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[PROVINCIAL NOTICE NO. 50 OF 2019]

MANGAUNG METROPOLITAN MUNICIPALITY

PROMULGATION NOTICE

Informal Trading By-law

Passed by Council on Thursday, November 15, 2018
Under item 84.1 – 15/11/2018

- 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 revised set of Informal Trading By-laws, at the sitting dated 15 November 2018.
- 2) The reviewed Informal Trading By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

Adv. Tankiso Mea
City Manager

BY-LAWS RELATING TO INFORMAL TRADING

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16. Offences and Penalties**17. Informal Trading Regulations****18. Repeal of By-laws****19. Short Title and Commencement****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 №. 155 of 2016 as published in the Provincial Gazette, Free State Province of 22 July 2016, 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 through fare 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) 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.

- (b) The Municipality will consider the application within the period of ten (10) working days upon the date of the receipt of the application forms.
- (c) 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 three (3) years.
- (b) *Mobile Trading Card Permit*: valid for period of three (3) years.
- (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;
The Council may determine prescribed fees for foreigners who are operating informal trading businesses within the area of jurisdiction of the Municipality and the asylum-seekers and temporary residence permit holders will be excluded in terms of sub-section 5.3(e) below
- (b) every informal trader must, at all times, be in possession of the trading card permit whenever he is conducting business;
- (c) trading card permit and trading sites remain, at all times, the property of the Municipality;
- (d) trading card permit is not transferrable and however, the trading site can transferrable through the permission by the Municipality;
- (e) 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;
- (f) 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;
- (g) 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;
- (h) informal trader may not be allowed to have more than one (1) informal trading site;
- (i) any informal trading on the trading site may be temporarily suspended during the special events, should circumstances so warrant;
- (j) if the trading card permit is for the period of three (3) years, the monthly rental fee will remain the same until the renewal of the permit.

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;

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- (c) He/she must not be employed by the Municipality, its entities or any organ of the State;
 - (d) He/she must be eighteen (18) years old or above.
 - (e) No asylum-seekers and temporary residence permit holders will not be allowed to operate informal trading business within the area of jurisdiction of the Municipality.

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.
- (b) The issuing of the trading card permit and the allocation of site will be done within the period of ten (10) working days after the date of the notification of the approval and upon the payment of the prescribed fee as determined by sub-section 5.2.2(a) above.
- (c) Informal trader is not permitted to trade until he receives his identity trading card permit and the trading site has been allocated to him.
- (d) The informal trader selling foodstuffs must acquire a certificate of acceptability before beginning to operate.

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.
- (b) A lease agreement should be produced at the request of an authorised official.
- (c) 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	05H00 – 19H30
Saturdays	05H00 – 18H00
Sundays & Public Holidays	06H00 – 18H00
Daily (Central Park & Train Station)	05H00 – 22H00

7.2 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, within a period of 24 hours, 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;
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- (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;
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- (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.

11.2 The Municipality may determine that some products be not produced or manufactured on site.

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.
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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 that 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 and Amendment**
- 18.1 Any by-laws relating to informal trading adopted by the Council or any municipality now comprising part of the Municipality are repealed from the date of promulgation of this By-law.
- 18.2 The Informal Trading By-laws of the Mangaung Metropolitan Municipality as promulgated in the Local Government Notice No. 35 of June 2016 are hereby amended
- 19. Short Title and Commencement**
- 19.1 This By-law is called **Mangaung, Informal Trading By-law** and the amendments effected herein come into operation on the date of publication in the Provincial Gazette.

[PROVINCIAL NOTICE NO. 51 OF 2019]

MANGAUNG METROPOLITAN MUNICIPALITY

PROMULGATION NOTICE

Child Care Facilities By-law

Passed by Council on Thursday, November 15, 2018
Under item 84.1 – 15/11/2018

- 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 revised set of Child Care Facilities By-laws, at the sitting dated 15 November 2018.
- 2) The reviewed Child Care Facilities By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

Adv. Tankiso Mea
City Manager

BY-LAWS RELATING TO CHILD CARE FACILITIES

To provide for the registration and grading of child care facilities, for the regulation and management of activities in respect of such facilities, and for matters in connection therewith

Preamble

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

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

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

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

BE IT THEREFORE ENACTED by the Municipal Council of the **Mangaung** Metropolitan Municipality as follows:-

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CHAPTER 1 INTERPRETATION

1. DEFINITIONS

(1) In these by-laws, unless the context otherwise indicates:

“**Act**” means the Child Care Act, 1983 (Act No 74 of 1983), as amended;

“**child**” means a child admitted to a child care facility in terms of these by-laws or the Act and “**children**” has a corresponding meaning;

“**child care facility**” means any building or premises or part thereof which is maintained and used, whether for profit or otherwise, to care for, look after or temporary accommodate two or more children of different parents or guardians apart from their parents or guardians, for a full day or part of a day or night, with the inclusion of creches; creches-cum-nursery schools; nursery schools; day care premises; playgroup premises; after school centre and private hostels but shall not include a boarding school, school hostel or other establishment which is maintained or used mainly for the tuition or training of children and which is controlled by, registered at or approved by the Free State Provincial Department of Education;

“**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;

“**creche**” means a building or premises or part thereof which is maintained or used for the custody and care of more than six children of pre-school going age during the whole or part of the day, on all or only some days of the week, but does not include a play group or day care premises.

“**creche-cum-nursery school**” means any building or premises where a nursery school programme applies and which is maintained or used for the custody, care and tuition of more than six children of pre-school going age during the whole or part of the day, on all or only some days of the week, but does not include a play group or day care premises;

“**daycare premises**” means any residential building or part thereof which is maintained and used, whether for profit or otherwise, to care for, look after or temporary accommodate two to a maximum of ten children of pre-school going age of different parents or guardians apart from their parents or guardians, for a full day or part of a day or night, but does not include a playgroup premises.

“**holder**” means the person who has applied for the registration of a child care facility in terms of the provisions of these by-laws or the Act, and to whom a registration certificate for the child care facility concerned has been issued;

“Head: Social Services” means the person appointed by the Council in this capacity or any person acting for him or who has been authorized by him to act on his behalf;

“Municipality/City” means Mangaung Metropolitan Municipality established by the Provincial Notice №. 155 of 2016 as published in the Provincial Gazette, Free State Province of 22 July 2016, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

“play group premises” means any residential building or premises or part thereof which is maintained and used, whether for profit or otherwise, to care for, look after or temporary accommodate two to a maximum of twenty children of pre-school going age above the age of three years, of different parents or guardians apart from their parents or guardians, for not more than five days per week between the hours 07h30 and 13h30, but does not include a day care premises;

“registration” means :

- (a) in the event of a child care facility where a maximum of six children are to be accommodated, registration with the municipality;
 - (b) in the event of a child care facility where seven or more children are to be accommodated, registration in terms of the Act (No 74/1983).
- (2) In these by-laws, unless the context otherwise indicates, words and expressions denoting the singular shall include the plural and vice versa, words and expressions denoting the male sex shall include the female sex and vice versa and reference to a natural person shall include a legal person and vice versa.

CHAPTER 2 REGISTRATION, GRADING AND RELAXATION

2. REGISTRATION

- (1) No child may be received or accommodated in a child care facility unless such facility has been registered in terms of these by-laws or the Act.
- (2) Application for registration of a child care facility in terms of these by-laws, shall be made to the municipality in writing by completing and submitting an application form as determined from time to time.
- (3) The Council may, before considering such application, require that it be furnished with any information in connection with the application concerned which it may deem necessary.
- (4) If the Council is satisfied that the child care facility comply with the prescribed requirements and that it will be managed and conducted in such a manner that it will be suitable for the purpose applied for, it may grant the application either unconditionally or on such conditions that the Council may deem necessary, and issue to the applicant a registration certificate.
- (5) Subject to the provisions of section 21, a registration certificate issued in terms of this section, may at any time be cancelled by the Council after at least one month's written notice of the intention to cancel the certificate has been given to the holder concerned, and after consideration by the municipality of any representations which may be submitted in pursuance of such notice. The cancellation of a registration certificate shall take effect on the date specified in the cancellation notice issued by the Council, which date shall not be earlier than 90 days after the date upon which the notice of cancellation was given.
- (6) A registration certificate shall not be transferable and shall be valid for a period of two years from the date that it was issued.
- (7) Application for renewal of a registration certificate for a child care facility registered in terms of these by-laws, shall be made to municipality in writing by completing and submitting an application form not later than one month before the registration certificate expires.
- (8) Any child care facility which immediately before the commencement of these by-laws, was registered and graded in terms of the Health Regulations for Creches and Creches-cum-Nursery Schools of the former Bloemfontein Municipal Council, shall as from the commencement of these by-laws be deemed to be registered and graded in terms of these by-laws.

3. GRADING SYSTEM

- (1) In considering a new application for the registration of a child care facility or the renewal of a registration certificate as contemplated in section 3, a decision on the appropriate grading level of the child care facility concerned shall be made:
 - (a) in accordance with the minimum standards as contained in the Schedule of Guidelines set out in Annexure A;
 - (b) by evaluating the conditions and circumstances that prevail during an inspection of the child care facility concerned; and
 - (c) consultation with the relevant officials of the Free State Department of Welfare.
- (2) The municipality's decision on the appropriate grading of the child care facility concerned shall be contained in a grading certificate, issued to the holder, which certificate shall be valid for a period of two years.
- (3) The grading of a child care facility may for appropriate and valid reasons be withdrawn or altered by the Head: Social Services after consultation with the relevant officials of the Free State Department of Welfare and after discussion with the holder.
- (4) The holder must submit the grading certificate of a child care facility or which the grading has been withdrawn or altered as contemplated in sub-section (3), to the Head: Social Services within seven days, failing which :
 - (a) in the event of a child care facility registered with the municipality, the grading as well as the registration shall terminate forthwith;
 - (b) in the event of a child care facility registered in terms of the Act, the Department of Welfare, shall be advised to withdraw its registration.

4. RELAXATION OF REQUIREMENTS

- (1) To ensure that as many child care facilities as possible operated legally and properly and to give guidance in the process of upgrading the quality of their facility and services, the Head: Social Services, subject to the provisions of subsection (2):
 - (a) may on his own initiative grant a relaxation on any requirement as stipulated in these by-laws to a standard that is acceptable to the municipality;
 - (b) must on written request by a holder grant a relaxation as contemplated in subsection (1)(a).
 - (2) A relaxation shall only be granted :
 - (a) if it does not pose an immediate health danger or a substantial safety risk to anyone;
 - (b) if it is in line with the prevailing policy of the Free State Provincial Departments of Health, Welfare and Education, if applicable; and
 - (c) provided that :
 - (i) the child care facility concerned shall once again be subjected to a process of grading as contemplated in section 3; and
 - (ii) a certificate indicating the applicable grading received by the child care facility shall be displayed on a conspicuous position on the relevant premises for the notice of the general public; and
 - (iii) every parent or guardian concerned shall be informed by the holder of the outcome of the grading-process.
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**CHAPTER 3
FACILITIES AND REQUIREMENTS****5. PRESCRIBED FACILITIES FOR CHILDREN AGED 3 YEARS AND OLDER**

Subject to the provisions of sections 12 and 13, the following facilities shall be provided in respect of child care facilities for pre-school children aged three years and older

(1) Office and Staff-room

- (a) An office;
- (b) A staff-room: Provided that one room may, subject to the approval of the Head: Social Services, be used as an office and staff-room combined.

(2) Play and isolation rooms

- (a) A playroom for play activities, serving of meals and sleeping purposes, with a minimum free-playing area of 1,8m² for every child.
- (b) An isolation room with a minimum floor area of 2m x 3m, fitted with a built-in hand wash basin with hot and cold running water, and equipped with a first-aid cupboard and equipment and bed or stretcher. Provided that one room may be used as an office and isolation-room combined, subject to the prior written approval of the Head: Social Services.

(3) Kitchen

A kitchen complying with the following requirements:

- (a) the kitchen, including the scullery area, shall have a minimum floor area of 12m² for a maximum of 50 children or part of such number of children accommodated, with an additional 0,2m² per child for 50 to 100 children and a further 0,1m² for every child in excess of 100.
 - (b) the kitchen shall be provided with a double compartment sink, hand wash basin, vegetable washing sink, and where the Head: Social Services deems it necessary, an approved pot-washing sink shall be installed on the premises.
 - (c) in the discretion of the Head: Social Services and after due consideration has been given to the manner, amount and nature of cooking undertaken on the premises, there shall be provided, immediately above every cooking stove, oven or similar apparatus, a hood or canopy of adequate size, having, a flue duct of at least 300mm in diameter, and in addition, such mechanical device as the Head: Social Services shall deem necessary in the circumstances, exhausting to the atmosphere at such a height and in such a position or manner as is necessary to prevent that the discharge therefrom constitutes a nuisance or annoyance to the neighbourhood: Provided that where the Head: Social Services is satisfied that the purposes of these by-laws will be effectively achieved thereby, a mechanical device may be provided instead of a hood or canopy as aforesaid.
 - (d) the wash-basins mentioned in subsection (3)(b) shall be made of stainless steel or other approved impervious material and shall have an adequate supply of hot and cold running water effectively distributed and laid over the sinks and hand wash basins.
 - (e) each bowl of the double compartment sink shall have a minimum depth of 225mm and minimum capacity of 55L.
 - (f) the draining boards of the sinks shall be fitted with 150mm splash screens and installed 100mm from any wall surface, and every part of a wall surface within 600mm from any part of the sink or draining board so installed, shall be tiled or given some other approved finish having similar properties to a tiled surface, to a height of at least 1,5m from the floor.
 - (g) the floor of the kitchen shall be of concrete or other similar impervious material.
 - (h) natural light and ventilation shall be provided in accordance with the National Building Regulations.
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- (i) wall surfaces shall be tiled or smooth-plastered and painted in light-coloured washable paint.
- (j) ceilings must be provided and shall be dust-proof and painted with a light coloured washable paint.
- (k) all cupboards, shelves and other equipment for the storage of kitchen utensils and equipment, shall be of metal and shall be so fitted or situated as to be easily cleaned and not to favour the harbourage of insects, rodents and other vermin.
- (l) all work tables shall be constructed of metal with a stainless steel top, or other approved impervious material.
- (m) the stove or other cooking units shall be so installed as to allow easy access between the stove or cooking unit and the adjoining wall surfaces to allow for cleaning.
- (n) facilities for the storage of vegetables shall be provided.
- (o) there shall be provided suitable refrigeration facilities for the storage of perishable foodstuffs.
- (p) there shall be provided a sufficient number of metal or other approved bins with covers for the temporary storage of refuse pending disposal.
- (q) nothing contained in these by-laws shall preclude the use of a domestic kitchen situated on the child care facility, provided such kitchen complies with the stipulations in these by-laws.

(4) **Storage**

- (a) A store-room or pantry, properly ventilated and rodent proof, having a minimum floor area of at least 6m² and minimum width of at least 2m.
- (b) Adequate storage for stretchers, bedding and linen.
- (c) Adequate separate storage for personal belongings of every child.
- (d) Adequate storage accommodation for indoor and outdoor play materials and equipment.

(5) **Sanitary facilities for children**

Sanitary and ablution facilities for the children complying with the following requirements:

- (a) easy access between ablution facilities, play rooms and outdoor play area.
 - (b) one waterborne toilet for every 15 children or part of 15 children shall be provided. Seats should be of the tilt-up and front-cut-away type.
 - (c) no division of toilets for the sexes is necessary.
 - (d) one hand wash basin for 15 children or part of 15 children shall be provided and such basin shall be so fitted that the upper surface shall not be more than 500mm above floor level.
 - (e) a constant supply of running cold water or thermostatic controlled water shall be provided to the hand wash basins set aside for use by the children.
 - (f) the floors of the ablution block shall be of impervious material rendered to a smooth surface.
 - (g) a sufficient number of impervious bins with covers for the temporary storage of paper, paper towels, tissues and other articles pending disposal shall be provided.
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(6) Sanitary facilities for staff

- (a) Separate sanitary and ablution facilities for both sexes of staff, complying with the following requirements:
- (i) Sanitary and ablution facilities for the staff shall be entirely separate from such facilities provided for the children, and shall have no direct communication with any apartment used in connection with the children.
 - (ii) One toilet and one hand-wash basin for every 15 persons or part of a number of 15 persons as well as one bath or shower for every 15 employees accommodated at nights on the premises shall be provided.
- (b) A constant supply of hot and cold water shall be provided to all washing facilities.
- (c) All hand wash basins shall be close fitting to walls and the walls at the rear of such basins shall be glaze tiled to a height of not less than 450mm above the upper surface of such hand wash basins, or be finished in some other material similar to tiling.
- (d) Soap, nail brushes and clean towels shall be available at the ablution facilities at all times.
- (e) Where no overnight accommodation for staff is provided on the child care facility and there are more than four persons employed, a cloak room or lockers for personal effects shall be provided.

(7) Laundry Services

Laundry facilities or -services shall be provided to the satisfaction of the Head: Social Services.

(8) Outdoor Play Areas

Outdoor play areas of at least 2m² per child shall be provided. This area shall provide for lawns and shade and for hard surfaces for wheel-toys. It shall be free of excavations and dangerous steps or levels, swimming pools or similar pools of water that are not fenced in accordance with the stipulations of the National Building Regulations and Building Standards Act, No. 103 of 1977, unprotected water pools, poisonous vegetation, unsafe, dangerous or unhygienic conditions, animals, substances or things.

6. PRESCRIBED FACILITIES FOR CHILDREN YOUNGER THAN 3 YEARS

The following minimum facilities shall be provided for the accommodation of children under three years of age.

(1) Office and Staff-room

- (a) An office;
- (b) A staff-room: Provided that one room may, subject to the approval of the Head: Social Services, be used as an office and staff-room combined.

(2) Isolation Room

An isolation room with a minimum floor area of 2m x 3m, fitted with a built-in hand wash basin with hot and cold running water, and equipped with a first-aid cupboard and equipment and bed or stretcher. Provided that one room may, be used as an office and isolation-room combined, subject to the prior written approval of the Head: Social Services.

(3) Nursery

A nursery which shall provide 3m² indoor area per child. Cots shall be arranged in such a way that there shall be a minimum of 750mm between the cots. A wash hand basin shall be provided in each nursery.

(4) General Kitchen

A kitchen as contemplated in section 5(3) and which comprises also of the following:

- (a) a sterilizing unit for sterilizing baby milk bottles; and
- (b) a refrigeration unit for the keeping of baby milk bottles.

(5) Storage

- (a) A storage room or pantry as contemplated in section 5(4) of these by-laws.
- (b) Storage for bedding and linen.
- (c) Storage for prams.
- (d) Storage for personal belongings of child.

(6) Sanitary and Ablution Facilities

Sanitary and ablution facilities for children complying with the following requirements:

- (a) A sluice sink, fitted with 150mm splash screen and installed 100mm from any wall surface. Every part of a wall surface within 600mm from a sink shall be tiled or given some other approved finish having similar properties to a tiled surface, to a height of at least 1,5m from the floor. A hand wash basin is to be provided.
- (b) A bathing unit, fitted with at least 2 baby bathing units for every 20 children, such units to be approved by the Head: Social Services. The flow of water to be supplied to bathing units by side inlets or movable overhead fittings and the temperature of the water shall be thermostatically regulated. A hand wash basin shall be provided in the bathing unit and a constant supply of hot and cold running water shall be provided to sluice sinks and hand wash basins.
- (c) For children not using napkins, toilet equipment of such a nature as meets with the approval of the Head: Social Services shall be provided and shall be suitably stored.

(7) Napkin and Laundry Services

Napkins by means of:

- (a) a recognized napkin service, in which case provision shall be made for separate storage facilities for clean and soiled napkins; or
- (b) a laundry service on the premises in an approved laundry which shall comprise of three units as follows:
 - (i) receiving and pre-cleaning unit;
 - (ii) washing, drying and ironing unit;
 - (iii) storage and despatch unit.
- (c) General washing and laundry facilities on or off the premises shall be provided to the satisfaction of the Head: Social Services.

(8) Bins

A sufficient number of impervious bins with close fitting covers for temporary storage of soiled paper, tissues, paper towels and other articles pending disposal.

(9) Floors

Floors must be of impervious material.

(10) Staff Facilities

Sanitary and ablution facilities for the staff in terms of section 5(6) of these by-laws.

(11) Storage

Adequate storage for indoor and outdoor play materials and equipment.

(12) Outdoor Play Areas

A minimum outdoor area of 2m² per child shall be provided for the use of perambulators and play-pens and outdoor activities for the toddler group. This area shall provide for lawns and shade and shall further comply with the provisions of section 5(8) of these by-laws.

7. GENERAL REQUIREMENTS RELATING TO BUILDINGS

All child care facilities must comply with the following requirements:

- (1) The buildings must be constructed according to the provisions of the relevant legislation pertaining to buildings and in such a manner as to render the buildings safe and not injurious to health.
- (2) The window-area of all offices, playrooms, isolation rooms and other apartments for the accommodation of children, of storerooms, sanitary blocks, sculleries and laundries must be equal to not less than one-tenth of the floor area. At least half of the prescribed window area in any such room must be capable of being opened for ventilation purposes. Adequate artificial lighting must be available throughout any such buildings. Windows in play rooms, office and isolation rooms must not be more than 750mm from ground level and must be constructed in such a way as not to open at a level dangerous to the children.
- (3) All floors and skirting must be finished to a smooth surface, free of sharp edges or other dangerous defects.
- (4) Except as otherwise herein provided, the internal walls throughout must be smooth surfaced and must be covered with a light-coloured, durable washable finish.
- (5) All rooms must be dust proof and provided with ceilings and ceilings and cornices must be tight-joined and close-fitting and must be covered with a light-coloured, durable washable finish.
- (6) All internal woodwork must be of sound construction and so designed or fitted as not to favour the collection of dust or the harbourage of insects.
- (7) Every room must be so provided with windows, doors or other openings as to ensure the proper cross-ventilation of such room.
- (8) All external walls, pillars, roofs, roof-gutters and down-pipes and any other external part of the building or buildings must be of sound construction and in a clean state.

