a nuisance, dangerous to health, or offensive.
- 5.4 No person shall convey any material or substance emitting an offensive smell, along any street or public place, or store any such material or substance on any property unless it is contained in impervious receptacles with close-fitting covers sufficient to prevent the escape of effluvia, or prevent access of insect or vermin pests.
- 5.5 No person shall keep any poultry or animal, which causes unreasonable noise to residents in the neighbourhood, as determined by an Authorised Officer.
- 5.6 No rooster, gander or peacock may be kept in urban areas.
- 5.7 No person shall establish or maintain any veterinary clinic, hospital, boarding, or breeding kennel for dogs or any other animal, except on a site approved by the Council by resolution and subject to such conditions as may be prescribed by the Council.
- 5.8 No person shall provide sustenance, harbourage or comfort to feral or semi domesticated animals so as to cause them to become a nuisance to other persons.
- 5.9 Where feral or semi domesticated animal(s) cause a nuisance, the owner of the property from which such animals emanate shall be required to abate the nuisance caused by the animal(s). Actions may include but are not limited to:
- claiming the animal(s) as a domestic owned pet and keep it in such a state as to abate any nuisance;
 - permanently removing it so it no longer causes a nuisance to others; or
 - the Municipality removing feral or semi-domesticated animals causing a nuisance, and claim costs from the owner or person giving sustenance, harbourage or comfort.
- 5.10 Breeding of animals is considered under this Bylaw to be a commercial activity and if, in the opinion of an Authorised Officer, any breeding facility creates a nuisance by the keeping of animals, the Municipality may, by written notice to the breeder, owner or occupier, require the breeder, owner or occupier to abate the nuisance.
- 5.11 Every animal house shall be constructed in accordance with, inter alia, the following conditions:
- The roof of the facility shall be watertight.
 - The walls of the facility shall be constructed to prevent the accumulation of filth and the surface can be easily cleaned.
 - The floor of the facility shall be of concrete or other approved impervious material finished to a smooth even surface.
 - The facility shall be adequately graded and drained and shall be kept at all times clean and dry and in good repair.
- 5.12 No person may terrify or cause stress or fear to any animal with fireworks or by any other means.
- 5.13 No person must hawk any other animal.
- 5.14 Although some provisions in this By-law apply to certain type of animal, such provisions also apply to other types of animals, poultry and bees so as to ensure that the objectives of provisions of chapter 1, 8, 9 and 10 are achieved and complied with.

**CHAPTER 2
KEEPING OF DOGS**

6. Prohibitions against Keeping of Dogs

- 6.1 No person shall –
- permit any bitch on heat owned or kept by him or her to be in any public street or public place.
 - urge any dog to attack, worry or frighten any person or animal or through negligence fail to prevent any dog from attacking, worrying or frightening any person or animal, except where necessary for the defence of such first-mentioned person or his or her property or of any other person;
 - keep any dog which causes damage to public property;
 - keep any dog the faeces of which he or she fails to remove regularly and dispose of suitably;
 - keep any dog which barks, yelps, howls or whines for more than six accumulated minutes in an hour or more than three accumulated minutes in an half hour;
 - keep any dog which is starved or under-fed or denied water or adequate shelter;
 - keep any dog which causes a nuisance to inhabitants of the neighbourhood by –
 - having acquired the habit of charging any vehicle, animals, poultry, pigeons or persons outside any premises where it is kept; or
 - by misbehaving in any other manner;
-

- (h) permit any dog owned or kept by him or her –
 - i. to be in any public street or public place while suffering from mange or any other infectious or contagious disease and cannot prove that the dog is under treatment by a registered veterinarian and is no longer a public health hazard;
 - ii. which is in the assessment of the authorised official ferocious, vicious or dangerous to be in any public street or public place, unless it is humanely muzzled and held on a leash and under control;
 - iii. to trespass on private property;
 - iv. to constitute a hazard to traffic using any public street;
 - v. to constitute or to his or her knowledge be likely to constitute a source of danger or injury to any person outside the premises on which such dog is kept;
 - vi. to be in any public street or public place except on a leash and under control unless the dog is in an area designated by the Council as a free running area;
- (i) keep any dog which does not have on its collar or micro-chip a name, telephone number and physical address or reference to a society for the prevention of cruelty to animals or registered animal welfare organisation;
- (j) provoke, harass or tease any dog.
- (k) keep a dog that is not up to date with its inoculations.

7. Restriction on Number of Dogs

- 7.1 The Council may determine the number of dogs that may be kept on any premises.
- 7.2 In the absence of a determination made in terms of the provisions of subsection (1) and subject to the provisions of subsections (3) and (4), no person may keep more than –
- (a) two dogs, or allow more than two dogs, over the age of six months, to be kept in or at a dwelling unit;
 - (b) three dogs, or allow more than three dogs, over the age of six months, to be kept in or at a dwelling house;
 - (c) four dogs, or allow more than four dogs, over the age of six months, to be kept in or at a large dwelling house;
 - (d) five dogs, or allow more than five dogs, over the age of six months, to be kept on an agricultural property;
- 7.3 Subsection (2) does not apply to any person who –
- (a) is the holder of a permit issued in terms of section 9 to keep a greater number of dogs;
 - (b) is the holder of a permit to keep kennels;
 - (c) is the owner or manager or is in charge of, a pet shop and who has written proof that all the dogs under the control of such owner or manager have been vaccinated against canine distemper, hepatitis, kennel cough and parvovirus;
 - (d) is the owner or is in charge of premises where guide dogs are being kept or trained; and such guide dogs are kept or trained under the auspices of the SA Guide Dogs Association;
 - (e) is the owner or manager of a veterinary clinic; or
 - (f) is in charge of dogs owned by the South African Police Service or the South African Defence Force, and are kept for operational purposes;
 - (g) operates a pound.
- 7.4 A person whose permit to keep a dog has been cancelled or who has previously had a dog removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of an animal in his or her care, may not keep a dog, unless the Council determines otherwise.

8. Dog Registration and Licensing

- 8.1 The owner of a property where one or more dogs are kept must register the dog or dogs with the Municipality.
- 8.2 Dog registration must take place within four months of the dog's birth or within 30 days of acquiring a dog on property within the Municipality's jurisdictional boundaries.
- 8.3 An annual license fee may be levied by the Council in respect of breeders of dogs and a reduced license fee may apply for sterilized dogs.

9. Permits to Keep more Dogs than the Prescribed Number

- 9.1 Any person who wants to keep a greater number of dogs on premises than the number permitted in terms of section 7.2, must apply to the Municipality for a permit.
- 9.2 An application in terms of subsection (1) must be in writing on a prescribed form. An annual license fee as determined by the Council becomes payable per additional dog kept than the prescribed number.
- 9.3 The Municipality may require the applicant to provide any information which it considers relevant to enable it to make an informed decision.
- 9.4 The Municipality may refuse to consider an application in terms of subsection (1) in respect of which the provisions of subsection (2) have not been complied with or information contemplated in subsection (3), has not been furnished.
- 9.5 The Municipality may only consider an application in terms of subsection (1) after receipt of a written report from an Authorised Official –
- (a) as to whether the dog(s) for which the permit is required is likely to cause a public health hazard or the keeping of such dog may result in a contravention of section 6;
 - (b) setting out the results of an inspection of the premises on which the dog(s) concerned is being kept or is to be kept; and
 - (c) as to whether the applicant has previously had a dog removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of an animal in his or her care.
- 9.6 The Municipality may refuse an application in terms of subsection (1) or approve it subject to any conditions aimed at reducing the risk of any public health hazard created by the dogs on the premises concerned occurring, continuing or recurring or to reduce such risk to a level acceptable to the Council.
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- 9.7 In respect of any application approved in terms of subsection 9.6, an Authorised Official must issue a permit on a prescribed form specifying every condition imposed by the Municipality.
- 9.8 A permit is not transferable from one person to another or from the premises in respect of which it has been issued, to other premises.