8. EQUIPMENT

Equipment for children in a child care facility should comply with the following requirements:

- (1) Chairs should be of such weight that they can be lifted by the child. They should be free of splinters or other rough or dangerous surfaces and should be of such a height as to permit the child to sit on with both feet on the floor. They should not exceed 300mm in height for the age-group three years and older, and 200mm for the age-group under three years.
- (2) Tables should be movable and should be of strong solid construction. They should be free of splinters or other rough or dangerous surfaces, and should not exceed 450mm in height for the age-group three years and older and 350mm for the age-group under three years;

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- (3) All beds, cots, stretchers, mats or other furniture for resting or sleeping purposes should be designed to the satisfaction of the Head: Social Services and should be used by only one child whose name or symbol should be clearly affixed thereto. An adequate number of sheets, waterproof sheets, blankets or other bedding should be readily available for use.
 - (4) Indoor and outdoor playing equipment should be provided and such equipment should be of such a nature as not likely to enable a child to injure himself or cause injury to others.

9. MEDICAL CARE OF CHILDREN

Every registration holder of a child care facility and any person in charge of the children at a child care facility must:

- (1) strictly observe all children for any signs of illness, indisposition or other abnormal conditions;
- (2) immediately after identifying any illness, indisposition or abnormal condition, notify the parent or guardian of the child concerned of the child's condition;
- (3) if necessary and subject to the prior consent of the parent or guardian, summon the private medical practitioner of any child suffering or suspected to be so suffering, or in the event of the unavailability of such medical practitioner, summon a medical practitioner appointed by the child care facility management;
- (4) immediately isolate the child or children concerned in the isolation room or area provided for the purpose, and devote all care necessary to the comfort and treatment of the child whilst on the premises;
- (5) carry out all instructions issued by the medical practitioner and in the event of a communicable disease or signs of child-abuse, should immediately notify the Head: Social Services by telephone followed up by a written notification; and
- (6) keep a record of all injuries and illnesses which occurred whilst the child was on the premises.

10. PERSONAL TOILET EQUIPMENT

- (1) The following minimum personal toilet equipment should be available for the use of each child in the child care facility:
 - (a) Face cloth
 - (b) Towel
 - (c) Handkerchief or disposable tissues
 - (d) Comb
 - (e) Soap
- (2) Provisions should be made in the ablution block or in an adjacent apartment by means of safe hooks, lockers or other means approved by the Head: Social Services for the separate storage of the personal toilet equipment of each child in a child care facility.
- (3) Such storage accommodation and the personal toilet equipment stored should be clearly marked in such a manner as to be easily recognized by each child.
- (4) Provisions should be made for the boiling, washing or disinfecting of children's toilet equipment on a regular basis.

11. SAFETY MEASURES

The following measures must be taken by a holder to ensure the safety of the children in a child care facility:

- (1) Adequate measures must be taken for the protection of the children against fires, hot water installations, electrical fittings and appliances and electrical shock, heating appliances and any other article or thing which may be dangerous or cause injury to any child.
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- (2) Any slats or rails used in enclosures, play-pens, beds, cots or for any other purpose whatsoever, must be not more than 75mm apart and must be firmly fixed and free from splinters or other rough or dangerous surfaces.
- (3) The premises must be entirely enclosed by means of a suitable fence, wall or other means so constructed as to completely preclude children from leaving the confines of the premises of their own accord and prevent the entrance of domestic or any other animals. All gates or doors in such boundaries must be close-fitting and securely locked or otherwise closed, so as to prevent them being opened by the children.
- (4) A first-aid box with the necessary materials and equipment as specified by the Head: Social Services, must be provided on the premises and must be readily available for use and kept out of the children's reach at all times.
- (5) All medicines, corrosive and other harmful substances must be stored in a safe manner, and must not be accessible to children.
- (6) No dog or cat or any noxious or poisonous plant or shrub must be permitted on the premises or must be accessible to the children.
- (7) No person suffering from any infectious or communicable disease and no person who has been in contact with any person so suffering, and who has not cleaned his person and clothing so effectively as to render him incapable of spreading such disease and no person whose body is not in a clean and healthy condition, must be allowed on the premises of a child care facility.
- (8) The provisions of the regulations regarding the exclusion from school on account of infectious disease made in terms of the Health Act No 63 of 1977, as amended, are applicable to all child care facilities.
- (9) The sand-pit, when not used, must at all times be covered to the satisfaction of the Head: Social Services.

CHAPTER 4 PLAY GROUPS AND DAYCARE

12. PLAY GROUP PREMISES

Subject to the provisions of the relevant Town Planning Scheme, it is permissible to utilize a residential building or premises or part thereof as a play group premises for which the necessary registration has been obtained, subject to compliance with the following conditions:

- (1) Only the holder may conduct play group activities on such premises.
- (2) A play group may consist of only pre-school going children above the age of three years and should not exceed 20 in number including such children which form part of the play group leader's household.
- (3) Play group activities may only be conducted during normal weekdays and may take place between the hours 07:30 and 13:30.
- (4) Whenever a play group is present on such premises, no child under the age of three years may be taken care of or looked after on the same premises: Provided that the provisions of this subparagraph shall not apply to a child under the age of three years who is a member of the household of the holder: Provided further, that whenever a child under the age of three years is found on such premises when a play group is also present, it shall be deemed to be taken care of or looked after there.
- (5) Indoor free-playing area of at least 1,8m² per child should be available and may not include areas such as bathrooms, toilets, passages, bedrooms, servants rooms, kitchens, sculleries, washing rooms, garages and/or any other room or space so used or be in such a condition that it is according to the opinion of the Head: Social Services, not suitable to be included as part of the required area.
- (6) Only the following sections are mutatis mutandis applicable to play group premises:
1; 2; 3; 4; 5(4) and 5(5); 5(8); 7(1); 7(3) to and including 7(8); 8(4); 9 ; 10 ; 11(1) and 11(3), 14 and 22.

13. DAY CARE PREMISES

- (1) Subject to the provisions of the relevant Town Planning Scheme, it shall be permissible to utilize a residential building or premises or part thereof as a day care premises for which the necessary registration has been obtained.
- (2) The following section are mutatis mutandis applicable to a day care premises:
 - (a) all the sections as mentioned in 12(6) except 5(4); 5(8); and 6(4); 6(8) up to and including 6(12); 12(3).

**CHAPTER 5
INSPECTIONS, DUTIES AND REGISTERS****14. INSPECTION OF CHILD CARE FACILITIES**

- (1) A social worker, a nurse or any other person, authorized thereto by the Head: Social Services, may enter any child care facility in order to:
 - (a) inspect such facility and the books and documents appertaining thereto;
 - (b) observe and interview any child therein, or cause such child to be examined by a medical officer, psychologist or psychiatrist.
- (2) Any social worker, nurse or other person so authorized should be furnished with a certificate to that effect, signed by the Head: Social Services, which he or she, when acting in terms of subsection (1), shall produce at the request of the holder or staff member of the child care facility concerned.
- (3) Any person who obstructs or hinders any social worker, nurse or other person so authorized in the performance of any function contemplated in subsection (1), or who fails to produce any child, book or document whose production a social worker, nurse or other person so authorized has demanded, is be guilty of an offence.
- (4) The social worker, nurse or other person so authorized, shall submit a report the Head: Social Services after the performance of a function referred to in subsection (1). The Head: Social Services shall on receipt of the report, act as he may deem necessary and appropriate.

15. DUTIES OF THE REGISTRATION HOLDER

Every holder should at all times:

- (1) maintain every part of the child care facility, including outdoor areas and all things belonging thereto, in good repair and in a tidy condition and free from dirt, filth or other noxious matters or things
 - (2) keep all cutlery, crockery, utensils, vessels, containers, receptacles, appliances and equipment, used for the storage, preparation and serving of foodstuffs in a clean and hygienic condition and free of any defects;
 - (3) provide and maintain efficient measures for the prevention and destruction of flies, cockroaches, rodents and other vermin in such child care facility, and provide and maintain in sound condition sufficient mosquito nets for the protection of children against flies or mosquitoes;
 - (4) provide and maintain at all times suitable means for protecting all foodstuffs from contamination by dust, dirt, flies or any other cause;
 - (5) provide at all times an adequate supply of soap, clean towels and nailbrushes at hand wash basins;
 - (6) ensure that all persons engaged in the child care facility are clean in person and clothing;
 - (7) provide clean and sound overalls or coats of light-coloured washable material and suitable head-coverings for the use of persons engaged in the handling, preparation and serving of food, and ensure that such overalls or coats are worn at all such times;
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- (8) provide adequate storage space to the satisfaction of the Head: Social Services for toys, books and other indoor and outdoor toy materials and ensure that such storage space shall be within the easy reach of children from floor level;
 - (9) ensure that the children are under the direct supervision of at least one responsible adult;
 - (10) ensure that each child uses his own personal toilet equipment;
 - (11) ensure that all meals provided to the children meet with the requirements of the Head: Social Services. Records of menus of all meals should be kept, and be open to inspection. All menus should be approved by the Head: Social Services.

16. APPLICATION FOR ADMISSION

- (1) Application for admission of a child to a registered child care facility, can be made to the holder concerned by the parent or guardian in writing by completing and submitting an application form.
- (2) A child may only be admitted to a registered child care facility after formal approval of the application by the holder.

17. REGISTERS

- (1) The holder should keep an admission and discharged register of all the children admitted to an discharged from the child care facility concerned.
- (2) The holder should keep a register of attendance in which the daily presence or absence of children at the child care facility shall be recorded.
- (3) A diet register should be kept in which the nature of and times when all foodstuffs are served, shall be recorded daily.

18. MEDICAL REPORT

A medical report in respect of each child, containing the following information, must be obtained and kept by each holder:

- (1) Information concerning the child's general state of health.
- (2) The ailments and other communicable diseases from which the child has suffered and the dates on which the child had such ailments.
- (3) Details of immunization against smallpox, poliomyelitis, tetanus, measles, whooping cough, diphtheria and tuberculosis or any other communicable disease.
- (4) Possible allergies and diseases such as epilepsy and food sensitivities.

19. JOURNAL

Each holder should keep a journal in which important information such as accidents requiring hospitalization, medication to be taken and the programme of daily activities are recorded in respect of each child.

CHAPTER 6 MISCELLANEOUS

20. TERMINATION OF OPERATIONS

A holder must notify the municipality in writing within in seven days of the temporary or permanent termination of the operations of the child care facility to which the registration relates and should at the same time provide the existing registration and grading certificates.

21. TERMINATION OF REGISTRATION

Subject to the provisions of section 2(5), the municipality may suspend or withdraw a registration issued in terms of these by-laws, should the registration holder be found to harass or abuse, or to endanger the health or safety of, any child in a child care facility, or to misuse any drugs or alcohol or other habit forming substance or become mentally or physically disabled to act as a holder or be convicted of a breach of any of the provisions of these by-laws, provided that such holder must be given adequate opportunity to furnish reasons why such suspension or withdrawal should not be done: provided further that the Head: Social Services may notify all relevant parents or guardians of such pending suspension or withdrawal, the reasons thereof and the final outcome thereof.

22. OFFENCES AND PENALTIES

- (1) A person who has committed an offence in terms of these By-laws is, on conviction liable to a fine not exceeding R 60 000, or imprisonment for a period not exceeding three years, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.
- (2) Any expense incurred by the municipality as a result of any such contravention or in the doing of anything, which any person was directed to do by or under any of 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.
- (3) Subject to an order as to costs by a competent court, the municipality may recover from any person the costs incurred by the municipality to collect or attempt to collect from such person, any amount due by him to the municipality in terms of these by-laws.

23. REPEAL AND AMENDMENT

The following regulations are hereby repealed:

- (1) Any by-laws relating to child care facilities adopted by any municipality now comprising part of the Municipality are hereby repealed from the date of promulgation of this by-law.
- (2) The by-laws relating to the Child Care Facilities, as promulgated in the Local Government Notice No. 62 of 26 September 2008 and the Local Government Notice No. 34 of June 2016, are hereby further amended.

24. SHORT TITLE AND COMMENCEMENT

This by-law is called the **Mangaung, Child Care Facilities By-law** and the amendments effected come into operation on the date of publication in the *Provincial Gazette*.

STANDARD	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
	STARTING GRADE - PROVISORY REGISTRATION	DEVELOPING GRADE - INTERIM REGISTRATION	STANDARD GRADE - FULL REGISTRATION	TOP GRADE - FULL REGISTRATION
A : ENVIRONMENTAL HEALTH ASPECTS				
1. Structure of accommodation facilities	May be informal. Must be safe, adequately ventilated and lighted, impenetrable by rainwater, have a covered floor.	Must be of formal construction - complying with National Building Regulations	As per Level 2 - interior wall surfaces painted with washable paint	As per Level 3
2. Walls, floors, ceilings, windows	Openable openings (doors and windows) and covered floor	Solid, impervious floors, doors, walls, windows with glass. Painted walls and ceilings	Ceiling required. Safety glass (if applicable) to windows. Floors covered. Rest as per Level 2	As per Level 3
3. Premises safety and hygiene	May be unfenced - water pools must be fenced off. No dangerous conditions. No access to dangerous articles or animals, poisonous plants or substances (like paraffin, cleaning agents, etc.)	Must be fenced off and with lockable gates. Must have lockable cupboard for dangerous/poisonous articles/substances. Further as per Level 1	As per Level 2	As per Level 3 and no access to garden equipment and dangerous tools/apparatus
4. Water availability	Pure drinking water to be available: sealed watertank (screw top) plus tap or nozzle - alternatively a tap within 50 meters on same premises	As per Level 1	On tap within 50 meters on same premises	inside
5. Toilet facilities	Screened-off area under roof cover with commodes, (1/20 children) plus potties (1/5 children). Disposal of contents: safe and hygienic - washing of potties/buckets not at tap	Pit (VIP) or bucket toilets plus step-ups and also potties for smaller children. Ratio: 1/20 children	As per Level 2 and potties for small children	Flush toilets (1:15 children) plus potties for small children. Separate staff toilets

STANDARD	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
	STARTING GRADE - PROVISORY REGISTRATION	DEVELOPING GRADE - INTERIM REGISTRATION	STANDARD GRADE - FULL REGISTRATION	TOP GRADE - FULL REGISTRATION
6. Wash basins with clean water	Plastic or similar basins and soap and clean towels or cloths - 1:30 children. Waste water sprayed (no pooling) on premises	As per Level 1 and step-ups for smaller children if basins are fixed. Ration: 1/20 children	Basins on trolley, further as per Level 2	Fixed with on tap running hot and cold water. Ratio: 1/15 children
7.				
8. Kitchen/cooking/food preparation facilities	A cooking area - to be out of reach of children. Table/work surface to be easily cleanable. Basin or bucket for washing-up + cleaning material. Food to be protected against contamination	Separate kitchen with shelves and covered floor and rest as per Level 1	Separate kitchen with shelves and wash-up facilities (sink) plus hot water and fridge and cupboards, washable floor, enamel-painted walls and generally well equipped for food preparation. Cleansing agents and dust bins must be available	As per Level 3 and double bowl sink and running hot and cold water and pantry and freezer and fly screening if necessary
9. Refuse accommodation	Bin or plastic bags + safe means of disposal	As per Level 1	Plastic bag system - at least weekly removals	As per Level 3 and kitchen refuse bin with automatic lid provided in kitchen
10. Cleansing equipment	Water, mops, brooms, bucket/bin, cloths and soap	As per Level 1	Running hot water and as per Level 2 + detergents and disinfectants	As per Level 3 + vacuum cleaner
11. Storage facilities	Boxes for toys and equipment. Boxes on stone base to prevent damp. Children's belongings to be stored separately	As per Level 1 + shelves	Separate store room with shelves and lockers or hooks for children's belongings/clothes	As per Level 3 + 1 locker per child
12. Indoor space	1 m ² per child	1m ² per child (2m ² if no outdoor space is available on premises)	1,8m ² per child (3m ² if no outdoor space is available)	1,8m ² per child over 3 years and 3m ² per child less than 3 years
13. Outdoor space	Nearby open space of 2m ² per child	As per Level 1	1m ² per child must be provided on premises	2m ² per child must be provided on premises

STANDARD	LEVEL 1	LEVEL 2	LEVEL 3	LEVEL 4
	STARTING GRADE - PROVISORY REGISTRATION	DEVELOPING GRADE - INTERIM REGISTRATION	STANDARD GRADE - FULL REGISTRATION	TOP GRADE - FULL REGISTRATION
14. Office facility	None required	Office area required	Separate office area required	Separate office required
15. Sick-bay	Separate space with mattress and blanket + first aid kit	May be part of office + first aid kit	May be part of office area + first aid kit	Separate or part of office + first aid kit
16. Fire fighting equipment	Bucket(s) with sand	As per Level 1	Fire buckets (sand) and CO2 extinguisher(s)	As per Level 3

ANNEXURE A

SCHEDULE OF GUIDELINES
FOR MINIMUM STANDARDS FOR LEVELS OF REGISTRATION OF CHILD CARE FACILITIES
(SECTION 3)

The relaxation of the requirements is applicable with regard to the above-listed aspects only and does not also imply an exemption from compliance with the rest of the requirements and standards.

[PROVINCIAL NOTICE NO. 52 OF 2019]

MANGAUNG METROPOLITAN MUNICIPALITY

PROMULGATION NOTICE

Electricity Supply By-law

Passed by Council on Thursday, November 15, 2018
Under item 84.1 – 15/11/2018

- 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 revised set of Electricity Supply By-laws, at the sitting dated 15 November 2018.
- 2) The reviewed Electricity Supply By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

Adv. Tankiso Mea
City Manager

BY-LAWS RELATING TO ELECTRICITY SUPPLY

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CHAPTER 1 INTERPRETATION

1. Definitions

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

"accredited person" means a person registered in terms of the Installation Regulations as an electrical tester for single phase, an installation electrician or a master installation electrician, as the case may be;

"applicable standard specification" means the standard specifications generally accepted by electrical practitioners as standard in the electricity environment;

"certificate of compliance" means a certificate in the form prescribed in the Installation Regulations, issued by an accredited person in respect of an electrical installation or part of an electrical installation;

"consumer" in relation to premises means:

- (a) any occupier thereof or any other person with whom the Service provider has contracted to supply or is actually supplying electricity thereat; or
- (b) if such premises are not occupied, any person who has a valid existing agreement with the Service provider for the supply of electricity to such premises; or
- (c) if there is no such person or occupier, the owner of the premises;

"credit meter" means a meter where an account is issued subsequent to the consumption of electricity;

"electrical contractor" means a person who undertakes to perform electrical installation work on behalf of any other person, but excluded an employee of such first-mentioned person;

"electrical installation" means any machinery, in or on any premises, used for the transmission of electricity from a point of control to a point of consumption anywhere on the premises, including any article forming part of such an installation irrespective of whether or not it is part of the electrical circuit, but excluding :

- (a) any machinery of the Service provider related to the supply of electricity on the premises;
- (b) any machinery used for the transmission of electricity of which the voltage shall not exceed 50 V where such electricity is not derived from the main supply of the Service provider;
- (c) any machinery which transmits electrical energy in telecommunication, television or radio circuits;
- (d) an electrical installation on a vehicle, vessel, train or aircraft.