10. Amendment, Suspension and Cancellation of Permits

- 10.1 The Municipality may, after consideration of a report and recommendation of an Authorised Official or veterinary surgeon, by written notice to the holder of a permit contemplated in section 9 –
- (a) amend, suspend or cancel that permit if it is satisfied that failure to do so would result in –
 - (i) the creation or continuation of a public health hazard; or
 - (ii) a continued contravention of any provision of section 6;
 - (b) with immediate effect amend, suspend or cancel that permit if
 - (i) such official is of the view that it is urgently necessary to do so to eliminate or reduce a significant risk to the public posed by a public health hazard or potential public health hazard; or
 - (ii) there is a criminal case pending against the permit holder or a civil case which the permit holder is a party to, involving an animal in his or her care.

11. Taking Dogs into Custody

- 11.1 Any person may on premises of which he or she is the owner or occupier, take into custody any dog found trespassing thereon or therein for the purpose of having it impounded.
- 11.2 Notwithstanding the provisions of subsections (1) and (2), no person may take any dog into custody for the purpose of having it impounded if there are reasonable grounds to believe that the dog is a female dog with unweaned young, unless such dog and unweaned young are taken into custody together.
- 11.3 Any person who has taken a dog into custody in terms of this section-
- (a) must ensure that the dog is not ill-treated; and
 - (b) may, when the pound is closed, keep the dog in his or her custody until the pound re-opens.
- 11.4 No person may free any dog which has been taken into custody by an Authorised Official, or is being kept in custody in terms of this section or which has been impounded.

12. Fencing of Premises

- 12.1 No person shall keep a dog if his or her premises are not properly and adequately fenced to keep such dog inside when it is not on a leash unless the dog is confined to the premises in some other manner, provided that such confinement is not inhumane in the assessment of the authorised official.

13. Rescue of Stray Dogs

- 13.1 A person who rescues a stray dog shall report the date and time of the rescue and a description of the dog to the Municipality within twenty four hours.

14. Dog not be a Source of Danger

- 14.1 Any person who keeps a dog on any premises shall keep such dog in such a manner as not to be a source of danger to:
- a) the Municipality's employees entering upon such premises for the purpose of carrying out their duties;
 - b) another person entering the premises, unless the person is a threat to premises or inhabitants thereon; or
 - c) another animal(s).
- 14.2 A notice to the effect that a dog is being kept on such premises shall be displayed in a conspicuous place at each access point to the premises.

15. Removal of Excrement

- 15.1 If any dog defecates in any public street, public place or public road, any person in control of such dog, excluding a person assisted by a guide dog, shall forthwith remove the excrement, place it in a plastic or paper bag or wrapper and dispose of it in a receptacle provided for the deposit of litter or refuse, excluding a person who is assisted by a guide dog.
- 15.2 No person shall walk a dog, other than a guide dog, in a public street, public place or public road, without carrying a sufficient number of plastic or paper bags or wrappers, within which to place the excrement of the dog, in the event of the dog defecating.

16. Sterilisation of Dogs

- 16.1 No person shall keep an unsterilized dog over the age of 6 months unless:
- (a) The person has been granted permission by the Municipality to keep kennels; or
 - (b) The person is the owner of a dog registered by any organization recognised by the Council;
 - (c) The person has received written permission from Municipality to keep and unsterilized animal.
- 16.2 An Authorised Official may cause a dog to be sterilized should he or she deem it necessary,
- (a) in the interests of the welfare of the dog;
 - (b) to prevent nuisance;
 - (c) when the dog is stray;
 - (d) on the request of the owner
- and the costs thereof may be recovered from the owner.
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- 16.3 The Municipality may issue written permission for an owner to keep an unsterilized dog upon receipt of a written application motivated by a registered veterinarian and such permission may be withdrawn by the Municipality after following due process.
- 16.4 The owner of a sterilized dog must obtain from a registered veterinarian proof that the dog has been sterilized and must produce such document for inspection to any authorised official on demand.

17. Designated Public Places as Free-running, On-leash or Off-limits

- 17.1 The Municipality may designate public places, with appropriate signage, as one or more of free-running, on-leash or off-limits and the designation may vary according to time of day and season.

**CHAPTER 3
KEEPING OF PIGS**

18. Prohibitions and Requirements for Keeping of Pigs

- 18.1 No person shall keep a pig in an urban area except with the approval of the Council by resolution.
- 18.2 In all other areas within the Municipality(excluding urban areas), no person shall construct or allow any pigsty to remain less than 50 metres from any dwelling, or any wholly or partly occupied building, or any street or public place or any place used for the preparation, storage, or sale of food for human consumption.
- 18.3 In all other areas within the Municipality, no person shall construct or allow any pigsty to remain less than 50 metres from any boundary of any adjoining property except with the written permission of the Municipality.
- 18.4 The floor of pigsties shall be graded to a fall of 1 in 25 and to a channel drain.
- 18.5 The effluent from such channel drains shall be discharged into a catch-pit or settling tank permitted by the Municipality and shall be disposed of in such a manner as to cause no nuisance or contamination of waterways.
- 18.6 No pig shall roam freely outside the boundary of the premise at which it is kept.

**CHAPTER 4
KEEPING OF CATS**

19. Restriction on Number of Cats

- 19.1 The Council may determine the number of cats that may be kept on any premises.
- 19.2 In the absence of a determination made in terms of the provisions of subsection (1) and subject to the provisions of subsections (3) and (4), no person may keep more than –
- (a) four cats, or allow more than four cats, over the age of six months to be kept on any premises;
 - (b) six cats, or allow more than six cats, to be kept on an agricultural property.
- 19.3 A person who has previously had a cat removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of an animal in his or her care may not keep a cat, unless the Council determines otherwise.
- 19.4 No person shall keep any cat which does not have on its collar or micro-chip a name, telephone number and physical address or reference to a society for the prevention of cruelty to animals or registered animal welfare organisation
- 19.5 No person shall keep cat that is not up to date with its inoculations.

20. Sterilization of Cats

- 20.1 No person shall keep a cat over the age of 6 months, other than a sterilized cat, unless
- (a) the person has been granted permission by the Municipality to keep a cattery; or
 - (b) the person has received written permission from the Municipality to keep an unsterilized cat.
- 20.2 An Authorised Official may cause a cat to be sterilized should he or she deem it necessary, or on the request of the owner and the costs thereof may be recovered from the owner.
- 20.3 The Municipality may issue written permission for an owner to keep an unsterilized cat upon receipt of a written application motivated by a registered veterinarian and such permission may be withdrawn by the Municipality after following due process.
- 20.4 The owner of a sterilized cat must obtain from a registered veterinarian proof that the cat has been sterilized and must produce such document for inspection to any Authorised Official on demand.

21. Cat Registration and Licensing

- 21.1 The owner of a property where one or more cats are kept must register the cat or cats with the Municipality.
- 21.2 Cat registration must take place within four months of the cat's birth or within 30 days of acquiring a cat on property within the Municipality's jurisdictional boundaries.
- 21.3 An annual license fee may be levied by the Council in respect of breeders of cats and a reduced license fee may apply for sterilized cats.

**CHAPTER 5
KEEPING OF POULTRY****22. Prohibitions and Requirements for Keeping of Poultry**

- 22.1 No person shall construct or allow any poultry house, poultry run, aviary or coop to remain less than five metres from any dwelling, or any wholly or partly occupied building, or any place used for the preparation, storage, or sale of food for human consumption, except with written permission from the Municipality.
- 22.2 No person shall construct or allow any poultry house, poultry run, aviary or coop to remain less than five metres from any boundary of any adjoining property except with written permission from the Municipality.
- 22.3 Except with the written permission of the Municipality not more than 12 head of poultry shall be kept in any poultry house, poultry run, aviary or coop.
- 22.4 No poultry shall roam freely outside the boundary of the premises at which it is kept.
- 22.5 Every poultry house, aviary or coop shall be maintained in good repair, in a clean condition and free from any offensive smell or overflow and free from vermin.
- 22.6 Every poultry house shall be properly constructed, covered with a rainproof roof and be constructed with a concrete floor or other material, adequately graded and drained and permitted by the Municipality.
- 22.7 Nothing in this clause contained shall prevent any person keeping poultry in an auction room or in any premises used for the killing and dressing of poultry for sale for not more than 48 hours for the purpose of sale, or keeping poultry on the premises in an approved type of coop for the purpose of immediate consumption, or from keeping poultry in a bird fancier's shop for the purpose of sale.

**CHAPTER 6
KEEPING OF BEES****23. Prohibitions and Requirements for Keeping of Bees**

- 23.1 A person must not keep bees unless he or she is the holder of a permit issued by the Municipality in the form and payment of the fee as determined by the Council.
- 23.2 A permit is not transferable and expires on the date on which the permit holder ceases to keep bees or the period for which a permit was issued.
- 23.3 A fee is not payable if the bees are kept in observation beehives for experimental or educational purposes only.
- 23.4 A permit issued under subsection 23.1 is valid up to the first ensuing 30th of June following the date of its issue.
- 23.5 A permit holder may, at least one month before the expiry of the permit, apply in writing to the Municipal Manager for the renewal of the permit.
- 23.6 The Municipal Manager can renew the permit on a form determined by the Municipality if he or she is satisfied that the permit holder complies with section 23.7 and paid the fee as determined in section 23.1.
- 23.7 (a) The Municipal Manager may at any time by notice served on a permit holder rescind the permit if there is convincing evidence, which on request has not been rebutted by the permit holder, that the permit holder does not comply with a provision of section 23(1) or that the keeping of the bees constitute a public nuisance or a threat to human or animal life.
- (b) A permit holder is not on account of the rescission of the permit under paragraph (a) entitled to a refund of any part of the fee paid in terms of section 23.1.
- 23.7 A permit to keep bees is subject to the following conditions –
- (a) that the bees must be kept in a bee-hive made of solid and weatherproof material and built in such a manner that honeycombs may be formed in frames that can be separated and removed from the bee-hive;
- (b) that the bee-hive must be kept at least 100 metres from any residence, business premises or place where animals or birds are kept; and
- (c) that the bee-hive must be surrounded by a wire fence, hedge or wall of at least 1,5 metres high and which is at least 5 metres from any part of the bee-hive.
- 23.8 The Municipality may at any time, after reasonable notice to a permit holder, inspect the premises concerned to ascertain whether the conditions of the permit are complied with.
- 23.9 If a person keeps bees on premises without a permit or contrary to a condition contemplated in section 23.7, the Municipality may serve a notice on the owner or occupant of the premises, to the effect that the bees must within the period stated in the notice be destroyed or removed to premises where they may be kept legally, otherwise they will be destroyed or removed by the Municipality and the costs related thereto will be recovered from such owner or occupant.
- 23.10 If the owner or occupant fails to comply with a notice contemplated in subsection 23.9, the Municipality may destroy or remove the bees and recover the costs related thereto from the owner or occupant concerned.
- 23.11 If the keeping of bees on premises constitutes a threat to human life, the Municipality may, on the authority of a warrant, destroy or remove the bees, without prior notice to the owner or occupant concerned, and recover the costs related thereto from such owner or occupant.
- 23.12 For the purposes of this section the owner or occupant of premises is also deemed to keep bees that have naturally settled on the premises concerned.
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CHAPTER 7 WORKING EQUINES

24. Permits to Keep Working Equines

- 24.1 (a) Any owner who wants to put to work a working equine, must apply to the Municipality for a permit, in respect of such working equine.
 (b) No more than one permit may be issued in respect of a working equine.
- 24.2 An application in terms of subsection (1) must be in writing on a prescribed form and must be accompanied by –
 (a) the prescribed fee;
 (b) documentary evidence that the working equine is suitable to pull animal drawn vehicle;
- 24.3 The Council may require the applicant to provide any further information which it considers relevant to enable it to make an informed decision.
- 24.4 The Council may refuse to consider an application in terms of subsection (1) in respect of which the provisions of subsection (2) have not been complied with or information contemplated in subsection (3), has not been furnished.
- 24.5 The Council may only consider an application in terms of subsection (1) after receipt of a written report from an Authorised Official –
 (a) as to whether the working equine for which the permit is required is likely to cause a nuisance in a public place or its use may result in a contravention of section 26;
 (b) setting out the results of an inspection of the working equine and its working circumstances; and
 (c) as to whether the applicant has previously had a working equine removed from his or her care or has a previous criminal conviction or civil judgment against him or her in respect of an animal in his or her care.
- 24.6 The Council may refuse an application in terms of subsection (1) or approve it subject to any conditions aimed at reducing the risk of nuisance in a public place occurring, continuing or recurring or to reduce such risk to a level acceptable to the Council.
- 24.7 A person who has applied for a permit in terms of subsection (1) may not work a working equine pending the outcome of such application, in the absence of a permit.
- 24.8 In respect of any application approved in terms of subsection (6), an Authorised Official must issue a permit on a prescribed form specifying every condition imposed by the Council.
- 24.9 A permit is not transferable from one owner to another.

25. Amendment, Suspension and Cancellation of Permits

- 25.1 The Council may, after consideration of a report and recommendation of an Authorised Official or veterinary surgeon, by written notice to the holder of a permit contemplated in section 24 –
 (a) amend, suspend or cancel that permit if it is satisfied that failure to do so would result in –
 (i) the creation or continuation of a nuisance in a public place; or
 (ii) a continued contravention of any provision of section 26;
 (b) with immediate effect amend, suspend or cancel that permit if such official is of the view that it is urgently necessary to do so to eliminate or reduce a significant risk to the public posed by a nuisance in a public place.

26. Control of Working Equines

- 26.1 No person putting to work a working equine shall –
 (a) permit the working equine to be in any public place whilst being incapable of pulling an animal drawn vehicle;
 (b) permit the working equine to constitute a hazard to traffic using any public street;
 (c) permit the working equine to constitute or to his or her knowledge be likely to constitute a source of danger or injury to any person using a public street;
 (d) permit the working equine to be in any public street or public place except when under his or her control;
 (e) work any working equine which does not have on the name, telephone number and address of its owner.
 (f) Permit any working equine to draw any vehicle, or use any harness which does not comply with the SABS standards and criteria which may be prescribed by Council from time to time.

CHAPTER 8 IMPOUNDMENT OF ANIMALS

27. Establishment of Pound

- 27.1 The Municipality may, for the purpose of impounding animals, establish a pound in its area of jurisdiction.
- 27.2 The Municipality may appoint any organisation or company as a service provider within its area of jurisdiction to constitute the duties of a pound master, if the municipal pound is not yet established.

28. Seizing and Impounding by Authorized Official

- 28.1 An authorised official may seize and impound any animal which –
 (a) in his or her opinion is suffering from incurable, infectious or contagious disease or is badly injured;
 (b) in his or her opinion constitutes a hazard to traffic using any public street;
 (c) is at large and apparently without an owner;
 (d) is found in any public place where such an animal is, in the opinion of the authorised official, not under proper control.
 (e) enters any premises while an authorised official is attempting to take it into custody;
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- (f) is starved or under-fed or denied water or adequate shelter;
- (g) is ferocious, vicious or dangerous; or
- (h) is being kept in contravention of any provision of this By-law.