"electricity supply" means the supply of electricity by the service provider to a consumer by connecting the electrical installation to the point of supply;

"high voltage" means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of $44\text{kV} < U_n \leq 220\text{kV}$;

"Installation Regulations" means the Electrical Installation Regulations published in Government Gazette No R2920 of 23 October 1992;

"low voltage" means the set of nominal voltage levels that are used for the distribution of electricity and whose upper limit is generally accepted to be an a.c. voltage of 1000V (or a d.c. voltage of 1500 V);

"the law" means any applicable law, proclamation, ordinance, act of parliament or enactment having force of law;

"medium voltage" means the set of nominal voltage levels that lie above low voltage and below high voltage in the range of $1\text{ kV} < U_n \leq 44\text{ kV}$;

"meter" means a device, owned by the service provider, which records the demand and the electrical energy consumed and includes conventional and prepayment meters;

"motor load, total connected" means the sum total of the kW input ratings of all the individual motors connected to an electrical installation;

"motor rating" means the maximum continuous kW output of a motor as stated on the maker's rating plate;

"motor starting current" in relation to alternating current motors means the root mean square value of the symmetrical current taken by a motor when energised at its rated voltage with its starter in the starting position and the rotor locked;

"Municipality/City" means Mangaung Metropolitan Municipality established by the Provincial Notice No. 155 of 2016 as published in the Provincial Gazette, Free State Province of 22 July 2016, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"NER" means the National Electricity Regulator contemplated in the Electricity Act, 1987 (Act No.41 of 1987);

"NRS 047" means the national rationalised specification NRS 047-1:1999 - Electricity supply - Quality of service Part 1: Minimum standards, as amended from time to time;

"NRS 048" means the national rationalised specifications NRS 048-1:1996-Electricity supply Quality of supply Part 1, NRS 048-2:1996 – Electricity supply - Quality of supply Part 2, NRS 048-3:1998 - Electricity supply -Quality of supply Part 3, NRS 048-4:1999 - Electricity supply - Quality of supply Part 4, NRS 048-5:1998 - Electricity supply - Quality of supply Part 5, as amended from time to time;

"NRS 057" means the national rationalised specification NRS 057-2.2000- Electricity metering Part 2: Minimum requirements, as amended from time to time;

"occupier" in relation to any premises means:

- (a) any person in actual occupation of such premises;
- (b) any person legally entitled to occupy such premises;
- (c) in the case of such premises being subdivided and let to lodgers or various tenants, the person receiving the rent payable by such lodgers or tenants, whether on his own account or as agent for any person entitled thereto or interested therein, or
- (d) any person in control of such premises or responsible for the management thereof, and includes the agent of any such person when he is absent from the Republic of South Africa or his whereabouts are unknown;

"owner" in relation to premises means the person in whom is vested the legal title thereto: Provided that:

- (a) in the case of immovable property-
 - (i) leased for a period of not less than 30 years, whether the lease is registered or not, the lessee thereof, or
 - (ii) beneficially occupied under a servitude or right analogous thereto, the occupier thereof;
- (b) if the owner as hereinbefore defined-
 - (i) is deceased or insolvent, has assigned his estate for the benefit of his creditors, has been placed under curatorship by order of court or is a company being wound up or under judicial management, the person in whom the administration of such property is vested as executor, administrator, trustee, assignee, curator, liquidator or judicial manager, as the case may be, or
 - (ii) is absent from the Republic of South Africa, or if his address is unknown to the service provider, any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property, and
- (c) if the service provider is unable to determine who such person is, the person who is entitled to the beneficial use of such property,

shall be deemed to be the owner thereof to the exclusion of the person in whom is vested the legal title thereto;

"point of consumption" means any point of outlet or the supply terminals of machinery which is not connected to a point of outlet and which converts electrical energy to another form of energy: Provided that in the case of machinery which has been installed for any specific purpose as a complete unit, the point of consumption shall be the supply terminals which have been provided on the unit of machinery for that purpose;

"point of metering" means the point at which the consumer's consumption of electricity is metered and which may be at the point of supply or at any other point on the distribution system of the Service provider or the electrical installation of the consumer, as specified by the Service

provider or any duly authorised official of the Service provider: Provided that it shall meter all of, and only, the consumer's consumption of electricity;

"point of supply" means the point determined by the service provider or any duly authorised official of the service provider at which electricity is supplied to any premises by the service provider;

"premises" means any land or any building or structure above or below ground level and includes any vehicle, aircraft or vessel;

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

"SANS 10142-1" means the code of practice SANS 10142-1/SABS 0142-1:2003

- The wiring of premises Part 1: Low-voltage installations, as issued by Standards South Africa of the South African Bureau of Standards, and as incorporated in the regulations and amended from time to time;

"SANS 1019" means the specification SANS 1019/SABS 1019:2001 – Standard voltages, currents and insulation levels for electricity supply, as issued by Standards South Africa of the South African Bureau of Standards and as amended from time to time;

"SANS 1507" means the specification SANS 1507/SABS 1507:2002 – Electric cables with extruded solid dielectric insulation for fixed installations (300/500 V to 1900/3 300 V), as issued by Standards South Africa of the South African Bureau of Standards and as amended from time to time;

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

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

"service provider" means the municipality, its legal successors in title and its delegates, or in the event that the municipality has concluded a service delivery agreement with another person or institution which provides the right to such person or institution to supply electricity on behalf of the municipality, then it means that person or institution;

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

"supply mains" means any part of the service provider's electricity network;

"tariff" means the service provider's tariff of charges for the supply of electricity as determined from time to time by means of resolution;

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

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

(2) In these by-laws, unless the context indicates otherwise, words and expressions denoting the singular shall include the plural and vice versa, words and expressions denoting the male sex shall include the female sex and vice versa and reference to a natural person shall include a legal person and vice versa.

(3) The headings and titles in this by-law shall not affect the construction thereof.

CHAPTER 2 GENERAL CONDITIONS OF SUPPLY OF ELECTRICITY

2. Electricity supply

(1) Only the service provider shall supply or contract for the supply of electricity within the jurisdiction of the municipality.

(2) The service provider will supply electricity subject to the conditions of the license issued to it by the NER and will furthermore specifically adhere to the stipulations of : NRS 047, NRS 048, NRS 057, SANS 10142-1, SANS 1019 and SANS 1057. Copies of these documents are obtainable from the South African Bureau of Standards

(3) If at any time any consumer wants to test the service delivery levels of the service provider, enquiries into the stipulations of the NRS and SANS documents may be directed to the NER in this regard.

3. Supply by agreement, excluding prepaid meters

- (1) No person shall use or be entitled to use electricity, unless or until such person have entered into an agreement in writing with the service provider for the supply of electricity, and such agreement together with the provisions of this by-law shall in all respects govern such supply: Provided that persons using prepayment electricity will not be required to complete the agreement stipulated in this section, but shall comply with the stipulations of section 24 of these by-laws.
- (2) If a person uses electricity without entering into an agreement with the service provider, he shall be liable for the cost of electricity used.

4. Application for supply

- (1) Application for the supply of electricity shall be made in writing by the prospective consumer on the prescribed form obtainable at the offices of the service provider, and the estimated load, in kVA, of the installation, shall be stated therein. Such application shall be made as early as possible before the supply of electricity is required in order to facilitate the work of the service provider.
- (2) An application for an electricity supply for a period of less than one year shall be regarded as an application for a temporary supply of electricity and shall be considered at the discretion of the service provider or any duly authorised official of the service provider, which may specify any special conditions to be satisfied in such case, subject further to the stipulations of section 15.

5. Processing of requests for supply

Applications for the supply of electricity will be processed and finalized as soon as possible, and in any event within a reasonable time as stipulated in NRS 047.

6. Way-leaves

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

**CHAPTER 3
RIGHTS AND OBLIGATIONS OF THE SERVICE PROVIDER**

7. Statutory Servitude

- (1) Subject to the provisions of subsection (3) the service provider may within the area of jurisdiction of the municipality:
 - (a) provide, establish and maintain electricity services;
 - (b) acquire, construct, lay, extend, enlarge, divert, maintain, repair, discontinue the use of, close up and destroy electricity supply mains;
 - (c) construct, erect or lay any electricity supply main on, across, through, over or under any street or immovable property and the ownership of any such main shall vest in the service provider;
 - (d) do any other thing necessary or desirable for or incidental, supplementary or ancillary to any matter contemplated by paragraphs (a) to (c).
- (2) If the service provider constructs, erects or lays any electricity supply main on, across, through, over or under any street or immovable property not owned by the service provider or under the control of or management of the service provider it shall pay to the owner of such street or property compensation in an amount agreed upon by such owner and the service provider or, in the absence of agreement, as determined either by arbitration or a court of law.
- (3) The service provider shall, before commencing any work other than repairs or maintenance on or in connection with any electricity supply main on immovable property not owned by the service provider or under the control or management of the service provider, give the owner or occupier of such property reasonable notice of the proposed work and the date on which it proposes to commence such work.

8. Right of admittance to inspect, test and do maintenance work

- (1) The service provider shall, through its employees, contractors and their assistants and advisers, have access to or over any property for the purposes of:
-

- (a) doing anything authorised or required to be done by the service provider under this by-law or any other law;
 - (b) inspecting and examining any service mains and anything connected therewith;
 - (c) enquiring into and investigating any possible source of electricity supply or the suitability of immovable property for any work, scheme or undertaking of the service provider and making any necessary survey in connection therewith;
 - (d) ascertaining whether there is or has been a contravention of the provisions of this by-law or any other law, and
 - (e) enforcing compliance with the provisions of this by-law or any other law,
- (2) The service provider shall pay to any person suffering damage as a result of the exercise of the right of access contemplated by subsection (1), except where the service provider is authorised to execute on the property concerned any work at the cost of such person or some other person or to execute on such property any work and recover the cost thereof from such person or some other person, compensation in such amount as may be agreed upon by the service provider and such person or, in the absence of agreement, as may be determined by arbitration or court of law.
- (3) An employee of the service provider authorised thereto by the service provider 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 subsection (1).
- (4) The service provider may gain access to or over any property without notice and may take whatever action as may, in its opinion, be necessary or desirable in consequence of the existence of a state of war or the occurrence of any calamity, emergency or disaster.

9. Right to disconnect supply

- (1) The service provider shall have the right to disconnect the supply of electricity to any premises if the person liable to pay for such supply fails to pay any charge due to the service provider in connection with any supply of electricity which he may at any time have received from the service provider in respect of such premises, or, where any of the provisions of this by-law are being contravened, provided the service provider has given the person 14 (fourteen) days notice to remedy his default and the person has failed to remedy such default after notice has been given, or, in the case of a grave risk to person or property, or as envisaged in terms of section 44 of this by-laws, without notice. After disconnection for non-payment of accounts or the improper or unsafe use of electricity, the fee as prescribed by the service provider shall be paid.
- (2) In the case where an installation has been illegally reconnected on a consumer's premises after having been previously legally disconnected by the service provider, or in the case where the service provider's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the electricity supply may be terminated and the electrical installations may be physically removed from those premises.
- (3) This section shall apply to prepayment meters where any of the provisions of this by-law are contravened or, in the case of a grave risk to person or property, or as envisaged in terms of section 44 of this by-laws.

10. Leakage of electricity

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

11. Failure of supply

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

12. Seals of the service provider

The meter, service protective devices and all apparatus belonging to the service provider shall be sealed or locked by a duly authorised official of the service provider, and no person not being an official of the service provider duly authorised thereto shall in any manner or for any reason whatsoever remove, break, deface, or tamper or interfere with such seals or locks.

13. Prevention of tampering with service connection or supply mains

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

14. Temporary disconnection and reconnection

- (1) The service provider shall, at the request of the consumer, temporarily disconnect and reconnect the supply of electricity to the consumer's electrical installation upon payment of the fee as prescribed by the service provider for each such disconnection and subsequent reconnection.
- (2) In the event of the necessity arising for the service provider to effect a temporary disconnection and reconnection of the supply of electricity to a consumer's electrical installation and the consumer is in no way responsible for bringing about this necessity, the service provider shall waive payment of the fee hereinbefore referred to.
- (3) The service provider may only under exceptional circumstances temporarily disconnect the supply of electricity to any premises without notice, for the purpose of effecting repairs or carrying out tests or for any other legitimate purpose. In all other instances adequate notice shall be given.

15. Temporary supplies

It shall be a condition of the provision of any temporary supply of electricity, as defined in this by-laws, that, if such supply is found to interfere with the efficient and economical supply of electricity to other consumers, the service provider shall have the right, with notice, or under exceptional circumstances without notice, to terminate such temporary supply at any time and, the service provider shall not be liable for any loss or damage occasioned by the consumer by such termination.

16. Temporary work

Electrical installations requiring a temporary supply of electricity shall not be connected directly or indirectly to the supply mains except with the prior written approval of the service provider. Full information as to the reasons for and nature of such temporary work shall accompany the application for the aforesaid approval, and the service provider may refuse such approval or may grant the same on such terms and conditions as it may desire.

17. Load reduction

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

18. Medium and low voltage switchgear and equipment

- (1) In cases where a supply of electricity is given at either high, medium or low voltage, the supply and installation of the switchgear, cables and equipment forming part of the service connection shall, unless otherwise approved by the service provider or any duly authorised official of the service provider, be paid for by the consumer.
 - (2) In the case of a medium voltage supply of electricity, all such equipment shall be approved by any duly authorised official of the service provider and installed by or under the supervision of any duly authorised official of the service provider.
 - (3) No person shall operate medium voltage switchgear without the written authority of the service provider.
 - (4) All earthing and testing of high or medium voltage equipment linked to the service provider's network shall be conducted by or under the supervision of an employee of the service provider.
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- (5) In the case of a low voltage supply of electricity, the consumer shall provide and install a low voltage main switch or any other equipment required by the service provider or any duly authorised official of the service provider.

19. Substation accommodation

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

20. Circular letters

The service provider may from time to time issue circulars detailing the requirements of the service provider regarding matters not specifically covered in this by-laws but which are necessary for the safe, efficient operation and management of the supply of electricity.

21. Metering

- (1) The service provider shall, at the consumer's cost in the form of a direct charge or prescribed fee, provide, install and maintain appropriately rated metering equipment at the point of metering for measuring the electricity supplied.
- (2) Except in the case of prepayment meters, the electricity used by a consumer during any metering period shall be ascertained by the reading of the appropriate meter or meters supplied and installed by the service provider and read at the end of such period except where the metering equipment is found to be defective, or the service provider invokes the provisions of section 25(2) of this by-law, in which case the consumption for the period shall be estimated.
- (3) Where the electricity used by a consumer is charged at different tariff rates, the consumption shall be metered separately for each rate.
- (4) The service provider reserves the right to meter the supply to any premises, blocks of shops and flats, tenement-houses and similar buildings for the buildings as a whole, or for individual units, or for groups of units.
- (5) No alterations, repairs or additions or electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the service provider or any duly authorised official of the service provider.

22. Accuracy of metering

- (1) A meter shall be conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in subsection (5) hereof, is found to be within the limits of error as provided for in the applicable standard specifications.
- (2) The service provider shall have the right to test its metering equipment. If it is established by test or otherwise that such metering equipment is defective, the service provider shall -
- (a) in the case of a credit meter, adjust the account rendered;
- (b) in the case of prepayment meters, render an account where the meter has been under-registering, or issue a free token where the meter has been over-registering in accordance with the provisions of subsection (6).
- (3) The consumer shall be entitled to have the metering equipment tested by the service provider on payment of the prescribed fee. If the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of subsections (2) and (6) shall be made and the aforesaid fee shall be refunded.
- (4) In case of a dispute, the service provider shall have the right at the consumer's cost, to have the metering equipment under dispute tested by an approved independent testing authority, and the result of such test shall be final and binding on both parties. If the metering equipment is found not to comply with the system accuracy requirements, the aforesaid fee shall be refunded.
- (5) Meters shall be tested in the manner as provided for in the applicable standard specifications.

- (6) When an adjustment is made to the electricity consumption registered on a meter in terms of subsection (2) or (3), such adjustment shall either be based on the percentage error of the meter as determined by the test referred to in subsection (5) or upon a calculation by the service provider from consumption data in its possession. Where applicable, due allowance shall be made, where possible, for seasonal or other variations which may affect the consumption of electricity.
- (7) When an adjustment is made as contemplated in subsection (6), the adjustment may not exceed a period of three years preceding the date on which the metering equipment was found to be inaccurate. The application of this section does not bar a consumer from claiming back overpayment for any longer period, up to a maximum of three years, where the consumer is able to prove the claim in the normal legal process.
- (8) Where the actual load of a consumer differs from the initial estimated load provided for under section 4(1) to the extent that the service provider deems it necessary to alter or replace its metering equipment to match the load, the costs of such alteration or replacement shall be borne by the consumer.
- (9) (a) Prior to the service provider making any upward adjustment to an account in terms of sub-section (6), the service provider shall -
- (i) notify the consumer in writing of the monetary value of the adjustment to be made and the reasons therefore;
 - (ii) in such notification provide sufficient particulars to enable the consumer to submit representations thereon, and
 - (iii) call upon the consumer in such notice to provide it with reasons in writing, if any, within 21 days or such longer period as the service provider may permit why his account should not be adjusted as notified.
- (b) Should the consumer fail to make any representations during the period referred to in sub-section 9(a)(iii) the service provider shall be entitled to adjust the account as notified in sub-section 9(a)(i).
- (c) The service provider shall consider any reasons provided by the consumer in terms of sub-section (9)(a) and shall, if satisfied that a case has been made out therefore, adjust the account appropriately.
- (d) If a duly authorized official of the service provider decides after having considered the representation made by the consumer that such representations do not establish a case warranting an amendment to the monetary value established in terms of sub-section (6), the service provider shall be entitled to adjust the account as notified in terms of sub-section 9(a)(i), subject to the consumer's right to appeal the decision of the official in terms of section 62 of the Local Government: Municipal Systems Act, 2000 (Act No 32 of 2000).

23. Reading of credit meters

- (1) Unless otherwise prescribed, credit meters shall normally be read at intervals of one month and the fixed or minimum charges due in terms of the tariff shall be assessed accordingly. The service provider shall not be obliged to effect any adjustments to such charges.
- (2) If for any reason the credit meter cannot be read, the service provider may render an estimated account. The electrical energy consumed shall be adjusted in a subsequent account in accordance with the electrical energy actually consumed.
- (3) When a consumer vacates a property and a final reading of the meter is not possible, an estimation of the consumption may be made and the final account rendered accordingly.
- (4) If a special reading of the meter is desired by a consumer, this may be obtained upon payment of the prescribed fee.
- (5) If any calculating, reading or metering error is discovered in respect of any account rendered to a consumer, the error shall be corrected in subsequent accounts. Any such correction shall only apply in respect of accounts for a period of three years, preceding the date on which the error in the accounts was discovered, and shall be based on the actual tariffs applicable during the period. The application of this section does not prevent a consumer from claiming back overpayment for a period of up to three years where the consumer is able to prove the claim in the normal legal process.

24. Prepayment metering

- (1) Persons wishing to have a prepayment meter installed on their property shall apply for such an installation in writing on the prescribed form obtainable at the office of the service provider. Such installation shall be for the cost of the consumer applying. No refund of the amount tendered for the purchase of electricity credit shall be given at the point of sale after initiation of the process by which the prepayment meter token is produced.
- (2) Copies of previously issued tokens for the transfer of credit to the prepayment meter may be issued at the request of the consumer.
- (3) When a consumer vacates any premises where a prepayment meter is installed, no refund for the credit remaining in the meter shall be made to the consumer by the service provider.
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- (4) The service provider shall not be liable for the reinstatement of credit in a prepayment meter lost due to tampering with, the incorrect use of, the abuse of, or any other reason whatsoever of prepayment meters and tokens.
- (5) Where a consumer is indebted to the service provider for electricity consumed or to the service provider for any other service supplied by the service provider (including rates) or for any charges previously raised against him in connection with any service rendered, the service provider may deduct a percentage from the amount tendered to offset the amount owing to the service provider, as set out in the subsection (1).
- (6) The service provider may, at its discretion, appoint vendors for the sale of credit for prepayment meters and shall not guarantee the continued operation of any vendor.
- (7) If a person uses prepayment electricity supply without completing the prescribed forms he shall be liable for the cost of electricity used as stated in section 35 of this bylaw.

Where prepayment meters are installed by the service provider with grants received from the National Government, no application forms shall be completed as referred to in subsection (1). It shall be deemed that the consumer applied for a prepayment meter and the by-laws shall apply mutatis mutandis to circumstances where the prepayment meters were installed by the service provider with funds received as grants.

25. Electrical Contractors

- (1) Where an application for a new or increased supply of electricity has been made to the service provider, any duly authorised official of the service provider may at his discretion accept notification of the completion of any part of an electrical installation, the circuit arrangements of which permit the electrical installation to be divided up into well-defined separate portions, and such part of the electrical installation may, at the discretion of any duly authorised official of the service provider, be inspected, tested and connected to the supply mains as though it were a complete installation.
- (2) The examination, test and inspection that may be carried out at the discretion of the service provider or any duly authorised official of the service provider in no way relieves the electrical contractor or accredited person or the user or lessor, as the case may be, from his responsibility for any defect in the installation. Such examination, test and inspection shall not be taken under any circumstances (even where the electrical installation has been connected to the supply mains) as indicating or guaranteeing in any way that the electrical installation has been carried out efficiently with the most suitable materials for the purpose or that it is in accordance with this by-law or the safety standard, and the service provider shall not be held responsible for any defect or fault in such electrical installation.
- (3) The service provider shall not be held responsible for the work done by the electrical contractor or accredited person on a consumer's premises and shall not in any way be responsible for any loss or damage which may be occasioned by fire or by any accident arising from the state of the wiring on the premises.

26. Cost for repair of damages

The service provider may repair and make good any damage done in contravention of this by-laws or resulting from a contravention of this by-laws. The cost of any such work carried out by the service provider which was necessary due to the contravention of this by-laws, shall be for the account of the person who acted in contravention of this by-laws.

27. Non-liability of the service provider

- (1) The service provider shall not be liable for any loss or damage, direct or consequential, suffered or sustained by a consumer as a result of or arising from the cessation, interruption or any other abnormality of the supply of electricity, unless caused by negligence on the part of the service provider.
- (2) The service provider accepts no responsibility for any damages or loss originating from or in connection with the installation of an electrical installation or any alteration or addition thereto, or which originates from the condition of the electrical installation.

CHAPTER 4 RIGHTS AND OBLIGATIONS OF THE CONSUMER

28. Improper use of electricity

If the consumer uses the electricity for any purpose or deals with the electricity in any manner which the service provider has reasonable grounds for believing interferes in an improper or unsafe manner or is calculated to interfere in an improper or unsafe manner with the efficient supply of electricity to any other consumer, the service provider may, with or without notice, disconnect the electricity supply but such supply shall be restored as soon as the cause for the disconnection has been permanently remedied or removed. The fee as prescribed by the service provider

for the disconnection and reconnection shall be paid by the consumer before the electricity supply is restored, unless if it can be shown that the consumer did not use or deal with the electricity in an improper or unsafe manner.