29. Impoundment for Trespassing

- 29.1 Any person may impound an animal found abandoned upon any street, road, road reserve or other public place.
- 29.2 An Authorised Official or a person authorised thereto by the Municipality may, for the purpose of having a cat impounded, take into custody any cat which is being kept in contravention of section 19.

30. Pound to which Animals are to be Sent

- 30.1 Any proprietor upon whose land an animal is found trespassing may send such animal to such pound as is nearest by a passable road or thoroughfare to the land trespassed upon, or such other pound designated by the Municipality.

31. Offer by Owner before Impoundment

- 31.1 The owner of an animal liable to impoundment may, before the animal is removed from the property trespassed upon, offer to the person complaining of the trespassing a sum of money in compensation of the damage suffered by him, and such offer may be made to the complainant himself or to his servant or agent charged with the duty of taking the animal to the pound.

32. Receiving of Animals by Pound Master

- 32.1 It is the duty of every pound master to receive into his charge, for impoundment, all animals brought to his or her pound, during such hours as the municipality may determine.
- 32.1 Any pound master who unreasonably refuses or fails to receive animals brought to his pound as aforesaid commits an offence and is, in addition, liable for any damage caused to the owner of the said animals, or to any other person, by reason of such refusal or failure.

33. Receipt for Impounded Animals

- 33.1 A pound master must give the person delivering an animal into his charge a written receipt, indicating the number and description of the animal so delivered, and specifying the trespassing for which the animal, as reported, is to be impounded.

34. Number of Enclosures

- 34.1 A pound master must maintain in good repair and, as far as possible, free from all infection, separate enclosures for –
- (a) ostriches and horses;
 - (b) cattle;
 - (c) sheep, goats and pigs;
 - (d) dogs; and
 - (e) cats; or
 - (f) any other animal, which he/she thinks is proper to do so,
- provided that a Municipality may in regard to any pound in its area give permission to the pound master to maintain a smaller number of enclosures thereon.

35. Destruction of Dangerous or Contagious Animals

- 35.1 A pound master may cause to be destroyed any impounded animal suffering from a contagious disease, or which may prove dangerous to human life or other animals impounded, however, no such animal may be destroyed unless a veterinary surgeon, registered with the South African Veterinary Council, has examined it and has agreed with the pound master as to the necessity for its destruction.
- 35.2 If any animal suffering from a contagious disease is brought to the pound, or becomes infected while impounded, such animal must be kept separate from other impounded animals and must be dealt with in accordance with the provisions of the Animal Diseases Act, (Act no. 35 of 1984).

36. Notice of Impounded Animals

- 36.1 A pound master who knows the name of the owner of an animal impounded in his pound must, within seven (7) days after impoundment of such animal, give written notice to such owner that the said animal has been impounded.
- 36.2 Where the owner of an impounded animal is not known to the pound master, the pound master must upon receipt of such animal report the impoundment to the nearest South African Police Services office or the South African Police Services Stock Theft Unit.

37. Keeping of Pound Register

- 37.1 A pound master must keep a pound register with the following particulars:
- (a) The date when, and the cause for which, all animals received by him are impounded;
 - (b) the number, sex, estimated age, and description of such animals;
 - (c) particulars regarding the brand mark, lip tattoo, ear tattoo or ear tag of such animals;
 - (d) the condition of each individual animal, being good, fair, or poor, including any obvious ailment such as, but not limited to, injuries and broken horns;
 - (e) the name and residence of the person impounding such animals, and the name and residence of the owner or supposed owner;
 - (f) the date and particulars of the release or sale of the animals, as the case may be; and
 - (g) any other matters which he may be directed by the Municipality to ascertain and record.
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37.2 The entries under subsection (1)(a), (b) and (c) must be made at the time the animals are impounded and the entries under subsection (1)(d) and (e) must be made as soon as the pound master obtains the necessary information, provided that no entry may be made after the particulars in (a) to (e) has been placed in dispute by any person.

37.3 In case of the death or injury of any impounded animal, the pound master shall enter in his pound register a description of such animal and the cause of its death or injury.

38. Inspection of and Extracts from Pound Register

38.1 A pound register must be kept at the pound or any other approved place and must at all reasonable times be open for inspection, free of charge, to any authorized officer of the municipality, veterinary surgeon, an Authorised Official in terms of the Animal Diseases Act, 1984 (Act 35 of 1984) or thereplacing Animal Health Act 2002 (No 7 of 2002), any member of the police service, or the public.

39. Submission of Pound Register Entries after Pound Sales

39.1 A pound master must within 14 days after the date of each pound sale submit to the Municipality a copy of all entries in his pound register made since the date of the preceding submission, and the Municipality must preserve, for a minimum period of five years, all such copies for inspection by any person desirous of seeing them.

40. Inspection of Pound Register at Place of Sale

40.1 Whenever a sale of impounded animals is to take place, the pound master or a person authorized to conduct the sale, must take the pound register with him to the place of sale, and such register must be open for inspection, free of charge, at the place of sale to all persons desirous of inspecting it.

41. Pound Master's Fees

41.1 The Municipality may fix fees and charges or tariffs for the keeping of animals in a pound and may, in determining such fees and charges or tariffs, distinguish between different kinds of animals and provide for the keeping, feeding and veterinary caring of animals in separate enclosures.

41.2 Every pound master is entitled to claim the fees and charges or tariffs determined by the municipality in terms of subsection (1) for every animal impounded by him in terms of this by-law.

42. Fees Payable

42.1 The fees and charges or tariffs determined by the Council in terms of section 41 must be paid to the pound master by the owner of the animals impounded.

42.2 The said fees and charges or tariffs, together with any costs which the pound master may have incurred, as well such animals, may be detained by the pound master in security of payment of the said fees and charges or tariffs, provided that if the value of the animals impounded is in excess of the total amount due thereon, as determined in terms of this By-law, and if the owner is unable to pay the said amount, the pound master may detain only so many of the said animals as may be sufficient to secure the total amount due for all the animals, and must deliver the remainder of the animals to the said owner.

42.3 A pound master who retains any greater number of such animals than is reasonably necessary to secure such amount is liable to the owner for any damages sustained by him on account of such retention.

42.4 If the pound master is an official of the Municipality, he must pay the fees and charges or tariffs received by him in terms of this By-law into the revenue of the Municipality.

42.5 No pound master may release any impounded animal until the prescribed fees and charges or tariffs have been paid to him.

43. Notice of Sale

43.1 Every pound master must –

- (a) whenever any impounded animal has not been released within six days from the date of its impoundment, forward to the Municipality a notice setting forth the species, marks and distinguishing features (if any) of such animal, and in regard to horses and cattle their colour also, and stating that the animal mentioned therein will be sold at the next sale of impounded animals, as well as the time and place of such sale;
- (b) upon sending such notice to the Municipality, post a copy thereof in some or other conspicuous place at or near his or her pound, there to remain until the day of the sale; and
- (c) cause to be published in a newspaper circulating in the area of jurisdiction of the Municipality where the pound is situated a notice of the sale of an impounded animal, provided that the cost of such notice is recoverable from the owner of the impounded animal and is deemed to be part of the amount to be deducted from the proceeds of the sale of an animal and it is recoverable from the owner of such animal if the said proceeds are less than the amount due, provided further that -
 - (i) if such notice refers to more than one animal, the Municipality shall in its discretion, divide the cost of such notice pro rata in respect of the animals referred to therein; and
 - (ii) if the owner of an impounded animal is unknown, and the proceeds of the sale do not cover the amount as aforesaid, the Municipality shall make good the deficiency.