29. Wiring diagram and specifications

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

30. Standby supply

No person shall be entitled to a standby supply of electricity from the service provider for any premises having a separate source of electricity supply except with the written consent of the service provider and subject to such terms and conditions as may be laid down by the service provider.

31. Consumer's emergency standby supply equipment

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

32. Consumer to erect and maintain electrical installation

Any electrical installation connected or to be connected to the supply mains, and any additions or alterations thereto which may be made from time to time, shall be provided and erected and maintained and kept in good order by the consumer at his own expense and in accordance with this by-law.

33. Fault in electrical installation

- (1) If any fault develops in the electrical installation, which constitutes a hazard or danger to persons, livestock or property, the consumer shall immediately disconnect the electricity supply. The consumer shall without delay give notice thereof to the service provider and shall immediately take steps to remedy the fault.
- (2) The service provider may require the consumer to reimburse it for any expense to which it may be put in connection with a fault in the electrical installation.

34. Discontinuance of the use of electricity supply

In the event of a consumer desiring to discontinue using the electricity supply, he shall give at least two full working days' notice in writing of such intended discontinuance to the service provider, failing which he shall remain liable for all payments due in terms of the tariff for the supply of electricity until the expiration of two full working days after such notice has been given.

35. Change of occupier

- (1) A consumer vacating any premises shall give the service provider not less than two full working days' notice in writing of his intention to discontinue using the electricity supply, failing which he shall remain liable for such supply.
- (2) If the person taking over occupation of the premises desires to continue using the electricity supply, he shall make application in accordance with the provisions of sections 3 or 24 of this by-law, and if he fails to make application for an electricity supply within fourteen working days of taking occupation of the premises, the supply of electricity shall be disconnected, and he shall be liable to the service provider for the electricity supply from the date of occupation until such time as the supply is so disconnected.

- (3) Where premises are fitted with pre-payment meters any person occupying the premises at that time shall be deemed to be the consumer. Until such time as an application is made by this person for a supply of electricity, in terms of section 24 of this by-law, he shall be liable for all charges and fees owed to the service provider for that metering point as well as any outstanding charges and fees whether accrued by that person or not.

36. Service apparatus

- (1) The consumer shall be liable for all costs to the service provider arising from damage to or loss of any metering equipment, service protective device, service connection or other apparatus on the premises, unless such damage or loss is shown to have been occasioned by an Act of God or an act or omission of an employee of the service provider or caused by an abnormality in the supply of electricity to the premises.
- (2) If, during a period of disconnection of an installation from the supply mains, the service main, metering equipment or any other service apparatus, being the property of the service provider and having been previously used, have been removed without its permission or have been damaged so as to render reconnection dangerous, the owner or occupier of the premises, as the case may be, during such period shall bear the cost of overhauling or replacing such equipment.
- (3) Where there is a common metering position, the liability detailed in subsection (1) shall devolve on the owner of the premises.
- (4) The amount due in terms of subsection (1) shall be evidenced by a certificate from the service provider which shall be final and binding.

37. Service connection

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

38. Metering accommodation

- (1) The consumer shall, if required by the service provider or any duly authorised official of the service provider, provide accommodation in an approved position, the meter board and adequate conductors for the service provider's metering equipment, service apparatus and protective devices. Such accommodation and protection shall be provided and maintained, to the satisfaction of the service provider, at the cost of the consumer or the owner, as the circumstances may demand, and shall be situated, in the case of credit meters, at a point to which

free and unrestricted access shall be had at all reasonable hours for the reading of meters but at all times for purposes connected with the operation and maintenance of the service equipment. Access at all reasonable hours shall be afforded for the inspection of prepayment meters.

- (2) Where sub-metering equipment is installed, accommodation separate from the service provider's metering equipment shall be provided.
- (3) The consumer or, in the case of a common meter position, the owner of the premises shall provide adequate electric lighting in the space set aside for accommodating the metering equipment and service apparatus.
- (4) Where in the opinion of the service provider the position of the meter, service connection or protective devices is no longer readily accessible or becomes a course of danger to life or property or in any way becomes unsuitable, the service provider shall remove it to a new position, and the cost of such removal, which shall be carried out with reasonable dispatch, shall be borne by the consumer.
- (5) The accommodation for the service provider's metering equipment shall only include its own equipment. No apparatus other than that used in connection with the supply of electricity and use of electricity shall be installed or stored in such accommodation.

39. Load requirements

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

40. Load limitations

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

41. Supplies to motors

Unless otherwise approved by the service provider or any duly authorised official of the service provider, the rating of motors shall be limited as follows:

- (1) Limited size for low voltage motors:

The rating of a low voltage single-phase motor shall be limited to 2kW and/or the starting current shall not exceed 70A. All motors exceeding these limits shall be wound for three phases at low voltage or such higher voltage as may be required.

- (2) Maximum starting and accelerating currents of three-phase alternating current motors.

The starting current of three-phase low voltage motors permitted shall be related to the capacity of the consumer's service connection, as follows:

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

(3) Consumers supplied at medium voltage –

In an installation supplied at medium voltage the starting current of a low voltage motor shall be limited to 1,5 times the rated full-load current of the transformer supplying such a motor. The starting arrangement for medium voltage motors shall be subject to the approval of the Service provider.

42. Power factor

- (1) If required by the service provider, the power factor of any load shall be maintained within the limits 0,85 lagging and 0,9975 leading.
- (2) Where, for the purpose of complying with sub-section (1), it is necessary to install power factor corrective devices, the consumer wishing to install such devices must first obtain written permission from the service provider by applying for permission on the prescribed forms. Such corrective devices shall, subject to sub-section (3), be connected to the individual appliance terminals unless the correction of the power factor is automatically controlled.
- (3) The power factor corrective devices must consist of and contain the necessary filters, as required by the service provider
- (4) The service provider will, at the cost of the consumer, install such corrective devices.
- (5) The service provider may regulate load control by means of a high frequency (425/1050Hz).

43. Protection

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

CHAPTER 5 PROHIBITED CONDUCT

44. Tampering with service connection or supply mains

- (1) No person shall in any manner or for any reason whatsoever tamper or interfere with any meter or metering equipment or service connection or service protective device or supply mains or any other equipment of the service provider.
- (2) Where prima facie evidence exists of a consumer or any person having contravened subsection(1), the service provider shall have the right to disconnect the supply of electricity immediately and without prior notice to the consumer. The person shall be liable for all fees and charges levied by the service provider for such disconnection.
- (3) Where a consumer or any person has contravened subsection(1) and such contravention has resulted in the meter recording less than the true consumption, the service provider shall have the right to recover from the consumer the full cost of his estimated consumption.

45. Protection of service provider's supply mains

- (1) No person shall, except with the consent of the service provider and subject to such conditions as may be imposed :
 - (a) construct, erect or lay, or permit the construction, erection or laying of any building, structure or other object, or plant trees or vegetation over or in such a position or in such a manner as to interfere with or endanger the supply mains
 - (b) excavate, open up or remove the ground above, next to, under or near any part of the supply mains
 - (c) damage, endanger, remove or destroy, or do any act likely to damage, endanger or destroy any part of the supply mains
 - (d) make any unauthorized connection to any part of the supply mains or divert or cause to be diverted any electricity there from.
 - (e) The owner or occupier shall limit the height of trees or length of projecting branches in the proximity of overhead lines or provide a means of protection which in the opinion of the service provider will adequately prevent the tree from interfering with the conductors should the tree or branch fall or be cut down. Should the owner fail to observe this provision the service provider shall have the right, after prior written notification, or at any time in an emergency, to cut or trim the trees or other vegetation in such a manner as to comply with this provision and shall be entitled to enter the property for this purpose.

- (2) The service provider may subject to obtaining an order of court demolish, alter or other wise deal with any building, structure or other object constructed, erected or laid in contravention with this by-laws.
- (3) The service provider may in the case of an emergency or disaster remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.

46. Unauthorised connections

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

47. Unauthorised reconnections

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

48. Interference with other persons' electrical equipment

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

49. Refusal or failure to give information

No person shall refuse or fail to give such information as may be reasonably required of him by any duly authorised official of the service provider or render any false information to any such official regarding any electrical installation work completed or contemplated.

50. Refusal of admittance

No person shall willfully hinder, obstruct, interfere with or refuse admittance to any duly authorised official of the service provider in the performance of his duty under this by-law or of any duty connected therewith or relating thereto.

CHAPTER 6 PAYMENTS AND FEES

51. Electricity tariffs and fees

Copies of and information in respect of charges and fees may be obtained at the offices of the service provider.

52. Deposits

The service provider will require from the consumer to deposit a sum of money or to provide an approved bank guarantee, as security in payment of any charges which are due or may become due to the service provider. The amount of the deposit in respect of each electrical installation shall be determined by the service provider, and each such deposit may be increased if the service provider deems the deposit held to be inadequate. Such deposit shall not be regarded as being in payment or part payment of any accounts due for the supply of electricity for the purpose of obtaining any discount provided for in the electricity tariff referred to in this by-law. On cessation of the supply of electricity, the amount of such deposit, free of any interest, less any payments due to the service provider shall be refunded to the consumer.

53. Payment of charges

- (1) The consumer shall be liable for all charges listed in the prescribed tariff for the electricity service as approved by the service provider. A copy of the prescribed tariff is obtainable from the service provider.
- (2) All accounts shall be deemed to be payable when issued by the service provider and each account shall, on its face, reflect the due date and a warning indicating that the supply of electricity may be disconnected should the charges in respect of such supply remain unpaid after the due date.
- (3) An error or omission in any account or failure to render an account shall not relieve the consumer of his obligation to pay the correct amount due for electricity supplied to the premises and the onus shall be on the consumer to satisfy himself that the account rendered is in accordance with the prescribed tariff of charges in respect of electricity supplied to the premises.
- (4) No person may obstruct, hinder or interfere with a duly authorised official or authorized agent of the service provider, during the official or agent's visits to the premises to disconnect the supply of electricity in terms of subsection (2). Apart from contravening this subsection, the person so obstructing, hindering or interfering shall be liable to pay the prescribed fees for each visit necessary for the purpose of such disconnection.
- (5) After disconnection for non-payment of an account, the prescribed fees and any amounts due for electricity consumed shall be paid before the electricity supply is re-connected.

54. Interest on overdue accounts

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

**CHAPTER 7
MISCELLANEOUS**

55. Service of notice

- (1) Any notice or other document that is served on any person in terms of this by-law is regarded as having been served:
 - (a) when it has been delivered to that person personally;
 - (b) when it has been left at that person's place of residence or business in the Republic with a person apparently over the age of sixteen years;
 - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic and an acknowledgement of the posting thereof from the postal service is obtained;
 - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (c); or
 - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates.
- (2) When any notice or other document must be authorised or served on the owner, occupier or holder of any property or right in any property, it is sufficient if that person is described in the notice or other document as the owner, occupier or holder of the property or right in question, and it is not necessary to name that person.
- (3) Any legal process is effectively and sufficiently served on the service provider when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

56. Compliance with notices

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

57. Principles for the resale of electricity

- (1) Unless otherwise authorised by the service provider, no person shall sell or supply electricity, supplied to his premises under an agreement with the service provider, to any other person or persons for use on any other premises, or permit or suffer such resale or supply to take place. If electricity is resold for use upon the same premises, the electricity resold shall be measured by a submeter of a type which has been approved by Standards South Africa and supplied, installed and programmed in accordance with the standards of the Service provider.

- (2) The tariff, rates and charges at which and the conditions of sale under which electricity is thus resold shall not be less favourable to the purchaser than those that would have been payable and applicable had the purchaser been supplied directly with electricity by the service provider. Every reseller shall furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the service provider to its electricity consumers.

58. Offences and penalties

- (1) Any person contravening or failing to comply with any of the provisions of these by-laws shall be guilty of an offence and shall upon conviction by a court be liable to a fine not exceeding R60 000, or imprisonment for a period not exceeding three years or both a fine as well as period of imprisonment, or such other fine or period of imprisonment which the Minister of Justice may from time to time determine in terms of the provisions of section 92 of the Magistrate's Courts Act, 1944 (Act No 32 of 1944).
- (2) Any expense incurred by the Council as a result of a contravention of these by-laws or in the doing of anything which a person was directed to do under these by-laws and which he or she failed to do, may be recovered by the Council from the person who committed the contravention or who failed to do such thing.
- (3) Any person who continues to commit an offence after notice has been served on him to cease committing such offence or after he has been convicted of such offence shall be guilty of a continuing offence.
- (4) Any person who, after conviction in terms of these by-laws, 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 R200.00 per day for each ensuing day that the contravention persists.

59. Repeal and amendment

- (1) Any by-laws relating to electricity supply adopted by the council of the municipality or any municipality now comprising part of the Council is repealed from the date of promulgation of these by-laws.
- (2) The Electricity Supply By-laws of the Mangaung Metropolitan Municipality as promulgated in the Local Government Notice No 110 of 28 October 2005 and amended by Local Government Notice No. 34 of 24 June 2016 are hereby further amended.

60. Short title and commencement

- (1) This by-law is called **Mangaung, Electricity Supply By-law** and the amendments effected come into operation on the date of publication in the *Provincial Gazette*.

[PROVINCIAL NOTICE NO. 53 OF 2019]

MANGAUNG METROPOLITAN MUNICIPALITY

PROMULGATION NOTICE

Traffic Regulations By-law

Passed by Council on Thursday, November 15, 2018
Under item 84.1 – 15/11/2018

- 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 revised set of Traffic Regulations By-laws, at the sitting dated 15 November 2018.
- 2) The reviewed Traffic Regulations By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The by-laws are published for the purpose of general public notification.

Adv. Tankiso Mea
City Manager

BY-LAWS RELATING TO TRAFFIC REGULATIONS

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. 155 of 2016 as published in the Provincial Gazette, Free State Province of 22 July 2016, 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.

"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.

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 verandah-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.
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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.

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.

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 it is permissible to differentiate between vehicles of different classes and the classes of persons using the vehicles.

29.3 Any one 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 AND AMENDMENT

33.1 Any by-laws relating to traffic regulations adopted by the council of the municipality or any municipality now comprising part of the Council is repealed from the date of promulgation of these by-laws.

33.2 The Traffic Regulations By-laws of the Mangaung Metropolitan Municipality as promulgated in the Local Government Notice No. 35 of June 2016 are hereby amended.

34. SHORT TITLE AND COMMENCEMENT

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

[PROVINCIAL NOTICE NO. 54 OF 2019]

MANGAUNG METROPOLITAN MUNICIPALITY PROMULGATION NOTICE

Building Regulations By-law

Passed by Council on Thursday, November 15, 2018

Under item 84.1 – 15/11/2018

- 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 revised set of Building Regulations By-laws, at the sitting dated 15 November 2018.
- 2) The reviewed Building Regulations By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

Adv. Tankiso Mea
City Manager

BY-LAWS RELATING TO BUILDING REGULATIONS

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. 155 of 2016 as published in the Provincial Gazette, Free State Province of 22 July 2016, 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) 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

- 4.1 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.
- 8.3.1 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 –
- (i) be skillfully finished;
 - (ii) 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) skillfully finished;

(ii) of good quality material;

(iii) without defect; and

(iv) maintenance free

(b) if applicable, the struts, posts and columns of such an enclosure must show on the owner's side

(c) If wood forms part of such enclosure, it must be thoroughly treated with a wood-preserving agent.

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;

(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.
- 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-
- (a) 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
 - (b) who obstructs or causes or instructs any person to obstruct such official in the performance of his or her duties, or
 - (c) 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
 - (d) 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.

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

- 28.1 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 s 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
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- (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.

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
 - (iii) prejudice the use of sewage effluent for re-use; or
 - (iv) 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 effluent from the water care works from satisfactorily complying in all respects with any requirement imposed in terms of the National Water Act, 1998 (Act No. 36 of 1998); or
- (iii) whether listed in the Annexure or not, either alone or in combination with other matter may:
 - (aa) generate or constitute a toxic substance detrimental to the health of persons employed at the water care works or entering the 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.

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.

The Building Regulations of the Mangaung Metropolitan Municipality as promulgated in the Local Government Notice No. 35 of June 2016 are hereby amended.

46. SHORT TITLE AND COMMENCEMENT

This By-law is called **Mangaung, Building Regulations By-law** and the amendments effected come 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 Council.

[PROVINCIAL NOTICE NO. 55 OF 2019]

PROMULGATION NOTICE

Public Nuisance By-law

Passed by Council on Thursday, November 15, 2018

Under item 84.1 – 15/11/2018

- 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 revised set of Public Nuisance By-laws, at the sitting dated 15 November 2018.
- 2) The reviewed Public Nuisance By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

Adv. Tankiso Mea
City Manager

BY-LAWS RELATING TO PUBLIC NUISANCE

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 №. 155 of 2016 as published in the Provincial Gazette, Free State Province of 22 July 2016, 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 to 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;

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- 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 be 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;
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- 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, crap 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;

9.2 upon the discovery of the graffiti the owner or lawful occupant of the property must:

(a) notify the Council before removing or covering such graffiti.

(b) 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; painting or posting any bill, notice, picture, advertisement upon any public building, curb stone, crosswalk, gutter, street, sidewalk, hydrant, lamp post and bridge;

10.1.4 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.

13.2 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 AND AMENDMENT

16.1 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.

16.2 The Public Nuisance By-laws of the Mangaung Metropolitan Municipality as promulgated in the Local Government Notice No. 35 of June 2016 are hereby amended.

17. SHORT TITLE AND COMMENCEMENT

This By-law is called **Mangaung, Public Nuisance By-law** and the amendments effected come into operation on the date of promulgation thereof in the Provincial Gazette.

[PROVINCIAL NOTICE NO. 56 OF 2019]

PROMULGATION NOTICE

Disaster Risk Management By-law

Passed by Council on Thursday, November 15, 2018
Under item 84.1 – 15/11/2018

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act No 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the revised set of Disaster Risk Management By-laws, at the sitting dated 15 November 2018.
- 2) The reviewed Disaster Risk Management By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

Adv. Tankiso Mea
City Manager

BY-LAWS RELATING TO DISASTER RISK MANAGEMENT

1. PURPOSE

To provide for the proper regulation and planning of disaster risk management 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-coordinated assessment and provision of disaster relief measures during such catastrophe.

Disaster Risk 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 №. 155 of 2016 as published in the Provincial Gazette, Free State Province of 22 July 2016, 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 Risk 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 risk 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, National Government, private company or any person within the area of jurisdiction of the, where the capacity of the venue can host at least 2000 attendees or more than, the Event Organiser must comply with the City's Events By laws and 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.
- 4.1.2 Once the application of the event has been lodged with the Municipality, the Disaster Risk Management Sub directorate shall convene an Events Action Group 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.
- 4.1.3 The following conditions or requirements must be adhered to or be met:
- 4.1.3.1 The person assigned as Event Organiser must be a competent person in terms of this By-law or any relevant by-law such as the Municipality's Events By-law.
- 4.1.3.2 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.
- 4.1.3.3 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. Disaster Risk Management, Fire & Rescue Services, Ambulance Services, S.A.P.S., Public Safety , Municipal Health Services, e.t.c.
- 4.1.3.4 Refuse bins and skips for waste collection and removal.
- 4.1.3.5 The number of marshals at the ration of 50:1 must be provided to assist during the proceedings of the event.
- 4.1.3.6 Security personnel for crowd control must be made available.
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- 4.1.3.7 Where a marquee has been erected to accommodate more than 250 people, the event organiser 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.
- 4.1.3.8 Where a stage more than one (1) meter in height has been erected either inside and/or outside the marquee, an Engineer's Compliance Certificate must be produced.
- 4.1.3.9 The time-span of the event must be provided, i.e. starting time and expected closing time of the event.
- 4.1.3.10 An events and 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.
- 4.1.3.11 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.
- 4.1.3.12 No open fires will be allowed except for food preparation in the designated food sale/preparation areas.
- 4.1.3.13 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.
- 4.1.3.14 All fire-fighting equipment and emergency exits must be kept unobstructed at all times.
- 4.1.3.15 No vehicles, with the exception of VIP's, emergency, security and organizing official's vehicles will be allowed inside the premises.
- 4.1.3.16 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.
- 4.1.3.17 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.
- 4.1.3.18 All functionaries present at the JOC shall confirm the number of resources available at the JOC from their respective departments.
- 4.1.3.19 The Event Organiser must arrange for a dry run inspection at least 2 hours before the gates open for the event.
- 4.1.3.20 An account for the stand-by service performed by the City's departments will be forwarded to the applicant as per Councils tariff of charges.
- 4.1.3.21 A compulsory Disaster Risk 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.
- 4.1.3.22 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 event/s.

4.1.4 General conditions or requirements

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

- 4.1.4.1 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.
- 4.1.4.2 Will members of the public be allowed to enter the premises in possession of any dangerous weapons (fire-arms, knives, etc).
- 4.1.4.3 Will any age limit be enforced on entry or is the event open to people of all ages.
- 4.1.4.4 Will there be a certified stand-by electrician on site in the event of power failure.
- 4.1.4.5 It is recommended from Disaster Risk Management that, preferably, the S.A.P.S. helicopter be negotiated to do air support and observations of the event, should it be necessary.
- 4.1.4.6 If the designated event area is full, how will the rest of the public be notified and turned away.
- 4.1.4.7 A competent person (Structural Engineer) shall inspect and certify the marquee and/ or stage safe and shall provide a certificate compliance to relevant authorities before the commencement of the event.