44. Auctioneer

44.1 Every sale of impounded stock must –

- (a) be conducted by the pound master or some other person duly authorized thereto by the Municipality; and
- (b) commence at the time and date mentioned in the notice in terms of section 43.1(a).

44.2 No person conducting a pound sale may have any direct or indirect interest in any purchase at any sale so held by him.

45. Sale of Impounded Animals

45.1 At every such sale-

- (a) no animal may be put up for sale unless impounded for at least two weeks;
- (b) all animals, except sheep and goats must be sold individually;
- (c) sheep and goats must be sold in lots of not more than ten, and sheep and goats, or sheep or goats with different marks or brands may under no circumstances be sold together in the same lot;
- (d) animals must be sold for cash, and the proceeds, less the amount of the pound fees and other fees, charges or tariffs payable in respect of such animals must forthwith upon receipt, be handed by the pound master to the Municipality, to be paid to the owners of the animals sold according to their respective rights, provided that -
 - (i) if in any particular case the animals sold do not realise sufficient to yield the sum of pound fees and other fees, charges or tariffs as aforesaid, the proceeds must be first utilized for the payment of the compensation due to the pound master, and if the said proceeds are insufficient to cover such compensation, the balance of compensation must be paid to the pound master by the Municipality;
 - (ii) any money, being the proceeds of the sale of any impounded animal as aforesaid, which remains in the hands of the Municipality for a period of 12 months without being claimed by the owner of such animal, becomes the accretes to such municipality;
 - (i) it shall be competent for the Municipality to make good to the pound master any loss which he or she may incur in the keeping of animals where the selling price does not cover the costs incurred;
 - (iv) it shall be competent for any pound master, after compliance with the procedure prescribed by section 9, to cause to be destroyed any aged or otherwise permanently unfit animal presented at the pound;
 - (v) if any animal dies in the pound and the owner cannot be traced, the expenses of burying the carcass shall be borne by the municipality;
 - (vi) the Municipality or an Authorized Officer may fix a reserve price for any animal offered for sale; and
 - (vii) the auctioneer may withdraw any animal from the sale if the highest bid received is not in his opinion satisfactory, respective of whether or not a reserve price has been fixed by the Municipality.

45.2 The proceeds of any sale shall be used to defray all costs connected with such sale and the impounding of such animal.

46. Illegal Impounding and Penalties

46.1 Any person who illegally impounds any animal commits an offence and is, in addition, liable to the owner for all damages, pound fees, compensation, cost and charges arising out of such proceeding, and for all charges, fees or tariffs in connection therewith.

47. Recovery of Loss in Respect of Impoundment of Animals from Area of Another Municipality

47.1 Any loss suffered by a Municipality as a result of the impounding in a pound under its management and control of animals found trespassing within the area of jurisdiction of another Municipality, may be recovered from such other Municipality.

48. Use, Detention and Ill-treatment of Animals

48.1 No person may furiously drive away any animal found trespassing, worry or ill-treat it.

49. Powers of Enforcement

49.1 An Authorised Officer may enter premises for the purpose of detecting a breach of this By-law or an offence if the officer has reasonable grounds for suspecting that a breach of the By-law or if the offence has occurred or is occurring on the premises.

49.2 An issuing officer (within the meaning of section 3 of the Search and Surveillance Act 2012) may issue a warrant for an Authorised Officer to enter private property involved in an offence, and seize and impound animal.

49.3 The Municipality may claim the actual cost from the owner or occupier, of the premises; for carrying out the abatement. These costs are additional to any costs incurred for the impounding and sustenance of the animal(s) seized or impounded.

50. No Liability

50.1 Neither the Municipality nor the Authorised Official nor any employee of the Municipality shall be liable for or in respect of any injury suffered or disease contracted by or damage caused to any animal as result of or during its seizure, impounding, detention, sale or destruction in terms of this By-law.

51. Rescue of Impounded Animal Prohibited

51.1 No person shall, by threats of violence or otherwise, rescue or attempt to rescue from the person or persons in charge thereof any animal being lawfully brought to the pound, or shall rescue or attempt to rescue any animal after such animal has been lawfully impounded by an Authorised Official.

**CHAPTER 9
PET SHOPS AND PET SALONS**

52. Requirements for Premises and Duties of Trader

52.1 A person must not conduct a business of a pet shop or pet salon in or upon any premises –

- (a) in which there is direct internal access with any room or place used for human habitation or in which clothing is stored or sold or food for human consumption is prepared, stored, sold or consumed;
- (b) unless the premises are constructed and equipped in accordance with the following requirements:
 - (i) every wall including any partition of any building must be constructed of brick, concrete or other durable material, must have a smooth internal surface and painted with a light coloured washable paint or given some other approved finish.
 - (ii) the ceiling of any building must be constructed of durable material, have a smooth finish, be dust proof and painted with a light coloured washable paint.
 - (iii) one hand wash basin with a constant supply of hot and cold running water laid on, must be provided for every 15 or part of that number of persons employed on the premises which must be drained.
 - (iv) (aa) A rodent proof store-room, with a floor area of not less than 10 square metre must be provided.
(bb) If the Authorised Official is satisfied that, having regard to the extent of the business and the quantity of goods and equipment and pets food to be stored on the premises, a store-room of smaller dimensions than the minimum dimensions in terms of subparagraph (aa) is adequate, he or she may permit a smaller store-room.

- (v) Facilities for the washing of cages, trays and other equipment must be provided in the form of either -
 - (aa) a curbed and roofed over platform with a surface of at least 1,5 square metre raised at least 100 millimetre above the floor and constructed of concrete or other durable and impervious material brought to a smooth finish, which platform must be provided with a constant supply of water laid on; or
 - (bb) a stainless steel sink or trough not less than 304 millimetre deep with a drainage board and with a constant supply of water laid on;
- (vi) The platform, sink or trough referred to in subparagraph (v) must be drained and any wall surface within 0,5 metre of such platform, sink or trough must be permanently covered with durable waterproof material to a height of at least 1,4 metre above the floor.
- (vii) (aa) If required by the Authorised Official, a separate change room, clearly designated, must be provided for any sex if more than two persons are employed on the premises.
(bb) A change room must have a floor area of at least 0,5 m² for each employee with a minimum overall floor area of 6,5 m² and a minimum width of 2,1 metre and must be equipped with a separate metal clothes locker for the keeping of personal clothing of each employee.
(cc) For each employee for which no change room is required in terms of subparagraph (aa), a metal clothes locker must be provided.
- (viii) No door, window or other opening in any wall of a building on the premises must be within 2 metre of any door, window or opening to any building in which food is prepared, stored or sold for human consumption or consumed by humans.

52.2 A person who conducts the business of a pet shop must –

- (a) provide cages for housing animals, poultry or birds, and the following requirements must be complied with:
 - (i) The cages must be constructed entirely of metal or other durable impervious material and must be fitted with a removable metal tray below the floor thereof to facilitate cleaning.
 - (ii) A cage must be free from any recess or cavity not readily accessible for cleaning and every tubular or hollow fitting used in connection therewith must have its interior cavity sealed.
 - (iii) A cage must be of such size and mass and so plated that it can be readily moved.
 - (iv) If rabbits are kept in a cage, the metal tray referred to in sub paragraph (i) must be drained to a removable receptacle.
 - (v) A cage must be fitted with a drinking vessel filled with water and accessible to the pets kept in the cage.
 - (vi) The distance from any cage to the nearest wall must at all times be not less than 150 mm.
 - (vii) The cages must be kept not less than 450 mm above floor level and the space beneath the cages must be unobstructed.
- (b) provide rodent proof receptacles of an impervious material with close fitting lids in the store-room in which all loose pet food must be stored;
- (c) provide refrigeration facilities in which all perishable pet food kept on the premises must be stored at a temperature not higher than 10°C;
- (d) maintain in every room in which pets are kept, an unobstructed floor space of not less than 30% of the floor area of such room and a distance of not less than 800 mm between rows of cages;
- (e) maintain the premises and a cage, tray, container, receptacle, basket and all apparatus, equipment and appliances used in connection with the pet shop, in a clean, sanitary condition, free from vermin and in good repair;
- (f) take effective measures for the prevention of harbouring or breeding and for the destruction of flies, cockroaches, rodents and other vermin and for the prevention of offensive odours arising from the keeping of pets on the premises;
- (g) provide overalls or other protective clothing for the use of persons employed in connection with the pet shop and ensure that such apparel is worn by the employee when on duty;
- (h) not keep any pet in the yard or other open space on the premises unless otherwise approved by the Municipality;

- (i) provide isolation facilities, in which every pet which is or appears to be sick must be kept whilst on the premises;
- (j) ensure that there is a constant and potable water supply for drinking and cleaning purposes;
- (k) ensure that the premises are at all times so ventilated so as to ensure sufficient movement of air for the comfort and survival of the pets;
- (l) ensure that the number of pets per cage are not such that the free movement of such pets is impeded.