- 4.1.4.8 Proper identification tags inclusive of the job designation must be provided to all personnel working at the event.
- 4.1.4.9 If food is provided / prepared they must comply with Environmental Health by-laws and a Certificate of Acceptability must be submitted.
- 4.1.4.10 Adequate provision of toilets must be made that are in line with the health requirements.

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 Risk Management and / or the Manager responsible for Disaster Risk Management, in his/her absence to the person acting on behalf of the General Manager: Disaster Risk Management or the Manager responsible for Disaster Risk 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 Risk Management and the Manager responsible for Disaster Risk Management shall evaluate the plan and either approve it or refer it back if realized that, the plan has got shortcomings.
- 5.7 The on-site 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 Risk Management and/ or the Manager responsible for Disaster Risk 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 Risk Management within seven days of the occurrence of the incident
- 5.11 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 e.t.c.
- 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 AND AMENDMENT

8.1 Any by-laws relating to disaster risk 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.

8.2 The by-laws relating to Disaster Management as promulgated in the Local Government Notice No. 35 of June 2016, are hereby amended.

9. SHORT TITLE AND COMMENCEMENT

This By-law is called **Mangaung, Disaster Risk Management By-law** and the amendments effected come into operation on the date of promulgation thereof in the Provincial Gazette.

[PROVINCIAL NOTICE NO. 57 OF 2019]

PROMULGATION NOTICE

Disaster Water Services By-law

Passed by Council on Thursday, November 15, 2018
Under item 84.1 – 15/11/2018

- 1) Notice is hereby given in terms of the provisions of section 13 of the Local Government: Municipal Systems, 2000 (Act No 32 of 2000), as amended, that the Council of Mangaung Metropolitan Municipality passed the revised set of Water Services By-laws, at the sitting dated 15 November 2018.
- 2) The reviewed Water Services By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

Adv. Tankiso Mea
City Manager

BY-LAWS RELATING TO WATER SERVICES

To provide for the regulation and management of activities in respect of the delivery of Water Services, and to provide for matters in connection therewith

Preamble

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

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

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

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

BE IT THEREFORE ENACTED by the Municipal Council of the **MANGAUNG** Metropolitan Municipality as follows:-

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CHAPTER I: GENERAL PROVISIONS

Part 1: Definitions

1. Definitions

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

“**account**” means any account rendered for Municipal services provided;

“**accommodation unit**” in relation to any premises, means a building or section of a building occupied or used or intended for occupation or use for any purpose;

“**affected person**” means a person who has been served with a designated notice

“**Act**” means the Water Services Act, 1997 (Act No. 108 of 1997), as amended from time to time;

“**actual consumption**” means the measured consumption of any consumer;

“**approved**” means approved by the Municipality or an authorised person;

“**authorised person**” means a person authorised by the Municipality to perform any act, function or duty in terms of, or exercise any power under, these By-laws;

“**average consumption**” means, for instances where a meter is or was dysfunctional, the estimated average consumption of a consumer of a Municipal service during a specific period, which consumption is calculated by dividing the total measured consumption of that Municipal service by that consumer –

- (a) during the preceding three months by three; or
- (b) during the corresponding period in the previous year by three; or
- (c) during the following three months by three;

“**average consumption**” means, for instances where actual meter readings could not be obtained from a meter in working order, means the estimated average consumption of a customer of a Municipal service during a specific period, which consumption is based on the average consumption of that meter over the previous 12 months. This amount may be recalculated and then updated at the request of the customer;

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

“**basic water supply**” means the minimum standard of water supply services necessary for the reliable supply of water to households to support life and personal hygiene, prescribed in terms of the Act under regulation 3 of Government Notice R509 of 8 June 2001, as amended from time to time, or any substitution for that regulation;

“**best practicable**

“**environmental option**” means the option that provides the most benefit or causes the least damage to the environment as a whole, at a cost acceptable to society, in the long term as well as in the short term;

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

"Building Regulations" means the National Building Regulations made in terms of the National Building Regulations and Building Standards Act, 1977 (Act No. 103 of 1977);

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

- (a) acting in such position; and
- (b) to whom the City Manager has delegated a power, function or duty in respect of such a delegated power, function or duty;

"combined installation" in relation to water supply means a water installation used for fire-fighting and domestic, commercial or industrial purposes;

"commercial effluent" means effluent emanating from an enterprise having a commercial purpose where the effluent is neither industrial effluent nor standard domestic effluent;

"commercial purpose" in relation to the supply of water, means water supplied to premises to be used in the carrying out of a trade or business;

"communal water services work" means a consumer connection through which water services are supplied to more than one person;

"connecting point" means the point at which the drainage installation joins the connecting sewer;

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

"connection" means the point at which a consumer gains access to Municipal services;

"connection pipe" means a pipe, the ownership of which is vested in the Municipality and installed by it for the purpose of conveying water from a main to a water installation, and includes a "communication pipe" referred to in SABS 0252 Part I;

"consumer" means –

- (a) any person who occupies premises to whom, and in respect of which premises, the Municipality –
 - (i) has agreed to provide water services;
 - (ii) is actually providing water services;
 - (iii) has entered into an agreement with the Municipality for the provision of water services to or on any premises;
- (b) the owner of any premises to which the Municipality is providing water services;
- (c) where water services are provided through a single connection to a number of accommodation units or consumers or occupiers, means the person to whom the Municipality has agreed to provide such water services; and
- (d) any end-user who receives authorised water services from the Municipality or other water services institution.

"consumer period" means the period between successive monthly readings or reading estimates irrespective of the period between reading dates;

"conventional water

meter" means a meter where the account is issued subsequent to the consumption of water;

"domestic purposes" in relation to the supply of water means the general use of water supplied for personal and residential uses, including health and hygiene, drinking, ablution, culinary, household and garden maintenance;

"drain" means that portion of the drainage installation that conveys sewage from a building to a communal drain or any other sewage disposal system which is situated on the premises concerned or to a sewer;

"drainage installation" means an installation which is situated on the premises and which is intended for catchments, conveyance, storage or treatment of sewage, including sanitary appliances, drains, septic tanks, sewage treatment works or matching mechanical appliances;

"drainage work" includes any drain, sanitary fitting, water supplying apparatus, waste or other pipe or any work connected with the discharge of liquid or solid matter into any drain or sewer or otherwise connected with the drainage of any premises;

"duly qualified sampler" means a person who takes samples for analysis from any source and who has been trained to do so;

- "effluent"** means any liquid whether or not containing matter in solution or suspension which emits from any premises either into the storm water system or the sewerage system;
- "emergency"** means any situation that poses a risk or potential risk to life, health, the environment or property;
- "environmental cost"** means the full cost of all measures necessary to restore the environment to its condition prior to the damaging incident;
- "fire installation"** means a potable water installation that conveys water for firefighting purposes only;
- "fixed quantity water delivery system"** means a water installation, which delivers a fixed quantity of water to a consumer in any single day or month;
- "household"** means the family unit of persons, or individuals, in occupation of a building or part of a building, designated for residential occupation by such family unit, or individuals, determined as follows :
 For formal buildings on a stand zoned for single residential purposes, the number of households will be the sum of the main unit plus the number of dwelling units for which the area of the units do not differ by more than 80% from the main dwelling unit; or
 For all flats, townhouses and duet houses occupied by separate households the number of households will be the sum of the applicable separate units; or
 In the case of other residential dwellings where more than 8 (eight) persons are staying permanently in one or more units on a single stand, the number of households will be determined after an application has been made to the Municipality with sufficient proof to calculate a separate household for every 8 (eight) persons or part thereof staying on the stand: Provided that it will automatically revert back to one household should the number of persons decrease since the original application.
- "head of department"** means a person appointed by the Municipality as head of one of the departments into which the administrative of the Municipality is organised, and also a person legally acting in that position;
- "illegal connection"** means a connection to any system through which Municipal services are provided and which connection is not authorised or approved by the Municipality;
- "industrial effluent"** means effluent emanating from industrial use of water, whether or not containing matter in suspension, and includes for purposes of these By-laws, any effluent other than standard domestic effluent or stormwater;
- "installation work"** means work in respect of the construction of, or carried out on a water installation;
- "main"** means a pipe, other than a connection pipe, vesting in the Municipality and used by it for the purpose of conveying water to a consumer;
- "measuring device"** means any method, procedure, process or device, apparatus, installation that enables the quantity of water services provided to be quantified and includes a method, procedure or process whereby quantity is estimated or assumed;
- "meter"** means a water meter as defined by the Regulations published in terms of the Trade Metrology Act, 1973 (Act No. 77 of 1973), or, in the case of water meters of size greater than 100 mm, a device which measures the quantity of water passing through it;
- "Municipality"** means the Mangaung Metropolitan Municipality and its legal successors, and when referred to as-
- (i) a legal entity, means Mangaung Metropolitan Municipality as described in section 2 of the Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000);
 - (ii) a geographic area, means the municipal area of the Mangaung Metropolitan Municipality as determined from time to time in terms of the Local Government : Municipal Demarcation Act, 1998 (Act No 27 of 1998); and
 - (iii) a person, means an authorised representative of the Mangaung Metropolitan Municipality;
- "occupier"** means a person who occupies any premises or part thereof, without regard to the title under which he, she or it occupies;
- "owner"** means -
- (a) the person in whom from time to time is vested the legal title to premises;
 - (b) in a 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 any case where the Municipality is unable to determine the identity of such person, a person who is entitled to the benefit of the use of such premises or a building or buildings thereon;
 - (d) in the case of premises for which a lease agreement of 30 years or longer has been entered into, the lessee thereof;
 - (e) in relation to -
 - (i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986), the developer or the body corporate in respect of the common property, or
-

- (ii) a section as defined in the Sectional Titles Act, 1986 (Act No. 95 of 1986), the person in whose name such section is registered under a sectional title deed and includes the lawfully appointed agent of such a person;

"person" means any natural person, local government body or like authority, a company incorporated under any law, a body of persons whether incorporated or not, a statutory body, public utility body, voluntary association or trust;

"plumber" means a person who has passed a qualifying Trade Test in Plumbing or has been issued with a certificate of proficiency in terms of the Manpower Training Act, 1981 (Act No. 56 of 1981) or such other qualification as may be required under the SAQA Act.

"pollution" means the introduction of any substance into the water supply system, a water installation or a water resource that may directly or indirectly alter the physical, chemical or biological properties of the water found therein so as to make it –

- (a) less fit for any beneficial purpose for which it may reasonably be expected to be used; or
- (b) harmful or potentially harmful –
 - (i) to the welfare, health or safety of human beings;
 - (ii) to any aquatic or non-aquatic organism;

"premises" means any piece of land, the external surface boundaries of which are delineated on –

- (a) a general plan or diagram registered in terms of the Land Survey Act, 1927 (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 terms of the Sectional Titles Act, 1986 (Act No. 95 of 1986);
- (c) a register held by a tribal authority.

"prepayment meter" means a meter that can be programmed to limit the flow of water into a water installation to the amount which has been previously purchased, and which complies with the requirements of SANS1529-9;

"prepayment measuring

system" means a system, approved by the Municipality, designed to measure and allocate to a consumer the quantity of water pre-purchased by himself or herself;

"prescribed fee" means a tariff or charge determined and approved by the Municipality from time to time;

"public notice" means publication in an appropriate medium that may include one or more of the following –

- (a) publication of a notice, in the official languages determined by the Municipality, –
 - (i) in the local newspaper or newspapers in the area of the Municipality;
 - (ii) in the newspaper or newspapers circulating in the area of the Municipality determined by the Municipality as a newspaper of record; or
 - (iii) by means of radio broadcasts covering the area of the Municipality; or
- (b) displaying a notice at appropriate offices of the Municipality; or
- (c) communication with consumers through public meetings;

"SABS" means South African Bureau of Standards, or its successor in law;

"sanitation services" has the same meaning assigned to it in terms of the Act and includes for purposes of these By-laws water for industrial purposes and the disposal of industrial effluent;

"service pipe" means a pipe which is part of a water installation provided and installed on any premises by the owner or occupier and which is connected or to be connected to a connection pipe to serve the water installation on the premises;

"sewage" means waste water, industrial effluent, standard domestic effluent and other liquid waste, either separately or in combination, but shall not include stormwater;

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

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

"soil-water" means any liquid containing excreta;

"domestic effluent" means effluent with prescribed strength characteristics in respect of chemical oxygen demand and settleable solids as being appropriate to sewage discharges from domestic premises within the jurisdiction of the Municipality, but shall not include industrial effluent;

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

"**water tariff**" means the latest water tariff structure as approved by Council

"**terminal water fitting**" means a water fitting at an outlet of a water installation that controls the discharge of water from a water installation;

"**trade premises**" means premises upon which industrial effluent is produced;

"**unauthorised services**" means receipt, use or consumption of any Municipal service which is not in terms of an agreement, or authorised or approved by the Municipality;

"**waste-water**" means used water which is not polluted and does not include stormwater;

"**water fitting**" means a component of a water installation, other than a pipe, through which water passes or in which it is stored;

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

"**water services**" means water supply services and sanitation services, as defined in these By-Laws and includes the collection and disposal of industrial effluent;

"**water supply services**" means the abstraction, conveyance, treatment and distribution by the Municipality, of water for domestic, industrial and commercial purposes;

"**water supply system**" means a structure, aqueduct, pipe, valve, pump, meter or other apparatus relating thereto which are vested in the Municipality and are used or intended to be used by it in connection with the supply of water, and includes any part of the system;

"**wet industry**" means an industry which discharges industrial effluent; and

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

2. Meaning of certain words the same as in Acts

Any word or expression used in these By-laws to which a meaning has been assigned in –

- (a) the Act will bear that meaning; and
- (b) the National Building Regulations and Building Standards Act, 1997 (Act No. 103 of 1977) and the Building Regulations will bear that meaning, unless the context indicates otherwise.

3. Levels of Service

- (1) The Municipality may provide various levels of service as set out in subsection (2) to consumers at the prescribed fee.
- (2) The levels of service shall comprise –
 - (a) Service Level 1, which must satisfy the minimum standard for basic water supply and sanitation services as required in terms of the Act and its applicable regulations, and must consist of –
 - (i) A water supply from communal water points, made available as public standpipes; and
 - (ii) A ventilated improved pit latrine located on each site;
 - (b) Service Level 2, which must consist of –
 - (i) A restricted water connection to each stand that shall allow 333 litres per day to be consumed through some form of restricting device; and
 - (ii) A low-flow septic tank system, the effluent from which shall be connected to either a Municipal sewer or a shallow communal sewer system; or
 - (iii) A closed-circuit waterborne effluent disposal system, which shall consist of a conservancy tank divided into two compartments, reactor tank and catchment tank.
 - (c) Service Level 3, which must consist of –
 - (i) A metered full-pressure water connection to each stand; and

- (ii) A conventional water-borne drainage installation connected to the Municipality's sewer; or
 - (iii) A full water-borne sewerage system with toilet structures and erf sewerage and plumbing.
- (3) The level of service to be provided to a community may be established in accordance with the governing policies of the Municipality and subject to the conditions determined by the Municipality.

Part 2: Application for Water Services

4. Application for water services

- (1) No person, other than a consumer on Service Level 1, shall gain access to water services from the water supply system, sewage disposal system or through any other sanitation services unless he or she has applied to the Municipality on the prescribed form for such services for a specific purpose and to which such application has been agreed.
- (2) The Municipality must on application for the provision of water services by a consumer inform that consumer of the different levels of services available and the prescribed fee or charges associated with each level of services.
- (3) A consumer must elect the available level of services to be provided.
- (4) A consumer may at any time apply to alter the level of services elected in terms of the agreement entered into, provided that such services are available and that any costs and expenditure associated with altering the level of services will be payable by the consumer.
- (5) An application agreed to by the Municipality shall constitute an agreement between the Municipality and the applicant, and such agreement shall take effect on the date referred to or stipulated in such agreement.
- (6) A consumer shall be liable for all the prescribed fees or charges in respect of water services rendered to him or her until the agreement has been terminated in accordance with these By-laws or until such time as any arrears have been paid.
- (7) In preparing an application form for water services the Municipality will endeavour to ensure that the document and the process of interaction with the owner, consumer or any other person making application are understood by that owner, consumer or other person. In the case of illiterate or similarly disadvantaged persons, the Municipality will take reasonable steps to ensure that the person is aware of and understands the contents of the application form.
- (8) An application form will require at least the following minimum information –
 - (a) acknowledgment by the applicant that he or she understands the contents of the form;
 - (b) acceptance by the consumer of the provisions of the By-laws and acceptance of liability for the cost of water services rendered until the agreement is terminated or until such time as any arrears have been paid;
 - (c) name of the consumer, and his or her identity or passport number, where applicable;
 - (d) address or stand number of premises to or on which water services are to be rendered or the communal water services work where water services will be used;
 - (e) address where accounts will be sent;
 - (f) if water will be supplied, the purpose for which the water is to be used;
 - (g) the agreed date on which the provision of water services will commence; and
 - (h) a copy of any applicable lease agreement or written confirmation from the owner or the owners agent, stating the date of occupation.
- (9) Water services rendered to a consumer are subject to the provisions of these By-laws and the conditions contained in the relevant agreement.
- (10) If the Municipality refuses an application for the provision of water services, is unable to render such water services on the date requested for such provision of water services to commence or is unable to render the water services the Municipality will inform the consumer of such refusal and / or inability, the reasons therefore and, if applicable, when the Municipality will be able to provide such water services.

5. Special agreements for water services

The Municipality may enter into a special agreement for the provision of water services to -

- (a) an applicant inside its area of jurisdiction, if the services applied for necessitates the imposition of conditions not contained in the prescribed form; and
- (b) an applicant outside its area of jurisdiction, if such application has been approved by the Municipality having jurisdiction in the area in which the premises is situated.

Part 3: Prescribed Fees and Charges

6. Prescribed fees and charges for water services

All tariffs and or charges payable in respect of water services rendered by the Municipality in terms of these By-laws, including but not limited to the payment of connection charges, fixed charges or any additional charges or interest in respect of failure to pay such tariffs or charges on the specified date will be set by the Municipality by a resolution passed by the Council from time to time in accordance with –

- (a) its Tariffs policy;
- (b) any By-laws in respect thereof; and
- (c) any regulations in terms of Section 10 of the Act and regulations made thereunder.

7. Fixed charges for water services

- (1) The Municipality may, in addition to the prescribed fees for water services actually provided, levy a monthly fixed charge, annual fixed charge or once-off fixed charge in respect of the provision of water services in accordance with –
 - (a) its tariff policy or resolution passed by the Council in this regard;
 - (b) any By-laws in respect thereof; and
 - (c) any regulations in terms of Section 10 of the Act and regulations made thereunder.
- (2) Where a fixed charge is levied in terms of Subsection (1), it shall be payable by every owner or consumer in respect of water services provided by the Municipality to him or her, whether or not water services are used by him or her.

Part 4: Payment

8. Payment of deposit

- (1) Every consumer must on application for the provision of water services and before such water services will be provided by the Municipality, deposit with the Municipality a sum of money determined in terms of the Municipality's Tariffs Policy except in the case of a pre-payment system or fixed-quantity water delivery system being used by the Municipality.
- (2) The Municipality may require a consumer to whom services are provided and who was not previously required to pay a deposit, for whatever reason, to pay a deposit on request, within the period specified by the Municipality.
- (3) The stipulations of the Municipality's Tariffs By-laws has further relevance with regards to deposits

9. Payment for water services provided

- (1) Water services provided by the Municipality to a consumer shall be paid for by the consumer at the prescribed fee set in accordance with Sections 4 and 5, for the particular category of water services provided.
- (2) A consumer shall be responsible for payment for all water services provided to the consumer from the date of an agreement until the date of termination thereof.
- (3) The Municipality may estimate the quantity of water services provided in respect of a period or periods within the interval between successive measurements and may charge a consumer for the services so estimated.
- (4) If a consumer uses water supply services for a category of use other than that for which it is provided by the Municipality in terms of an agreement and as a consequence is charged at a rate lower than the rate which should have been charged, the Municipality may make an adjustment of the amount charged in accordance with the rate which should have been charged and recover from the consumer the tariffs and charges payable in accordance with such adjustment.
- (5) If amendments to the prescribed tariffs or charges for water services provided become operative on a date between measurements for the purpose of charging the consumer in respect of the tariffs or charges –
 - (a) it shall be deemed that the same quantity of water was provided in each period of twenty-four hours during the interval between the measurements; and
 - (b) any fixed charge shall be calculated on a pro rata basis in accordance with the charge that applied immediately before such amendment and such amended charge.
- (6) A consumer must pay his or her or its obligations in terms of water consumed to the Municipality. A consumer shall remain liable for such an obligation not paid to the Municipality or its approved agent.

10. Payment in respect of prepayment meters

- (1) When the Municipality is delivering the supply of water through a pre-payment meter system, and water is supplied to a customer by means of a prepayment system, in addition to the requirements of the preceding subsections –
- (a) no refund of the amount tendered for the purchase of water credit shall be given at the point of sale after initiation of the process;
- (b) when a consumer vacates any premises where a prepayment system is in use or installed, no refund for the credit remaining in the meter and/or system shall be made to the customer; and
- (c) the Municipality shall not be liable for the reinstatement of credit in a prepayment system lost due to tampering with, or the incorrect use or the abuse of, any part of the prepayment system.