CHAPTER 10 MISCELLANEOUS

53. Grazing Animals in Urban Area

- 53.1 No horse shall be kept in an urban area without a permit from the Municipality to do so.
- 53.2 No animal(s) can be grazed on land in an urban area without a permit from Municipality to do so.
- 53.3 Written consent must be obtained by the applicant, from all neighbours directly next to, in front of and behind the section/s to be grazed, before any permit will be considered.
- 53.4 If written consent from all neighbours directly affected is not obtained then no permit will be issued and no animal can graze the section/s.
- 53.5 Any animal(s) grazing on land in an urban area must be ear tagged with the owner's details.
- 53.6 At Municipality's pleasure, a permit may be granted for the temporary grazing of sheep to clear vegetation from vacant lots, where overgrown vegetation may pose a fire risk.

54. Permits

- 54.1 Every person who wishes to obtain a permit to keep animals shall make application to the Municipality in writing and shall provide any supporting information and application fee as the Municipality may require.
- 54.2 For every permit required under any section in this By-law, the applicant must pay to the Municipality a fee that Council may by resolution from time to time prescribe.
- 5.3 The Municipality reserves the right to impose conditions on a permit as it sees fit, to prevent situations that may be a nuisance of any sort or that may be offensive, or injurious to health.
- 54.4 The Municipality may refuse to issue a permit if, in the opinion of the Authorised Officer, the keeping of animals under such a permit is likely to become a nuisance of any sort, offensive, or injurious to health.
- 54.5 The Municipality may cancel or revoke (in writing) any permit issued if, in the opinion of the Authorised Officer, the keeping of animals under such license has become a nuisance or any sort, offensive, injurious to health or if any conditions stated on the permit are breached.
- 54.6 The Municipality reserves the right to revoke (in writing) any permit issued under this By-law, at any time, if any conditions stated on the permit are breached or for any other reason by the Municipality.

55. Animal Cruelty

- 55.1 Any person who
 - (a) possesses, keeps, imports, buys, sells, trains, breeds or has under his or her control an animal for the purposes of fighting any other animal;
 - (b) baits, provokes or incites any animal to attack another animal or to proceed with the fighting of another animal;
 - (c) for financial gain or as a form of amusement promotes animal fights;
 - (d) allows any of the acts referred to in paragraphs (a) to (c) to take place on any premises or place in his or her possession or under his or her charge or control;
 - (e) owns, uses or controls any premises or place for the purpose or partly for the purpose of presenting animal fights on such premises or place or who acts or assists in the management of such premises or place, or who receives any consideration for the admission of any person to such premises or place; or
 - (f) is present as a spectator at any premises or place where any of the acts referred to in paragraphs (b) to (e) is taking place or where preparations are being made for such acts,
 is guilty of an offence and liable on conviction to a fine or imprisonment.

56. Penalties and Offences

- 56.1 Every person who:
 - a) Does, or causes anything that is contrary to this Bylaw;
 - b) Omits or neglects to do anything which ought to be done by them at the time and in the manner provided in this Bylaw;
 - c) Does not refrain from doing anything which under this Bylaw they are required to abstain from doing;
 - d) Knowingly permits any condition or thing to exist contrary to any provision contained in this Bylaw;
 - e) Refuses or neglects to comply with any notice or direction given to them under this Bylaw;
 - f) Obstructs or hinders any Authorised Officer in the exercise of any power conferred upon them by this Bylaw; or
 - g) Fails to divulge their full name, address and date of birth or other relevant information when requested to do so by an Authorised Officer, commits an offence.
- 56.2 Every person who is convicted of an offence against this By-law is liable on conviction to a fine not exceeding R60 000.00 (sixty thousand rand) or to imprisonment for a period not exceeding three years or both such fine and imprisonment.
- 56.3 In any prosecution it is presumed, unless the contrary is proved, that an animal that is found at any premises or place is the property or under the control of the owner of those premises or that place, or is the property or under the control of the person who uses or is in control of the premises or place.

57. Conflicting By-laws

57.1 If there is any conflict between provision(s) of this By-law and provision(s) of any other by-law of the Municipality, the provisions of this By-law prevail to the extent of inconsistency.

58. Repeal of By-laws

58.1 The following By-laws/Regulations are hereby repealed:

- (a) Keeping of Pigs, 12 January 1979;
- (b) Licensing of Dogs, 28 October 2005;
- (c) Pet Shops and Pet Salons, 13 January 1989;
- (d) Public Nuisance – Keeping of Animals and Birds, 15 January 1932, as amended on 20 May 1977; or
- (e) Any other by-laws relating to keeping of animals adopted by the former municipal councils now forming part of the Municipality.

59 Short Title and Commencement

59.1 This By-law is called **Mangaung Keeping of Animals, Poultry and Bees By-law** and comes into operation on the date of promulgation thereof in the Provincial Gazette.

[PROVINCIAL NOTICE NO.111 OF 2016]

**MANGAUNG METROPOLITAN MUNICIPALITY
PROMULGATION NOTICE**

**Initiation Schools By-law
Passed by Council, 5 May 2016**

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act № 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the new set of Initiation Schools By-laws, at its sitting dated 05 June 2016.
- 2) The by-laws are published for the purpose of general public notification.

**Adv. Tankiso Mea
Acting City Manager**

INITIATION SCHOOLS BY-LAW

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1. Definitions

In these by-laws, unless the context otherwise indicates –

“**Act**” refers to Free State Initiation School Health Act, №1 of 2004.

“**abduction**” or “**kidnap**” means the taking of a person by force without his or her consent and, in the case of a minor, without the consent or permission of his or her parent or guardian, and “**abduct**” and “**kidnap**” have a corresponding meaning;

“**circumcision**” means the surgical removal of the foreskin or clitoris, including any external genitalia, by a traditional surgeon in accordance with section 3 as part of a cultural initiation process, and “**circumcise**” has a corresponding meaning

“**culture**” means the traditional customs of a particular group and includes their habits, norms, mores, ethics and values, and “**cultural**” has a corresponding meaning;

“**Environmental Health Practitioner**” means the Environmental Health Practitioner appointed by the Municipality;

“**Executive Mayor**” means the Executive Mayor of the Municipality;

“**Guardian**” means a person who is lawfully vested with the powers and charged with the obligation of taking care of, for the maintenance and managing the affairs of another person who because of his/her age is still regarded as a minor.

“**health officer**” means a person in the employ of the Municipality who holds qualifications that entitle him or her to be registered as a medical practitioner, an environmental health practitioner or a nurse and who is appointed to enforce the provisions of these by-laws in accordance with his or her professional practice;

“**Initiate**” means a person who is in any stage of initiation process as contemplated in this by-law;

“**Initiation School**” means a place where one or more initiates are initiated, also referred to as ‘lebollo’, ‘bogwera’ or ‘bojale’, as defined in terms of Free State Initiation School Health Act, No 1 of 2004;

“**MEC**” means the member of the Executive Council of the Free State Province who is responsible for health in the province;

“**Minor**” refers to a person who is 18 years of age or below and who is still living under the control, care or support of his/her parents or guardian;

“**Municipality**” means the Mangaung Metropolitan Municipality established in terms of Free State Provincial Notice №10 of 2011, issued in terms of section 12 of the Local Government: Municipal Structures Act, No 117 of 1998 (as amended);

“**Owner**” / “**Ramophato**” / “**uSothonto**” means a person who is holding an initiation school in terms of the provisions of this By-law;

“**police officer**” means any person appointed as a police officer or peace officer by the South African Police Service in terms of the Police Act №7 of 1958;

“**Regulations**” refers to Regulations in terms of the Free State Initiation School Health №1 of 2004.

“**teacher**” means a person who teaches initiates; and

“**traditional authority**” means any authority which in terms of indigenous law or any other law administers the affairs of any tribe or group of indigenous people or any other persons resident within an area under the control of a traditional leader;

“**traditional leader**” means any person who in terms of indigenous law or any other law is in charge of or exercises control over a traditional authority;

“**traditional surgeon**” means a traditional healer or traditional health practitioner who performs circumcisions as part of a cultural initiation process and includes any person who has been trained to perform such circumcisions and meets with the requirements for performing circumcisions.

2. Application for Holding of Initiation Schools

- (1) Any person who intends holding an initiation school must submit a written application to the Municipality for the registration of the initiation school, provided that –
 - (a) any application received by a traditional authority, the South African Police Service or a civic association is referred to the Municipality.
 - (2) The Municipality must, upon receipt of an application referred to in subsection (1), issue the applicant with the *application forms* (as set out in Schedules 1) with attached *consent forms* (as set out in Schedules 2 and 3) and *pre-circumcision medical examination forms* (as set out in Schedules 4) to these by-laws.
 - (3) The consent forms referred to in subsection (2) must be completed and submitted to the Municipality at least 30 days prior to the commencement of the initiation school. No initiation school may commence until it has been approved by and registered with the Municipality.
 - (4) The Environmental Health Practitioner must issue an applicant referred to in subsection (2) with a list of the minimum requirements that are to be met before a registration certificate can be issued in respect of the initiation school, which minimum requirements are set out in section 3. of these by-laws.
 - (5) The Environmental Health Practitioner may, after conducting an inspection of the proposed initiation school, issue a registration certificate conditionally or unconditionally in respect of the initiation school.
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- (6) Subject to the provisions of these by-laws, a registration certificate may be issued if the minimum requirements pertaining to water, shelter and sanitation have been met.
- (7) No person may carry out any activity pertaining to the holding of an initiation school unless the initiation school is registered with the Municipality.

3. Minimum Requirements for Holding Initiation School

- (1) A suitable shelter must be provided for initiates. The shelter must be constructed in such a manner that initiates are protected from extreme temperatures, especially during cold weather conditions.
- (2) A potable water supply must be provided for the initiates for drinking and cooking purposes.
- (3) Suitable sanitary facilities in the form of well-constructed pit-latrines or portable chemical toilets must be provided for use by the initiates.
- (4) All body parts removed during circumcision must be disposed of in a hygienic manner.
- (5) Refuse removal, including the disposal of used surgical instruments, must be carried out as may be prescribed by the Environmental Health Practitioner.
- (6) Food must be prepared hygienically and be kept separate from any area used for sleeping purposes.
- (7) Initiates must be given sufficient food at least three times a day and be allowed to drink water when necessary.
- (8) Initiates must be allowed to wear warm clothing, especially in cold weather.
- (9) Instruments such as razor blades used in the circumcision procedure must be used once only, and any other instruments must be sterilised after the circumcision of each initiate.
- (10) The owner of an initiation school must arrange at least one person from the medical profession to assist in the event of an emergency and for referral purposes.
- (11) Prescribed medication to stop bleeding and prevent unnecessary bleeding must be readily available at the initiation school.
- (12) A detention room must be available at the initiation school for persons who have come for a circumcision without the consent of their parents or guardians.
- (13) A register must be kept of all initiates in the initiation school.
- (14) A first-aid kit that includes antiseptics and medicines for treating minor ailments must be available at the initiation school.

4. Permission to Perform Circumcisions

- (1) A circumcision may be performed at or in an initiation school if the consent of the Municipality has been obtained in writing.
- (2) A traditional surgeon may perform a circumcision in or at an initiation school if he or she –
 - (a) was previously subjected to a cultural initiation process; and
 - (b) has been authorised in writing by the appropriate and traditional leader to perform a circumcision as part of a cultural initiation process.

5. Admission to Initiation Schools

- (1) Any person who is 18 years of age or older may be admitted to an initiation school.
- (2) If an initiate is under the age of 21 years, his or her parent or guardian must give consent in writing for the initiate to be circumcised, which consent must be given in the prescribed consent form as set out in Schedule 2 to these by-laws.
- (3) Any person under the age of 21 years who admits himself or herself to an initiation school without the consent of his or her parent or guardian must be detained temporarily and may not be circumcised until the local police officer in charge has been notified and has obtained the consent of the parent or guardian in writing.
- (4) Any person who is 21 years of age or older may be admitted voluntarily to an initiation school.
- (5) No person may abduct or kidnap any other person and take him or her to an initiation school and have him or her admitted to the initiation school.
- (6) A person is guilty of a criminal offence and will be charged by a police officer if such person abducts or kidnaps another person and takes him or her to an initiation school and has him or her admitted to the initiation school.

6. Closure of Initiation Schools

- (1) The Executive Mayor may close any initiation school that is or has been operating without being registered with the Municipality, provided that the opinion of the traditional leader concerned is taken into consideration in respect of the closing of the initiation school.
- (2) In the event of the closure of an initiation school in terms of section (1), the initiates may be relocated to another initiation school of their choice as a form of intervention to accommodate their wishes.

7. Establishment of Local Initiation School Committee

- (1) The Municipality must establish a Local Initiation School Committee within its area of jurisdiction to deal with all matters relating to the holding of initiation schools, including appeals, disputes, complaints, investigation into illegal Initiation schools.
 - (2) The Local Initiation School Committee referred to in subsection (1) may advise the Executive Mayor to close an initiation school if, in its opinion, the school was not established or is not run in compliance with the provisions of this By-laws or any other applicable legislation.
 - (3) The members of the Local Initiation School Committee referred to in subsection (1) must previously have undergone a cultural initiation process. Such Local Initiation School Committee must consist of at least –
 - (a) chairperson of Section 80 Committee on Health and Social Services;
 - (b) medical officer;
 - (c) professional nurse;
 - (d) environmental health officer;
 - (e) a representative of the South African Police Service;
 - (f) a representative of the Law Enforcement of the Municipality;
-

- (g) a representative of the Traditional Healers' Association; and
 (h) a representative of a Traditional Authority;
- (4) The term of office for the Local Initiation School Committee shall be for period of three (3) years.
 (5) The Initiation School Local Initiation School Committee shall meet at least once in a quarter, and during initiation seasons, the Committee shall meet once in a month or hold an urgent or special if so warrants.