Part 5: Accounts*Accounts*

- (1) Accounts will be rendered on a monthly basis by the Municipality to consumers, except consumers making use of a prepayment system for the amount due and payable at the address last recorded with the Municipality.
- (2) Failure by the Municipality to render an account does not relieve a consumer of the obligation to pay any amount due and payable.
- (3) The Municipality's Tariffs By-laws are furthermore applicable with regards to accounts rendered for water consumption.

Part 6: Termination, Limitation and Discontinuation of Water Services*Termination of agreement for the provision of water services*

- (1) A consumer may terminate an agreement for the provision of water services by giving to the Municipality not less than seven (7) working days' notice in writing of his or her intention to do so.
- (2) The Municipality may, by notice in writing of not less than seven (7) working days, advise a consumer of the termination of his, her or it agreement for the provision of water services if –
- (a) he, she or it has not used the water services during the preceding six months and has not made arrangements to the satisfaction of the Municipality for the continuation of the agreement;
- (b) he, she or it has failed to comply with the provisions of these By-laws and has failed to rectify such failure to comply on notice in terms of Section (23) or to pay any tariffs or charges due and payable after the due dates set out in the notice issued to the consumer requiring payment by a set date (c) in terms of an arrangement made by it with another water services institution to provide water services to the consumer.
- (3) The Municipality may, after having given notice, terminate an agreement for services if a consumer has vacated the premises to which such agreement relates.
- (4) If it is determined by a body legally empowered to do so, other than the Municipality, that an existing water service on a private property, or emanating from private property, is creating environmental damage or water pollution or water wastage, and the owner of the property or the consumer, whichever is applicable, is directed to carry out such measures as are required under any Act or law to rectify the situation, the Municipality is not liable for any damages arising as a result of the measures required to be taken or in respect of damages suffered as a result of a permanent or temporary termination of the services.
- (5) Should the consumer fail to carry out such measures as determined through subsection (4), the Municipality may, subject to the provisions of these by-laws, undertake the measures required, and any expenditure incurred may be recovered from the owner of the premises or the consumer, as the case may be.

Limitation and discontinuation of water services provided

13. (1) The Municipality may limit or discontinue water services provided in terms of these By-laws
- (a) on failure to pay the prescribed fees or charges on the date specified in terms of a notice or account rendered or after payment became due in terms of the stipulations of the Municipality's Credit Control and Debt Collection By-laws;
- (b) at the written request of a consumer;
- (i) if the agreement for the provision of services has been terminated in terms of Section 12 and it has not received an application for subsequent services to the premises within a period of 90 (ninety) days of such termination and the Finance Directorate authorised such limitation or discontinuation;

- (ii) the building on the premises to which services were provided has been demolished;
 - (iii) if the consumer has unlawfully interfered with the water installation in any way;
 - (iv) in an emergency;
 - (v) if there has been material abuse of the water services by the consumer or an occupier of the premises; or
 - (vi) if the use of the water services is creating significant environmental damage or water pollution.
- (2) The Municipality will not be liable for any damages or claims that may arise from the limitation or discontinuation of water services provided in terms of Subsection (1).

Restoration of water services

14. When a consumer enters into an agreement for the payment of the arrears amount in instalments after the receipt of a final demand notice or a discontinuation notice the water services will be restored to the type of service the consumer elected in terms of the agreement for the provision of water services, within 7 (seven) working days.

Part 7: General Provisions

Responsibility for compliance with these By-laws

- 15(1) The owner of premises is responsible for compliance with these By-laws in respect of all and any matters relating to any installation.
- (2) The consumer is responsible for compliance with these By-laws in respect of matters relating to the use of any water and sanitation services rendered.

Exemption

- 16 (1) The Municipality may, in writing exempt an owner, consumer, any other person or category of owners, consumers or other persons from complying with a provision of these By-laws, subject to any conditions it may impose, if it is of the opinion that the application or operation of that provision would be unreasonable, provided that the Municipality shall not grant exemption from any section of these By-laws that may result in –
- (a) the wastage or excessive consumption of water;
 - (b) the evasion or avoidance of water restrictions;
 - (c) significant negative effects on public health, safety or the environment;
 - (d) the non-payment for services;
 - (e) the installation of pipes and fittings which are not approved in terms of these By-laws; and
 - (f) the Act, or any regulations made in terms thereof, is not complied with.
- (2) The Municipality may at any time after giving written notice of at least thirty days, withdraw any exemption given in terms of subsection (1).

Unauthorised use of water services

17. (1) No person may gain access to water services from the water supply system, sewage disposal system or any other sanitation services unless an agreement has been entered into with the Municipality for the rendering of those services.
- (2) The Municipality may, irrespective of any other action it may take against such person in terms of these By-laws, by written notice order a person who has gained access to water services from the water supply system, sewage disposal system or any other sanitation services in contravention of these By-laws or without an agreement with the Municipality for the rendering of those services, -
- (a) to apply for such services in terms of Sections 2 or 3;
 - (b) to undertake such work as may be necessary to ensure that the consumer installation through which access was gained complies with the provisions of these By-laws;
 - (c) to be liable for all Municipal costs associated with the identification and rectification of the unauthorised use; and
 - (d) to be liable for payment in retrospect for services received for the duration of the period of unauthorised use, as determined by the Municipality. and
 - (e) payment of all standard tariffs in this regard
- (3) The provisions of Section 21 shall apply to a notice in terms of subsection (2) above.
- (4) The Municipality may restrict the water flow until all abovementioned payments have been made in full

Change in purpose for which water services are used

18. Where the purpose or extent for which water services are used is changed, the consumer must enter into a new agreement with the Municipality.

Interference with water supply system or any sanitation services

19. (1) No person other than the Municipality shall manage, operate or maintain the water supply system or any sanitation system unless authorised by these By-laws or an authorised agent.
- (2) No person other than the Municipality shall effect a connection to the water supply system or sewage disposal system or render any other sanitation services.

Obstruction of access to water supply system or any sanitation services

20. (1) No person shall prevent or restrict physical access to the water supply system or sewage disposal system.
- (2) If a person contravenes Subsection (1), the Municipality may –
- (a) by written notice require such person to restore access at his or her own expense within a specified period; or
- (b) if it is of the opinion that the situation is a matter of urgency, without prior notice restore access and recover the cost from such person.

Notices and documents

21. (1) A notice or document issued by the Municipality in terms of these By-laws must be deemed to be duly authorised by the signatory.
- (2) If a notice or document is to be served on an owner, consumer or any other person in terms of these By-laws such service shall be effected by –
- (a) delivering it to him or her personally or to his or her duly authorised agent;
- (b) delivering it at his or her residence, village or place of business or employment to a person 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, delivering it to such an address;
- (d) if he or she has not nominated an address for legal purposes, delivering it to the address given by him or her in his or her application for the provision of water services, for the reception of an account for the provision of water services;
- (e) sending by pre-paid registered or certified post addressed to his or her last known address;
- (f) in the case of a legal person, by delivering it at the registered office or business premises of such legal person; or
- (g) if service cannot be effected in terms of Subsections (a) to (f), by affixing it to a principal door of entry to the premises concerned.
- (3) In the case where compliance with a notice is required within a specified number of working days, such period shall be deemed to commence on the date of delivery or sending of such notice.

Power to serve and compliance with notices

22. (1) The Municipality may, by written notice, order an owner, consumer or any other person who fails, by act or omission, to comply with the provisions of these By-laws or of any condition imposed thereunder to remedy such breach within a period specified in the notice, which period shall not be less than thirty days.
- (2) If a person fails to comply with a written notice served on him or her by the Municipality in terms of these By-laws within the specified period, it may take such action that in its opinion is necessary to ensure compliance, including –
- (a) undertaking the work necessary itself and recovering the cost of such action or work from that owner, consumer or other person;
- (b) limiting or discontinuing the provision of services; and
- (c) instituting legal proceedings.
- (3) A notice in terms of subsection (1) will –
- (a) give details of the provision of the By-laws not complied with;
- (b) give the owner, consumer or other person a reasonable opportunity to make representations and state his or her case, in writing, to the Municipality within a specified period, unless the owner, consumer or other person was given such an opportunity before the notice was issued;
- (c) specify the steps that the owner, consumer or other person must take to rectify the failure to comply;

- (d) specify the period within which the owner, consumer or other person must take the steps specified to rectify such failure; and
- (e) indicate that the Municipality –
- (i) may undertake such work necessary to rectify the failure to comply if the notice is not complied with and that any costs associated with such work may be recovered from the owner, consumer or other person; and
 - (ii) may take any other action it deems necessary to ensure compliance.
- (4) In the event of an emergency the Municipality may without prior notice undertake the work required by Subsection (3)(e)(i) and recover the costs from such person.
- (5) The costs recoverable by the Municipality in terms of Subsections (3) and (4) is the full cost associated with that work and includes, but is not limited to, any exploratory investigation, surveys, plans, specifications, schedules of quantities, supervision, administration charge, the use of tools, the expenditure of labour involved in disturbing or rehabilitation of any part of a street or ground affected by the work and the environmental cost.

Power of entry and inspection

23. (1) An authorised employee of the Municipality shall be entitled at all reasonable times and in case of emergency at any time may enter and inspect any premises –
- (a) for the purposes set out in and in accordance with the provisions of Section 80 of the Act;
 - (b) for any purpose connected with the implementation or enforcement of these By-laws, at all reasonable times, after having given reasonable written notice of the intention to do so, unless it is an emergency situation.

False statements or information

24. No person shall make a false statement or furnish false information to the Municipality or falsify a document issued in terms of these By-laws.

CHAPTER II: WATER SUPPLY SERVICES

Part 1: Connection to Water Supply System

Provision of connection pipe

25. (1) If an agreement for water supply services in respect of premises has been concluded and no connection pipe exists in respect of the premises, the owner shall make application on the prescribed form and pay the prescribed erf connection charge¹ for the installation of such a pipe, which fees shall not apply to consumers on Service Level 1.
- (2) If an application is made for water supply services which are of such an extent or so situated that it is necessary to extend, modify or upgrade the water supply system in order to supply water to the premises, the Municipality may agree to the extension subject to such conditions as it may impose.
- (3) *The owner of the premises will be responsible for a stopcock directly after all water meters to the premises and on the owner's side of it*
- (4) *The stopcock on the Municipality's side of the meter is for use by the Municipality only and will not be used and maintained for the consumers system*
- (5) *The owner will not be allowed to alter, modify, cover, disturb, to hamper or prevent free access to the meter box and meter installation in any way without the Municipality's written approval and will be liable for any cost incurred to rectify the installation or access to the installation to the Municipality's requirements*

Location of connection pipe

26. (1) A connection pipe provided and installed by the Municipality shall –
- (a) be located in a position dictated by existing infrastructure and be of a suitable size as determined by the Municipality;
 - (b) terminate at –
 - (i) the boundary of the land owned by or vested in the Municipality, or over which it has a servitude or other right; or
 - (ii) the outlet of the water meter if it is situated on the premises; or
 - (iii) the isolating valve if it is situated on the premises.
- (2) In deciding on the location of a connection pipe, the Municipality shall ensure that the owner is aware of –

- (a) practical restrictions that may exist regarding the location of a connection pipe;
 - (b) the cost implications of the various possible locations of the connection pipe;
 - (c) whether or not the Municipality requires the owner to indicate the location of the connection pipe by providing a portion of his or her water installation at or outside the boundary of his or her premises, or such agreed position inside or outside his or her premises where the connection is required, for the Municipality to connect to such installation.
- (3) A Municipality may at the request of any person agree, subject to such conditions as he or she may impose, to a connection to a main other than that which is most readily available for the provision of water supply to the premises; provided that the applicant shall be responsible for any extension of the water installation to the connecting point designated by the Municipality and for obtaining at his or her cost, such servitudes over other premises as may be necessary.
- (4) An owner must pay the prescribed erf connection charge.

Provision of single water connection for supply to several consumers on same premises

27. (1) Notwithstanding the provisions of Section 28, only one connection pipe to the water supply system may be provided for the supply of water to any premises, irrespective of the number of accommodation units, business units or consumers located on such premises.
- (2) Where the owner, or the person having the charge or management of any premises on which several accommodation units are situated, requires the supply of water to such premises for the purpose of supply to the different accommodation units, the Municipality may, in its discretion, provide and install either -
- (a) a single measuring device in respect of the premises as a whole or any number of such accommodation units; or
 - (b) a separate measuring device for each accommodation unit or any number thereof.
- (3) Where the Municipality has installed a single measuring device as contemplated in subsection (2)(a), the owner or the person having the charge or management of the premises, as the case may be, -**
- (a) must, if the Municipality so requires, install and maintain on each branch pipe extending from the connection pipe to the different accommodation units -
 - (i) a separate measuring device; and
 - (ii) an isolating valve; and
 - (b) will be liable to the Municipality for the prescribed fees for all water supplied to the premises through such a single measuring device, irrespective of the different quantities consumed by the different consumers served by such measuring device.
- (4) Notwithstanding subsection (1), the Municipality may authorise that more than one connection pipe be provided on the water supply system for the supply of water to any premises comprising sectional title units or if, in the opinion of the Municipality, undue hardship or inconvenience would be caused to any consumer on such premises by the provision of only one connection pipe.
- (5) Where the provision of more than one connection pipe is authorised by the Municipality under subsection (4), the prescribed fees for the provision of a connection pipe is payable in respect of each water connection so provided.
- (6) Where the provision of more than one connection pipe is authorised by the Municipality under subsection (4), and the consumer category differs between the connections, then the tariff based on the sum of the volumes of water consumed, divided by the number of households, shall apply.
- (7) Where premises are supplied with water by a number of connection pipes, the Municipality may require the owner to reduce the number of connection points and later his or her water installation accordingly at the owner's expense.

Interconnection between premises or water installations

28. An owner of premises shall ensure that no interconnection exists between -
- (a) the water installation on his or her premises and the water installation on other premises; or
 - (b) where several accommodation units are situated on the same premises, the water installations of the accommodation units;
- unless he or she has obtained the prior written consent of the Municipality, and complies with any conditions that it may have imposed.

Disconnection of water installation from connection pipe

29. The Municipality may disconnect a water installation from the connection pipe and remove the connection pipe if –
- (a) the agreement for supply has been terminated in terms of Section (13) and it has not received an application for a subsequent supply of water to the premises served by the pipe within a period of 90 days of such termination; or
 - (b) the building on the premises concerned has been or is in the process of being demolished pursuant to the grant of a permit for such demolition in terms of law.

Part 2: Communal Water Services Works*Provision of a water services work for water supply to several consumers*

30. (1) The Municipality may install a communal water services works for the provision of water services to several consumers at a location it deems appropriate, provided that –
- (a) the consumers to whom water services will be provided through that water services work has been consulted in respect of the level of service, the tariff that will be payable and location of the work.

Part 3: Temporary Supply*Water supplied from a hydrant*

31. (1) The Municipality may authorise a temporary supply of water to be taken from one or more fire hydrants specified by it, subject to such conditions and period as may be prescribed by it.
- (2) A person who desires a temporary supply of water referred to in subsection (1) must apply for such water services in terms of Section (2).
 - (3) The supply of water in terms of subsection (1) must be measured.
 - (4) The Municipality may for purposes of measuring provide a portable water meter to be returned to the Municipality on termination of the temporary supply, which portable meter and all other fittings and apparatus used for the connection of the portable water meter to a hydrant, shall remain the property of the Municipality and will be provided subject any conditions imposed by the Municipality.

Part 4: Standards and General Conditions of Supply*Quantity, quality and pressure*

32. Water supply services provided by the Municipality will comply with the minimum standards set for the provision of water supply services in terms of Section (9) of the Act.

General conditions of supply

33. (1) Subject to the provisions of the Act, the supply of water by the Municipality does not constitute an undertaking by it to maintain at any time or at any point in its water supply system –
- (a) an uninterrupted supply;
 - (b) a specific pressure or rate of flow in such supply; or
 - (c) a specific standard of quality of water

Provided that if the water supply to a consumer is interrupted for more than 24 hours, the Municipality must provide an alternative basic water supply as soon as reasonably practicable.

- (2) The Municipality may specify the maximum height to which water will be supplied from the water supply system. Where a consumer requires water to be supplied at a greater height or pressure the consumer will be responsible therefore.
- (3) The Municipality may, in an emergency, interrupt the supply of water to any premises without prior notice.
- (4) If in the opinion of the Municipality the consumption of water by a consumer adversely affects the supply of water to another consumer, it may apply such restrictions as it may deem fit to the supply of water to the first mentioned consumer in order to ensure a reasonable supply of water to the other consumer and will inform that consumer of such restrictions.

- (5) The Municipality will not be liable for any damage to property caused by water flowing from fittings left open when the water supply is reinstated following an interruption in supply for any reason.
- (6) The Municipality does not undertake to maintain sufficient pressure in the water supply system to ensure the operation of manually-activated toilet flushing valves or any other device which require a specified minimum pressure to operate.

Part 5: Measurement of Water Supply Services

Measuring of quantity of water supplied

34. (1) The Municipality will measure the quantity of water supplied at regular intervals.
- (2) Any measuring device through which water is supplied to a consumer by the Municipality and its associated apparatus shall be provided and installed by the Municipality, shall remain its property, and may be changed and maintained by the Municipality when deemed necessary by it.
- (3) The Municipality may install a measuring device, and its associated apparatus, on premises at any point on the service pipe.
- (4) If the Municipality installs a measuring device on a service pipe in terms of subsection (3), it may install a section of pipe and associated fittings between the end of its connection pipe and the meter, and such section shall be deemed to form part of the water supply system.
- (5) If the Municipality installs a measuring device together with its associated apparatus on a service pipe in terms of subsection (3), the owner shall –
- (a) provide a place satisfactory to the Municipality in which to install it;
 - (b) ensure that unrestricted access is available to it at all times;
 - (c) be responsible for its protection and be liable for the costs arising from damage thereto, excluding damage arising from normal fair wear and tear;
 - (d) ensure that no connection is made to the pipe in which the measuring device is installed, between the measuring device and the connection pipe serving the installation; and
 - (e) make provision for the drainage of water which may be discharged, from the pipe in which the measuring device is installed, in the course of work done by the Municipality on the measuring device.
- (6) No person other than an authorised agent shall –
- (a) disconnect a measuring device and its associated apparatus from the pipe in which they are installed;
 - (b) break a seal which the Municipality has placed on a meter; or
 - (c) in any other way interfere with a measuring device and its associated apparatus.
- (7) If the Municipality considers that, in the event of the measuring device being a meter that the size of a meter is unsuitable by reason of the quantity of water supplied to premises, it may install a meter of such size as it may deem necessary, and may recover from the owner of the premises concerned the prescribed meter installation charge for the installation of the meter.
- (8) The Municipality may require the installation, at the owner's expense, of a measuring device to each dwelling unit, in separate occupancy, on any premises, for use in determining quantity of water supplied to each such unit; provided that where fixed quantity water delivery systems are used, a single measuring device may be used to supply more than one unit.

Quantity of water supplied to consumer

35. (1) For purposes of assessing the quantity of water measured by a measuring device installed by the Municipality on the premises of a consumer or, where applicable, estimated or determined by the Municipality in terms of any provision of these By-laws, it will, for the purposes of these By-laws, be deemed, unless the contrary can be proved, that –
- (a) the quantity is represented by the difference between measurements taken at the beginning and end of such period;
 - (b) the measuring device was accurate during such period;
 - (c) the entries in the records of the Municipality were correctly made; and
 - (d) provided that if water is supplied to, or taken by, a consumer without its passing through a measuring device, the estimate by the Municipality of the quantity of such water shall be deemed to be correct.
- (2) Where water supplied by the Municipality to any premises is in any way taken by the consumer without such water passing through any measuring device provided by the Municipality, the Municipality may for the purpose of rendering an account estimate, in accordance with subsection (3), the quantity of water supplied to the consumer during the period from the last previous reading of the water meter until the date it is discovered that water is so taken by the consumer.

- (3) For the purposes of subsection (2), an estimate of the quantity of water supplied to a consumer shall be based on, as the Municipality may decide -
- (a) the average monthly consumption of water on the premises during any three consecutive measuring periods during the twelve months' period prior to the date on which the taking of water in the manner mentioned in subsection (2) was discovered; or
- (b) the average monthly consumption on the premises registered over three succeeding measuring periods after the date referred to in subsection (3)(a).
- (4) Nothing in these By-laws shall be construed as imposing on the Municipality an obligation to cause any measuring device installed by the Municipality on any premises to be measured at the end of every month or any other fixed period, and the Municipality may estimate the quantity of water supplied over any period during the interval between successive measurements of the measuring device and render an account to a consumer for the quantity of water so estimated.
- (5) The Municipality must, on receipt from the consumer of written notice of not less than 7 (seven) days and subject to payment of the prescribed fee for meter reading, measure the quantity of water supplied to consumer at a time or on a day other than that upon which it would normally be measured.
- (6) If a contravention of subsection 34(6) occurs, the consumer shall pay to the Municipality the cost of such quantity of water as, in the Municipality's opinion, was supplied to him or her.
- (7) Until such time a measuring device have been installed in respect of water supplied to a consumer the estimated or assumed consumption of that consumer must be based on the average consumption of water supplied to the specific zone within which the consumer's premises is situated, during a specific period.
- (8) Where in the opinion of the Municipality it is not reasonably possible or cost effective to measure water supplied to each consumer within a determined zone, the Municipality may determine a basic tariff or charge to be paid by each consumer within that zone irrespective of actual consumption.
- (9) A tariff or charge determined in terms of subsection (8) will be based on the estimated average consumption of water supplied to that zone.
- (10) Where water supply services are provided through a communal water services work the amount due and payable by consumers registered with the Municipality as the consumers at that communal water services work who gain access to water supply services through that communal water services work must be based on the estimated average consumption of water supplied to that water services work.