8. Establishment of Regional Initiation Schools Compliance Committees

- (1) The Local Initiation Schools Committee shall establish the Initiation Schools Compliance Committee per each region of the Municipality and the three regions where the Compliance Committees will be based are Bloemfontein, Botshabelo and Thaba Nchu.
 (2) Each Regional Compliance Committee will monitor, evaluate and enforce compliance with provisions of this By-law, by inter alia, visiting and inspecting initiation schools, liaise with and report to Local Initiation Schools Committee. The Regional Compliance Committees shall mainly deal with matters of compliance and must perform its duties in consultation with the Local Initiation Schools Committee.
 (3) Minimum age requirement for being a member of the Regional Initiation Schools Compliance Committee is forty (40) years.
 (4) All members of the Regional Initiation Schools Compliance Committees should be persons who underwent the cultural initiation process.
 (5) Each Regional Initiation Schools Compliance Committee will consist of not more than twenty (20) members and shall be consisted in the following manner:
- Two (2) Basotho men & two (2) Basotho women;
 - Two (2) ama-Xhosa men & two (2) ama-Xhosa men women;
 - Two (2) ama-Ndebele men & two (2) ama-Ndebele women;
 - Two (2) Batswana men & two (2) Batswana women;
 - 2 (two) members from South African Police Service;
 - 2 (two) members from the Municipality's Law Enforcement Unit.
 - 1 (one) Environmental Health Officer, who shall be a Chairperson of the Regional Initiation Schools Compliance Committee
- (6) The term of office for each Initiation Schools Compliance Committee shall be for period of three (3) years.
 (7) Each Regional Initiation Schools Compliance Committee shall meet at least once in a month or whenever there are urgent matters to be attended to pertaining to enforcement of the By-law.

9. Circumcisions by Traditional Surgeons at Initiation Schools

- (1) Prior to an initiate's circumcision, the traditional surgeon must obtain from the initiate a pre-medical examination certificate as set out in Schedule 4 to these by-laws, which certificate must state clearly that the initiate is fit to be circumcised and has no medical condition that may cause unnecessary complications during or after the circumcision.
 (2) A traditional surgeon must take precautionary measures to ensure the speedy recovery of initiates after a circumcision.
 (3) A traditional surgeon must ensure that health standards are maintained at all times in respect of any circumcision.
 (4) A traditional surgeon must ensure that any instrument used for circumcising an initiate is not used on another initiate, provided that if an instrument is to be used on more than one initiate, the instrument is properly sterilised after each circumcision.

10. Duration and Seasons of Initiation Schools

- (1) An initiation school may be operated for a period not exceeding 90 days.
 (2) An initiation school should be operated during the official school holidays in accordance with the school calendar of the national Department of Education, provided that an initiation school may be operated outside the school holiday period if –
 (a) the initiates are not learners who attend formal education institutions; or
 (b) the initiates have obtained permission from the applicable school authority to attend the initiation school.

11. Treatment of Initiates at Initiation Schools

- (1) No initiate may be subjected to any corporal punishment or unnecessary or undue physical suffering or punishment.
 (2) A teacher or any other person may teach an initiate the language, idioms and poems of the initiation school, provided that no form of intimidation or interrogation is used to teach the initiate.
 (3) No initiate may be refused any water or food to the extent that such refusal may result in the dehydration or starvation of the initiate.
 (4) Adequate sanitary facilities must be provided for initiates.
 (5) Initiates must be protected against extreme temperatures, especially cold temperatures during winter.
 (6) Any initiate who appears to be developing septic wounds must be referred to a medical practitioner for further treatment.
 (7) An initiation school must identify at least one medical practitioner and traditional health practitioner of its choice to assist it in referring emergency cases.

12. Cultural Ethics and Inspection of Initiation Schools

- (1) The Municipality, the South African Police Service and, where necessary, the national Department of Education must identify one person or more people from the medical, nursing, environmental health or police profession to make regular visits to initiation schools. Such person or people must be familiar with the proceedings of initiation schools.
 (2) All initiation schools must be visited by health officers. A health officer must, during his or her visit to an initiation school, assess –
 (a) the general environmental hygiene and medical conditions in the initiation school; and
 (b) the general health of the initiates.
 (3) A health officer must be fully informed about and be aware of the proceedings of initiation schools to avoid any conflict which may arise.
 (4) A health officer or person or persons referred to in subsection (1) must refer any serious matter or problem identified during a visit contemplated in subsection (2) to the relevant authority or body for further action.

13. Offences and Penalties

- (1) A person is guilty of an offence under these by-laws if he or she, in respect of an official of the Municipality duly authorised under these by-laws or by the Municipality to enter and inspect any initiation school –
 - (a) denies the official entry to the initiation school or causes or permits any other person to deny the official entry;
 - (b) obstructs or hinders the official in the performance of the official's duties or causes or permits any other person to so obstruct or hinder the official;
 - (c) fails or refuses to give the official information that he or she is lawfully required to give or causes or permits any other person to refuse to give the official such information; or
 - (d) knowingly gives the official false or misleading information or causes or permits any other person to give the official such information.
- (2) A person is guilty of an offence under these by-laws if he or she unlawfully prevents any other person from entering the premises of an initiation school.
- (3) A person is guilty of an offence under these by-laws if he or she fails or refuses to comply with any provision of these by-laws or any requirement imposed by the Environmental Health Practitioner in terms of section 2.
- (4) A person who is guilty of an offence under these by-laws is liable on conviction to a fine not exceeding **R50 000,00** or to community service or to imprisonment for a period not exceeding one year, or to both such fine and such community service or such imprisonment.

In the case of a continuing offence, such person is guilty of a separate offence and liable on conviction to a fine or to community service or to imprisonment for a period not exceeding one year, or to both such fine and such community service or such imprisonment in respect of every day or part of a day during which the offence continues.

14. Short Title and Commencement

- (1) This by-law is called **Mangaung, Initiation Schools By-law, 2016** and comes into effect upon the Free State Provincial Legislature assigning or delegating its legislative powers to Mangaung Metropolitan Council to regulate the holding of initiation schools within the area of jurisdiction of the Mangaung Metropolitan Municipality, and further upon the issuing of the notice by the Executive Mayor in the Provincial Gazette and Local Newspaper, to that effect.

SCHEDULE 1: APPLICATION FORM

Particulars of Applicant:

Name: _____
 Surname: _____
 ID: _____
 Residential Address: _____

 Contact No: _____

Particulars of Initiation School:

Area: _____
 Location: _____
 Duration: _____
 Number of Initiates: _____

SCHEDULE 2 : CONSENT BY APPLICANT

CONSENT BY APPLICANT

I, _____, ID No _____, being _____ years of age, hereby consent to attend the initiation school for the prescribed duration of the initiation school and to be circumcised. My date of birth is _____.

I declare that I reside at the following address:

SIGNATURE _____ DATE _____

SCHEDULE 3: CONSENT BY PARENT OR GUARDIAN

CONSENT BY PARENT OR GUARDIAN

I, _____, ID No _____, hereby give consent for and permit the applicant, _____ years of age, to attend initiation school for the prescribed duration of the initiation school and to be circumcised.

I declare that I am the *parent/guardian of the applicant and I reside at the following address:

SIGNATURE _____ DATE _____

SCHEDULE 4: PRE-CIRCUMCISION MEDICAL EXAMINATION

Prospective Initiates' Particulars:

Name: _____

Surname: _____

Date of Birth /ID: _____

Residential Address: _____

Examination by Medical Doctor:

Allergies: _____

Bleeding Tendencies: _____

Anaemia: _____

Jaundice: _____

Lymphadenopathy: _____

Heart: _____

Diabetes: _____

Lungs: _____

Abdomen: _____

Psychiatric Disorders: _____

Urogenital Condition: _____

Other: _____

Confirmation by Medical Doctor:

I, _____, being a registered medical practitioner, certify that _____ is fit to be circumcised.

Date: _____

Signature: _____

Qualifications: _____

Practice Number: _____

Tel. No: _____