Defective measurement and Testing of Measuring Devices

36. (1) If a consumer has reason to believe that a measuring device, used for measuring water, which was supplied to him or her by the Municipality is defective he or she may, against payment of the prescribed fee for a water meter test apply in writing for the measuring device to be tested.
- (2) If it is alleged that a measuring device is inaccurate, the device must be subjected to a standard industry test to establish its accuracy.
- (3) The consumer referred to in subsection (2) must be informed of the prescribed range of accuracy then applicable, and the possible cost implications including the estimated cost of such test, as set out in subsection (5)(a) prior to such a test being undertaken.
- (4) If the outcome of any test shows that a measuring device is –
- (a) within a prescribed range of accuracy, the consumer will be liable for the costs of such test and any other amounts outstanding which amounts will be debited against the consumer's account; or
- (b) outside a prescribed range of accuracy, which is not due to any act or omission of the consumer, then the Municipality will be liable for the costs of such test and the consumer must be informed of the amount of any credit to which he, she or it is entitled.
- (5) The prescribed fee paid by a consumer for the testing of a measuring device –
- (a) may be retained by the Municipality if the measuring device is found not to be defective; or
- (b) must be refunded to the consumer if the measuring device is found to be defective, and the defect is not due to any act or omission of the consumer.
- (6) If the measuring device is –
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- (a) A meter to which the regulations relating to water meters published under the Trade Metrology Act, 1973, are applicable, it will be deemed to be defective if, when tested in accordance with SABS 1529 Part I, it is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in use in terms of that specification;
- (b) A meter of a size greater than 100mm diameter but not exceeding 800mm diameter to which the specification referred to in subsection (a) is not applicable, it will be deemed to be defective, when tested in accordance with SABS 1529 Part 4 – 1998 if it is found to have a percentage error in over-registration or under-registration greater than that permitted for a meter in terms of that specification;
- (c) A prepayment water measuring system shall be deemed to be defective if, when tested in accordance with SABS 1529 Part 9 – 2002, it is found to have a percentage error in over-registration or under-registration greater than that permitted in terms of that specification.
- (7) In addition to applying the provisions of subsections (6) and, or (7), if the measuring device is found to be defective, the Municipality must-
- (a) Repair the measuring device or install another device which is in good working order, without charging the consumer, unless the costs thereof are recoverable from the consumer where Section 34(6) has been contravened;
- (b) Determine the quantity of water services for which the consumer will be charged in lieu of the quantity measured by the defective measuring device by taking as basis for such determination, and as the Municipality may decide –
- (i) The quantity representing the average monthly consumption of the consumer during the three months preceding the month in respect of which the measurement is disputed and adjusting such quantity in accordance with the degree of error found in the reading of the defective water meter;
- (ii) The average consumption of the consumer during the succeeding three metered periods after the defective water meter has been repaired or replaced; or
- (iii) The consumption of water on the premises recorded for the corresponding period in the previous year.
- (8) A consumer is entitled, on giving the Municipality reasonable notice of his, her or its intention, to be present at the testing of any meter in which the consumer is interested.
- (9) Any meter removed for testing by the Municipality must be retained intact and be available for inspection for a period of three months after testing.

Special measurement

- 37 (1) If the Municipality wishes, for purposes other than charging for water consumed, to ascertain the quantity of water which is used in a part of a water installation, it may by written notice advise the owner concerned of its intention to install a measuring device at such point in the water installation as it may specify.
- (2) The installation of a measuring device referred to in subsection (1), its removal, and the restoration of the water installation after such removal shall be carried out at the expense of the Municipality.
- (3) The provisions of Sections 34(5) and 34(6) shall apply insofar as they may be applicable in respect of a measuring device installed in terms of subsection (1).

No reduction of amount payable for water wasted

- 38 A consumer shall not be entitled to a reduction of the amount payable for water wasted or water losses in a water installation.

Adjustment of quantity of water supplied through defective measuring device

39. (1) If a measuring device is found to be defective, the Municipality may estimate the quantity of water supplied to the consumer concerned during the period in which, in its opinion, such measuring device was defective, on the basis of the average daily quantity of water supplied to him or her over –

- (a) a period between three successive measurements subsequent to the replacement of the measuring device; or
- (b) a period in the previous year corresponding to the period in which the measuring device was defective; or
- (c) the period between three successive measurements prior to the measuring device becoming defective;

whichever it considers the most appropriate.

- (2) If the quantity of water supplied to a consumer during the period when his or her measuring device was defective cannot be estimated in terms of subsection (1), the Municipality may estimate the quantity on any basis that is available to it.

Part 6: Installation work
Approval of installation work

40. (1) If an owner wishes to have installation work done, he or she must first obtain the Municipality's written approval; provided that approval shall not be required in the case of water installations in dwelling units or installations where no fire installation is required in terms of SABS Code 0400 or for the repair or replacement of an existing pipe or water fitting other than a fixed water heater and its associated protective devices.
- (2) Application for the approval referred to in subsection (1) shall be made on the prescribed form and shall be accompanied by –
- (a) the prescribed fee, if applicable;
 - (b) copies of the drawings as prescribed by the Municipality, giving information in the form required by Clause 4.1.1 of SABS Code 0252 : Part I; and
 - (c) a certificate certifying that the installation has been designed in accordance with SABS Code 0252 : Part I or has been designed on a rational basis.
- (3) The provisions of subsections (1) and (2) shall not apply to a qualified plumber who replaces a fixed water heater or its associated protective devices.
- (4) Authority given in terms of subsection (1) shall lapse at the expiry of a period of twenty-four months after the first day of the month succeeding the month in which the authority is given.
- (5) A complete set of approved drawings of installation work shall be available at the site of the work at all times until such work has been completed, where approval was required in terms of subsection (1).
- (6) If installation work has been done in contravention of subsection (1) or (2), the Municipality may by written notice require the owner of the premises concerned to –
- (a) comply with that regulation within a specified period;
 - (b) if work is in progress, to cease the work; and
 - (c) to remove all such work which does not comply with these By-laws.

Persons permitted to do installation and other work

41. (1) No person who is not a qualified plumber may be permitted to –
- (a) do any installation work other than the replacement or repair of an existing pipe or water fitting;
 - (b) replace a fixed water heater or its associated protective devices;
 - (c) inspect, disinfect or test a water installation, fire installation or storage tank; or
 - (d) install, maintain or replace a meter provided by an owner in a water installation.
- (2) No person may require or engage a person who is not a qualified plumber to carry out the work referred to in subsection (1).
- (3) Notwithstanding the provisions of subsection (1), the Municipality may permit a person who is not a qualified plumber to do installation work on his or her own behalf on premises owned and occupied solely by himself or herself and his or her household, provided that such work may be required to be inspected and approved by a qualified plumber at the direction of the Municipality.

Provision and maintenance of water installations

42. (1) An owner must provide and maintain his or her water installation at his or her own cost and, where permitted in terms of subsection (2), must ensure that the installation is situated within the boundary of his or her premises.
- (2) Before doing work in connection with the maintenance of a portion of his or her water installation which is situated outside the boundary of his or her premises, an owner shall obtain the written consent of the Municipality or the owner of the land on which such portion is situated, as the case may be.

Use of pipes and water fittings to be authorised

43. (1) No person shall, without the prior written authority of the Municipality, install or use a pipe or water fitting in a water installation within the Municipality's area of jurisdiction unless it is approved by the authorised employee of the Municipality .
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- (2) Application for the approval of a pipe or water fitting referred to in subsection (1) must be made on the form prescribed by the Municipality and be accompanied by the prescribed charge.
- (3) A pipe or water fitting may be considered by the municipality in terms of subsection (1) if –
- (a) it bears the standardisation mark of the South African Bureau of Standards in respect of the relevant SABS specification issued by the Bureau; or
- (b) it bears a certification mark issued by the SABS to certify that the pipe or water fitting complies with an SABS Mark specification or a provisional specification issued by the SABS, provided that no certification marks shall be issued for a period exceeding two years.
- (4) The Municipality may, in respect of any pipe or water fitting that is approved, impose such additional conditions, as it may deem necessary in respect of the use or method of installation thereof.
- (5) A pipe or water fitting shall not be permitted or allowed if it –
- (a) no longer complies with the criteria upon which its inclusion was based; or
- (b) is no longer suitable for the purpose for which its use was accepted.

Labelling of terminal water fittings and appliances

44. All terminal water fittings and appliances using or discharging water shall be marked, or have included within the packaging of the item, the following information –
- (a) the range of pressure in kPa over which the water fitting or appliance is designed to operate;
- (b) the flow rates, in litres per minute, related to the design pressure range, provided that this information shall be given for at least the following water pressures –
- (i) 20 kPa
- (ii) 100 kPa
- (iii) 400 kPa

Part 7: Water pollution, restriction and wasteful use of water

Owner to prevent pollution of water

45. An owner shall provide and maintain approved measures to prevent the entry of a substance, which may be a danger to health or adversely affect the portability of water or affect its fitness for use, into –
- (a) the water supply system; and
- (b) any part of the water installation on his or her premises.

Water restrictions

46. (1) The Municipality may by council resolution and public notice prevent the wasteful use of water in terms of Section (47) or in the event of a water shortage, drought or flood –
- (a) prohibit or restrict the consumption of water in the whole or part of its area of jurisdiction in general or for –
- (i) specified purposes;
- (ii) during specified hours of the day or on specified days; and
- (iii) in a specified manner; and
- (b) determine and impose –
- (i) limits on the quantity of water that may be consumed over a specified period;
- (ii) charges additional to those prescribed in respect of the supply of water in excess of a limit contemplated in Subsection (1)(b)(i); and
- (iii) a general surcharge on the prescribed charges in respect of the supply of water; and
- (c) impose restrictions or prohibitions on the use or manner of use or disposition of an appliance by means of which water is used or consumed, or on the connection of such appliances to the water installation.
- (2) The Municipality may limit the application of the provisions of a notice contemplated by subsection (1) to specified areas and categories of consumers, premises and activities, and may permit deviations and exemptions from, and the relaxation of, any of the provisions on reasonable grounds.

- (3) The Municipality may –
- (a) take, or by written notice require a consumer at his or her own expense to take, such measures, including the installation of measurement devices and devices for restricting the flow of water, as may in its opinion be necessary to ensure compliance with a notice published in terms of subsection (1); or
 - (b) discontinue or, for such period as it may deem fit, limit the supply of water to any premises in the event of a contravention on such premises or failure to comply with the terms of a notice published in terms of subsection (1); and
 - (c) where the supply has been discontinued, it shall only be restored when the prescribed fee for discontinuation and reconnecting the supply has been paid.
- (4) The provisions of this section shall also apply in respect of water supplied directly by the Municipality to consumers outside its area of jurisdiction, notwithstanding anything to the contrary in the conditions governing such supply, unless otherwise specified in the notice published in terms of subsection (1).

Waste of water unlawful

47. (1) No consumer shall permit –
- (a) the purposeless or wasteful discharge of water from terminal water fittings;
 - (b) pipes or water fittings forming part of a water installation to leak;
 - (c) the use of maladjusted or defective water fittings;
 - (d) an overflow of water from a water installation to persist; or
 - (e) an inefficient or wasteful use of water to persist.
- (2) An owner shall repair or replace any part of his or her water installation which is in such a state of disrepair that it is either causing or is likely to cause an occurrence listed in subsection (1).
- (3) If an owner fails to take measures as contemplated in subsection (2), the Municipality shall, by written notice in terms of section 21, require the owner to comply with the provisions of subsection (1).
- (4) A consumer shall ensure that any equipment or plant connected to his or her water installation uses water in an efficient manner.
- (5) The Municipality may, by written notice, prohibit the use by a consumer of any equipment in a water installation if, in its opinion, its use of water is inefficient. Such equipment shall not be returned to use until its efficiency has been restored and a written application to do so has been approved by the Municipality.

Part 8: General Provisions

Notification of boreholes

48. (1) The Municipality may, by public notice, require –
- (a) the owner of any premises within the area of jurisdiction of the Municipality upon which a borehole exists or, if the owner is not in occupation of such premises, the occupier thereof, to notify it on the prescribed form of the existence of a borehole on such premises, and provide it with such information in respect thereof as it may require; and
 - (b) the owner or occupier of any premises who intends to sink a borehole on such premises to notify it on the prescribed form of such intention before work in connection therewith is commenced.
- (2) The Municipality may require the owner or occupier of any premises who intends to sink a borehole to undertake an environmental impact assessment for such intended borehole, to the satisfaction of the Municipality, before sinking the borehole.
- (3) Boreholes are subject to any requirements of the National Water Act, 1998 (Act No. 136 of 1998).
- (4) The Municipality may by notice to an owner or occupier or by public notice require owners and occupiers on who has existing boreholes used for water services to –
- (a) obtain approval from it for the use of a borehole for water services in accordance with Sections 6, 7 and 22 of the Act;
 - (b) impose conditions in respect of the use of a borehole for water services; and
 - (c) impose a fixed charge in respect of the use of such a borehole.

Sampling of water

49. (1) The Municipality may take samples of water obtained from a source, authorised in terms of Sections 6 or 7 of the Act, other than the water supply system for domestic purposes and cause the samples to be tested for compliance with any national standards prescribed in terms of Section 9 of the Act.
- (2) The prescribed charge for the taking and testing of the samples referred to in subsection (1) shall be paid by the person to whom approval to use the water for potable water was granted in terms of Section 6(1) of the Act.

Supply of non-potable water by Municipality

50. (1) The Municipality may on application in terms of Section (3) agree to supply non-potable water to a consumer, subject to such terms and conditions as the Municipality may impose.
- (2) Any supply of water agreed to in terms of subsection (1) shall not be used for domestic or any other purposes, which, in the opinion of the Municipality, may give rise to a health risk.
- (3) No warranty, expressed or implied, shall apply to the purity of any non-potable water supplied by the Municipality or its suitability for the purpose for which the supply was granted.
- (4) The supply of non-potable water shall, both as to condition and use, be entirely at the risk of the consumer, who shall be liable for any consequential damage or loss arising to himself, herself or others arising directly or indirectly therefrom, including the consequences of any bona fide fault of the Municipality or the malfunction of a treatment plant.

Testing of pressure in water supply systems

51. The Municipality may, on application by an owner and on payment of the prescribed fee for pressure tests, determine and furnish the owner with the value of the pressure in the water supply system relating to his or her premises over such period as the owner may request.

Pipes in street or public place

52. No person shall for the purpose of conveying water derived from whatever source, lay or construct a pipe or associated component on, in or under a street, public place or other land owned by, vested in, or under the control of any Municipality, except with the prior written permission of that Municipality and subject to such conditions as it may impose.

Special Provisions for fire services

53. (1) Any water installation for the provision of water for fire-fighting purposes must comply with the provisions of SABS 0252-1:1994 or any revision or substitution thereof.
- (2) Notwithstanding the provisions of subsection (1), the special provisions contained in this Chapter apply, insofar as they are applicable, to the supply of water for fire-fighting purposes.

Payment for fire services

54. The consumer and the owner of the premises are jointly and severally liable to pay the fire extinguishing installation charges determined by the Municipality in respect of any fire extinguishing installation or appliance used or installed upon such premises.

Dual and combined installations

55. Any new building erected after the adoption of these By-laws must comply with the following requirements in relation to the provision of fire extinguishing services as set out in the Fire Fighting Services By-laws of the Municipality.

Connection pipes for fire extinguishing purposes

56. (1) A single connection to the water supply system, to serve a connection pipe for a fire installation by the Municipality, excluding a sprinkler system, may be provided by the Municipality.
- (2) The Municipality may provide and install at its own cost a meter on the connection pipe referred to in subsection (1).

- (3) Where there is an existing connection pipe for the sole purpose of fire extinguishing services, such connection pipe may only be used for that purpose.
- (4) No take-off of any kind from any connection pipe referred to in subsection (3) may be made, nor may any water there from be used except in connection with an automatic sprinkler and drencher, a hydrant connection or a hose reel connection, or for any pressure tank connection therewith, and such tank must be controlled by an approved fitting.
- (5) A separate connection pipe must be laid and used for every fire sprinkler extinguishing system, unless otherwise approved.

Valves in connection pipe

57. Every connection must be fitted with a proper isolating valve, which must be –
- (a) supplied by the Municipality at the expense of the consumer;
- (b) installed between the consumer's property and the main;
- (c) of the same diameter as the connection pipe; and
- (d) installed in such position as may be specified by the Municipality.

Inspection and approval of fire extinguishing installation

58. No water may be supplied to any fire extinguishing installation until –
- (a) it has been inspected and tested by the Municipality;
- (b) the Municipality has certified in writing that such water installation is complete and complies with the requirements of these By-laws; and
- (c) the prescribed fees for fire extinguishing installation determined by the Municipality for such inspection and testing have been paid.

Connection to be at the discretion of the Municipality

- 59.(1) The Municipality is entitled, in its absolute discretion, to grant or refuse an application for the connection of a fire extinguishing installation to its main.
- (2) If in its opinion a fire extinguishing installation which it has allowed to be connected to its main is not being kept in proper working order or is otherwise not being properly maintained, or is being used in contravention of Section 56(3) or 56(4), the Municipality is entitled to either require the installation to be disconnected from the main, or itself carry out the work of disconnecting it at the expense of the owner or consumer, as the case may be.

Meter in fire extinguishing connection pipe

60. The Municipality is entitled to install a water meter in any connection pipe used solely for fire extinguishing purposes, and the owner of the premises will be liable for the whole cost of so doing if it appears to the Municipality that water has been drawn from the pipe otherwise than for the purpose of extinguishing a fire.

Sprinkler extinguishing installation

61. A sprinkler installation may be installed in direct communication with the main, but the Municipality is not bound to guarantee any specified pressure at any time.

Header tank or double supply from main

- 62.(1) Unless a sprinkler installation is provided with a duplicate or reserve supply from a separate main, the consumer must install a header tank on or in the building or structure at such elevation as will compensate for any failure or reduction of pressure in the Municipality's main.

The main pipe leading from such header tank to the sprinkler installation may be in direct communication with the main from which the principal supply of water is drawn, provided that such main pipe must be equipped with a reflux valve which, if the pressure in the main fails or is reduced for any reason, will shut off the opening to the main.

Where a sprinkler installation is provided with a duplicate or reserve supply from a separate main, each supply pipe must be equipped with a reflux valve situated within the premises.

CHAPTER III: SANITATION SERVICES**Discharge of Industrial Effluents**

- 63) The Discharge of Industrial Effluents and all matters related are prescribed and regulated in terms of the Municipality' Discharge of Industrial Effluent By-laws.

CHAPTER IV: MISCELLANEOUS**Delegation of Powers**

64. The Municipality may, subject to the conditions that it may impose, delegate any power conferred on the Municipality by these by-laws, and may in like manner amend or withdraw such delegation.

Obstruction of Officials and Employees in the Performance of Duties

65. It shall be an offence to hinder or obstruct an official or employee of the Municipality in the performance of his duties in consequence of these by-laws.

Service of Notice, Order or Other Document

66. (1) Whenever any notice, order or other document is under these by-laws required or authorised to be served -
- (a) on any person, it shall be deemed to be duly and sufficiently served if it is sent by registered or certified post to that person at his last-known address, or if it is left thereat with him personally or with some adult inmate thereof;
 - (b) on an owner or occupier of any land or premises and the address of such owner or occupier is unknown, it shall be deemed to be duly and sufficiently served if it is posted up in some conspicuous place on such land or premises.
- (2) It shall not be necessary in any notice, order or other document given under these by-laws to an owner or occupier of land or premises to name him, if the notice, order or document describes him as the owner or occupier of the land or premises in question.

Offences and Penalties

67. (1) A person who –
- (a) unlawfully and intentionally or negligently interferes with any water services works of the Municipality ;
 - (b) fails to provide information or provide false information reasonably requested by the Municipality ;
 - (c) fails or refuses to give access required by a Municipality to perform work or execution functions in terms of these by-laws;
 - (d) obstructs or hinders a Municipality in the exercise of his or her powers or performance of his or her functions or duties under these By-laws;
 - (e) contravenes or fails to comply with a provision of these By-laws;
 - (f) contravenes or fails to comply with a condition or prohibition imposed in terms of these By-laws;
 - (g) unlawfully and intentionally or negligently interfere with any water services works of the Municipality;
 - (h) contravenes or fails to comply with any conditions imposed upon the granting of any application, consent, approval, concession, exemption or authority in terms of these By-laws; or
 - (i) fails to comply with the terms of a notice served upon him or her in terms of these By-laws;

shall be guilty of an offence and liable on conviction to a fine not exceeding R20 000,00 or in default on payment, to imprisonment for a period not exceeding 4 months and in the event of a continued offence to a further fine not exceeding R2 000,00 for every day during the continuance of such offence after a written notice from the Municipality has been issued, and in the event of a second offence to a fine not exceeding R4 000,00 or, in default on payment, to imprisonment for a period not exceeding 8 months.

- (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 under these by-laws and which he or she failed to do, may be recovered by the Municipality from the person who committed the contravention or who failed to do such thing.

Repeal and Amendment

68. The following by-laws are hereby repealed:

Any by-laws relating to water services adopted by the Council or any municipality now comprising part of the Municipality are repealed from the date of promulgation of this By-law.

The Water Services By-laws of the Mangaung Metropolitan Municipality as promulgated in the Local Government Notice No. 60 of October 2013 are hereby amended

Short Title and Commencement

69. This by-law is known as **Mangaung, Water Services By-law** and amendments effected come into operation on the date of promulgation thereof.

[PROVINCIAL NOTICE NO. 58 OF 2019]

PROMULGATION NOTICE

Sporting Facilities By-law

Passed by Council on Thursday, November 15, 2018
Under item 84.1 – 15/11/2018

- 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 revised set of Sporting Facilities By-laws, at the sitting dated 15 November 2018.
- 2) The reviewed Sporting Facilities By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

Adv. Tankiso Mea
City Manager

BY-LAWS RELATING TO SPORTING FACILITIES

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Definitions

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

"accessories" means an object or objects on or in a field, sporting area or course necessary for a particular sport to be performed, such as, but not limited to goal posts, a tennis net, or a flag, and any other feature or fixture;

"appurtenance" means any fitting, installation, appliance, device, instrument, apparatus, utensil, tool whatsoever on the premises, such as, but not limited to a lock, cock, tap, valve, pipe and includes any other appliance or any machine;

"equipment" means gear used by a person in a sporting activity;

"facility" means a sporting facility and includes any appliance, equipment, apparatus or storage facility in or on a facility;

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

"organised sporting activity" means a sporting activity that is organised or controlled by an organisation, and includes a practice or training session;

"organisation" means a sport club, educational institution, or association of people, and includes a group or sport club established by the municipality, which sport club or association or group can be joined by a member of the public;

"Safety at Sports and Recreational Events Act" means the Safety at Sports and Recreational Events Act of 2010 (Act No. 2 of 2010)

"sporting facility" means any land, area, premises, building or structure, or part thereof, which is administered or controlled by the municipality and which is designated, demarcated, or set aside for a sporting activity, and includes facilities surrounding and normally supplementary to a sporting facility.

Application of By-laws

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

Administration, control over and maintenance of sporting facilities

- 3.(1) The municipality may establish a body or sport committee with the aim of advising it on matters relating to sporting facilities.
- (2) All sporting facilities must be administered by the municipality in accordance with this By-laws.
- (3) The municipality may acquire land or a building with the aim of developing sporting facilities, or dispose of existing sporting facilities or any rights thereto.
- (4) A person or organisation who uses or hires sporting facilities does so subject to the provisions of this by-laws, Safety at Sports and Recreational Events Act and in terms of conditions as may be determined by the municipality.
- (5) Where an organized sporting activity is not organized or controlled by the municipality, a municipal employee may be present.
- (6) Subject to the terms and conditions stipulated in any contract of hire, and subject to the Free State Gambling and Liquor Act, 2010 (Act No. 6 of 2010) no person –
 - (a) may sell any alcoholic beverage on the premises of a sporting facility without first obtaining express approval for that activity from the municipality;

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

Access to sporting facilities and storage facilities

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

Admission fees and other fees

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

Prohibited behaviour in or on sporting facility or its premises

- 6.(1) No person may –
- (a) enter any part of a facility otherwise than by an entrance designated for that purpose;
- (b) enter or remain inside a facility, without permission, or at any time other than during the hours when such facility is open to members of the public, or when access to the facility has been denied;
- (c) smoke in a sporting facility, except in an open air facility or in those areas which have been designated for this purpose, as indicated by notices to that effect;
- (d) wear footwear that may damage the surface of a facility;
- (e) attend or engage in a sporting activity if dressed indecently or if undressed, except in a facility set aside for use by a person of the same sex;
- (f) relieve himself or herself in any part of the sporting facility other than in the ablution facilities;
- (g) excluding a child under the age of five years, use change rooms, places of ablution, cubicles, or any other facilities set aside for a particular sex if he or she is not of that particular sex;
- (h) enter or remain in any area of the sporting facility, which area is reserved for the use of persons of the other sex;
- (i) use a change room, place of ablution, cubicle or any other facility for longer than is reasonably necessary to undertake an activity intended to be undertaken;
- (j) use profane or indecent language or behave in any other manner that constitutes a nuisance or unacceptable behaviour towards other persons;
- (k) destroy, damage or deface any part of a sporting facility, accessories or equipment;

- (l) discard rubbish other than in a container provided for that purpose;
- (m) in any manner, interfere with the substance covering the surface of a sporting facility;
- (n) light any fire;
- (o) drive, draw, or propel a vehicle, or walk upon or recline on lawn on the premises of a sporting facility if prohibited to do so by a notice on the premises;
- (p) ride or use in or on a sporting facility a bicycle, roller blades, roller skates, skateboard, tricycle or any similar form of transport or amusement, except in a sporting facility which specifically provides for the riding of such devices;
- (q) without the prior written consent of the municipality, sell, hawk, advertise, offer for sale or purchase or exhibit any article for sale, lease or hire, distribute a pamphlet, book, handbill or other written or printed matter inside a sporting facility or in the immediate vicinity of the facility thereto;
- (r) neither inside nor outside a sporting facility, obstruct, resist or interfere with an official in the execution of his or her duties or the exercise of any authority in terms of this by-law;
- (s) tamper or interfere with an appurtenance in or on the premises of a facility;
- (t) bring into or keep on a facility an animal, except a guide dog, without the prior consent of the municipality, unless the sporting activity engaged in involves the use of animals;
- (u) bring into or keep on a facility a weapon or any other dangerous object.
- (v) erect or attempt to erect any enclosure, tent or similar construction, stall, booth, stand, screen, fence, or drive into the ground any peg or spike without the permission of the official in charge of the facility;
- (w) behave or conduct himself or herself in a manner which may prejudice good order;
- (x) bring into or onto a facility any substance or matter which may endanger the safety of people, or which may be used to disrupt proceedings at or spoil the peaceful enjoyment of the facility;
- (y) behave or conduct himself or herself in a manner which may disrupt a sporting activity; or
- (z) fail to comply with a lawful instruction given by an official.

(2) A person who contravenes this sub-section (1) commits an offence.

Organised sporting activities

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

Reservation and hiring of sporting facilities

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

- (6) An organisation may not, before the municipality's approval has been received by it, advertise or announce the sporting activity for which it has lodged an application.
- (7) The municipality may, before it approves an application, require of an organisation that wishes to make use of a sporting facility to take out, with an insurance company approved by the municipality –
- (a) insurance in an amount approved by the municipality to cover any structural damage which may occur to the sporting facility whilst being used by the organisation; and
 - (b) public liability insurance.
- (8) An organisation which supplies false information in an application form or with respect to the requirements in subsection (7) or which contravenes subsection (6) commits an offence.

Cancellation, postponement or extension of reservation

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

Termination of hire

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

Duties of organisation

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

Enforcement

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

Indemnity

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

Appeal

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

Offences and Penalties

15. Any person contravening or failing to comply with any of the provisions 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 100 000,00 or imprisonment for a period not exceeding five years or both a fine as well as period of imprisonment, or such other fine or period of imprisonment which the Minister of Justice may from time to time determine in terms of the provisions of section 92 of the Magistrate's Courts Act, 1944 (Act No 32 of 1944).

Repeal and Amendment

- 16(1) Any by-laws relating to sporting facilities adopted by any municipality now comprising part of the Municipality are hereby repealed from the date of promulgation of this by-law.
- (2) The by-laws relating to Sporting Facilities as promulgated in the Local Government Notice No. 96 of March 2014, are hereby amended.

Short title and Commencement

17. This by-law is called the **Mangaung, Sporting Facilities By-law**, and amendments effected come into operation on the date of promulgation thereof in the Provincial Gazette.
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[PROVINCIAL NOTICE NO. 59 OF 2019]**PROMULGATION NOTICE****Encroachment on Property By-law**

Passed by Council on Thursday, November 15, 2018

Under item 84.1 – 15/11/2018

- 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 revised set of Encroachment on Property By-laws, at the sitting dated 15 November 2018.
- 2) The reviewed Encroachment on Property By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

Adv. Tankiso Mea
City Manager

BY-LAWS RELATING TO ENCROACHMENT ON PROPERTY

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 №. 155 of 2016 as published in the Provincial Gazette, Free State Province of 22 July 2016, 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.
- 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) a pilaster: 450 mm the total aggregate frontage length of the pilaster may not exceed one-fifth of the building frontage and any bay window in the same storey must be included in the calculation of the maximum aggregate length for bay windows;
 - (b) a fire-resisting ornamental hood or pediment over a door: 600 mm and in any part not less than 2,75 m in height above the footway or pavement;
 - (c) a cornice: 1,05 m if not exceeding 10,5 m above the footway or pavement and one-tenth of the height from the footway or pavement if exceeding 10,5 m with a maximum of 1,8 m.

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

- 9.1 No pavement opening may be the sole means of access to any vault or cellar.
 - 9.2 No pavement opening on any public road may extend more than 1,2 m beyond the building line.
-

- 9.3 If flaps are permitted in a pavement opening, no flap may exceed 0,75 square metres in area and must open upwards and while open, must be provided with stout iron guardrails and stanchions.
- 9.4 A flap opening may be opened and used only for the purpose of lowering and raising goods and must be kept closed except when lowering and raising operations are in progress.
- 9.5 The front wall or wall parallel to the kerb in every pavement opening must be built with a suitable batter to the satisfaction of the Municipality.
- 9.6 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

- 10.1 The owner of any encroachment must maintain the encroachment in good order and repair.
- 10.2 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

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

12. Encroachments

- 12.1(a) Any person wishing to erect or construct an encroachment on, under or over any public road, or any immovable property owned by or vested in the Municipality, must apply to the Building Control Officer on a form prescribed by the Municipality for that purpose.
- (b) If, in the opinion of the Building Control Officer, drawings are required for the conclusion of an encroachment agreement, the prescribed charges in addition to any other prescribed charge is payable to the Municipality.
- 12.2 The owner of any encroachment or fixture, whether in the course of construction or erection or completed, on, under or over any public road, is regarded as a tenant in respect of the encroachment and, if notified in writing by the 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.
- 12.3 The owner of the building in connection with which any encroachment exists, or is proposed –
- (a) must defray any cost incurred in connection with wires or property of the Municipality;
- (b) 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

- 13.1 Any person who –
- (a) contravenes or fails to comply with any provision of these By-laws
- (b) fails to comply with any notice issued in terms of these By-laws; or
- (c) fails to comply with any lawful instruction given in terms of these By-laws; or
- (d) 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 AND AMENDMENTS

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

The Encroachment on Property By-laws of the Mangaung Metropolitan Municipality as promulgated in the Local Government Notice No. 35 of 24 June 2016 are hereby further amended.

16. SHORT TITLE AND COMMENCEMENT

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

[PROVINCIAL NOTICE NO. 60 OF 2019]**PROMULGATION NOTICE****Public Amenities By-law**

Passed by Council on Thursday, November 15, 2018
Under item 84.1 – 15/11/2018

- 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 revised set of Public Amenities By-laws, at the sitting dated 15 November 2018.
- 2) The reviewed Public Amenities By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

Adv. Tankiso Mea
City Manager

BY-LAWS RELATING TO PUBLIC AMENITIES**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 №. 155 of 2016 as published in the Provincial Gazette, Free State Province of 22 July 2016, 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:
 - (i) any public road or street;
 - (ii) any public amenity contemplated in paragraphs (a) and (b), if it is lawfully controlled and managed in terms of an agreement by a person other than the municipality, and
 - (iii) any public amenity hired from the municipality;

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;

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- (b) use or try to use anything within such amenity for any purpose other than that for which it is designated or determined by notice;
 - (c) light a fire or prepare food, except at a place indicated for that purpose by notice;
 - (d) throw away any burning or smouldering object
 - (e) throw or roll down any rock, stone or object from any mountain, koppie, slope or cliff;
 - (f) pull out, pick or damage any tree, plant, shrub, vegetation or flower;
 - (g) behave himself or herself in an improper, indecent, unruly, violent or unbecoming manner;
 - (h) cause a disturbance;
 - (i) wash, polish or repair a vehicle;
 - (j) walk, stand, sit or lie in a flower bed;
 - (k) kill, hurt, follow, disturb, ill-treat or catch any animal, bird or fish or displace, disturb, destroy or remove any bird nests or eggs;
 - (l) walk, stand sit or lie on grass contrary to the provisions of a notice;
 - (m) lie on a bench or seating-place or use it in such a manner that other users or potential users find it impossible to make use thereof;
 - (n) play or sit on play park equipment, except if the person concerned is a child under the age of 13 years;
 - (o) swim, walk or play, contrary to the provisions of a notice, in a fish-pond, fountain, stream or pond.

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 month 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 AND AMENDMENT

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.

The Public Amenities By-laws of the Mangaung Metropolitan Municipality as promulgated in the Local Government Notice No. 35 of June 2016 are hereby amended.

21. SHORT TITLE AND COMMENCEMENT

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

[PROVINCIAL NOTICE NO. 61 OF 2019]

PROMULGATION NOTICE**Fresh Produce Market By-law**

Passed by Council on Thursday, November 15, 2018
Under item 84.1 – 15/11/2018

- 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 revised set of Fresh Produce Market By-laws, at the sitting dated 15 November 2018.
- 2) The reviewed Fresh Produce Market By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

Adv. Tankiso Mea
City Manager

BY-LAWS RELATING TO FRESH PRODUCE MARKET

To provide for the regulation and management of activities on and in respect of the municipal fresh produce market, and to provide for matters in connection therewith

Preamble

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

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

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

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

BE IT THEREFORE ENACTED by the Municipal Council of the **Mangaung Metropolitan Municipality** as follows:-

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CHAPTER 1 INTERPRETATION

1. Definitions

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

“**Act**” or “**APAC**” means the Agricultural Produce Agents Act, No. 12 of 1992 ;

“**article**”, “**produce**” or “**goods**” means any kind of fruit, vegetables, food, lucerne, lucerne meal, forage, bran, plants, trees, shrubs, flowers, decorative plants, ferns, artificial flowers or any other product, animal, bird or thin, that is commonly offered on the market;

“**consignment**” means any quantity of produce consisting of separate units of the same kind or different kinds or produce that are simultaneously entrusted to the General Manager or a fresh produce agent for sale on behalf of any person;

“**container**” means any box, tray, bag, package or other means of packing;

“**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;

“**General Manager**” means the person appointed by the Municipality to be in charge of the market, described as the market authority in the Act, or his duly appointed assignee;

“**market**” means the municipal fresh produce market of the Mangaung Municipality, situated on erf 21402, Maselspoort Road, which is the property of the municipality

“**fresh produce agent**” means an agent, authorised by the Municipality and in terms of the stipulations of APAC, acting as such with regard to any product sold at the market on the basis that the risk of profit or loss at all times remains with the principal, and-

- (a) includes any director of a company, trustee of a trust or a member of a close corporation who acts as a fresh produce agent as aforesaid;
- (b) any director of a company, or a member of a close corporation or a trustee of a trust who acts as a fresh produce agent as aforesaid; and it includes the General Manager when he is acting as a fresh produce agent;

“**market note**” means any document that is officially issued by the General Manager;

"market sale" means any sale which takes place on the market or which is otherwise authorised by the General Manager;

"medical officer of health" means the medical practitioner who is for the time being holding office under the Municipality as medical officer of health, and it includes any medical practitioner or inspector who is lawfully acting in that capacity or duly authorised to do so;

"Municipality" means Mangaung Metropolitan Municipality established by the Provincial Notice №. 155 of 2016 as published in the Provincial Gazette, Free State Province of 22 July 2016, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"no offer market note" means an official document which indicates that the produce to which it refers was not sold, because no bid or offer could be obtained therefore;

"no sale market note" means an official document which indicates that the produce to which it refers, was not sold at the highest bid or offer that was obtained therefore, or that the produce was not offered for sale;

"prepayment system" means a system whereby payment for goods occurs by swiping an electronic card through a particular deduction device, which withdraws from that card, the amount of the value of the purchases ;

"private treaty sale" means a sale negotiated and concluded between a fresh produce agent and the purchaser which sale is recorded in the books of the Municipality;

"salesman" means an authorised person in the employ of a fresh produce agent, registered in terms of the stipulations of APAC, who acts on behalf of such agent in any transaction on the market;

"selling price" means the amount for which any article or produce has been sold to a buyer;

"unit" means the quantity of any produce which forms the basis upon which the prices of such produce are calculated, except where produce is packed in a container, in which case such container shall constitute a unit;

"vendor" means a person who consigns or brings produce to a market for sale : Provided that when the General Manager conducts sales on behalf of agents, he shall not be regarded as a vendor.

(2) In these by-laws, unless the context indicates otherwise, words and expressions denoting the singular shall include the plural and vice versa, words and expressions denoting the male gender shall include the female gender and vice versa and reference to a natural person shall include a legal person and vice versa.

CHAPTER 2 MANAGEMENT OF ACTIVITIES ON THE MARKET

2. Locality and extent of the market

The market shall be conducted on erf 21402 Mazelspoort Road, as more fully described on plan L.G. 452/77.

3. Control and supervision

The control and conduct of the market should be under the supervision of the General Manager in accordance with the provisions of APAC, all relevant laws and other by-laws of the Municipality.

4. Market hours

The market shall be open on such days and during such hours as the Council may determine from time to time.

5. Behaviour of persons on the market

No person must on the market:

- (1) smoke in any part where a notice prohibiting smoking, is displayed;
- (2) light a fire, without the permission of the General Manager;
- (3) stand, sit or lie upon or against any article or container;
- (4) throw anything at any person or object;

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- (5) without lawful reason tamper with or remove or cause to be removed, any article that is placed or exposed for sale, or any container, or any label on such article or container;
 - (6) without the written permission of the General Manager and in compliance with the Municipality's applicable by-laws, erect any additional fence or buildings on premises hired from the Municipality, or convert existing buildings or erect partitions or install or extend existing water or electricity mains or fittings, or make any other changes to such premises;
 - (7) cause or allow any matter likely to cause blockage or damage, to enter any drain or gulley, or cause or allow any sewerage, oil, waste water or other objectionable substance to flow into any storm water drain;
 - (8) without the permission of the General Manager wash, sort, grade or clean fruit, vegetables or any other article
 - (9) disrupt any legal activity in any way whatsoever or interfere with or molest any other person or force articles on a client, or interfere with the proper carrying on of any business;
 - (10) enter or remain, or cause any vehicle, animal or other thing to enter or remain on any part on days or at times when the market is closed, save with the permission of the General Manager;
 - (11) neglect or refuse to depart or to remove any article, vehicle, animal or other thing therefrom if lawfully instructed by the General Manager to do so;
 - (12) neglect or refuse to place any vehicle under his control in the position assigned to such vehicle by the General Manager;
 - (13) drive or ride any vehicle or animal in such a way as to endanger persons or property;
 - (14) spit, cause a nuisance or loiter, or use any threatening, obscene, abusive, violent, offensive or disgusting language, or make any loud or disturbing noise;
 - (15) organise or conduct a public meeting without the previous written consent of the General Manager;
 - (16) have in his possession, bring, cause to be brought onto the market premises any intoxicating liquor without the permission of the General Manager;
 - (17) consume, or be under the influence of intoxicating liquor;
 - (17) touch, taste, smell, handle or move any article exposed for sale, in such a way as to make it liable to contamination;
 - (18) wilfully damage or deface any property;
 - (19) throw away or deposit in any place other than receptacles provided for the purpose, any fruit peel, vegetable leaves or refuse of any kind whatsoever.

6. Entry to the market

The General Manager may refuse to allow any undesirable person to enter the market or to bring there any animal, vehicle, article or other thing whatsoever, and may instruct any person to leave the market or to remove therefrom any animal, vehicle, article or other thing whatsoever, if in his opinion circumstances exist that justify such refusal or instruction.

7. Responsibility for articles brought on to the market

Any person who brings any article, vehicle, animal or other thing whatsoever on to the market, shall be responsible therefore and liable for any damage, injury, danger, obstruction or inconvenience that it may cause.

8. Rejection of articles

The General Manager may reject from the market or may reject for sale on the market, any article which is diseased, unsound, unwholesome or unfit for consumption or that is stored in a container that is likely to contaminate it or any other article with which it may come into contact. The General Manager may immediately take any such article or container into his possession for the purpose of its destruction: Provided that if a dispute about the condition of any such article or container arises, it shall not be destroyed unless the medical officer of health has issued a certificate authorising such destruction.

9. Removal of obstructions

Any person who places any article or other object in any part of the market so as to cause inconvenience or obstruction or so as to prevent the proper sweeping, washing or cleaning of the market premises, must immediately remove such article or object when instructed to do so by the General Manager. Should any such person refuse or neglect to comply with such instruction, or should his address be unknown to the General Manager, the General Manager may without notice remove the obstruction, and no liability shall rest on him or on the Municipality for any damage, injury or loss which may be the result of such removal.

10. Liability for error

The Municipality shall not be liable for any error of description, shortage or excess in quantity or lack of quality in respect of any article sold on the market, except when negligence on the part of the Municipality can be proved.

11. Delivery notes

- (1) Every person who brings or causes to be brought to the market, any article to be offered thereon, should, immediately on its arrival, register such article with the General Manager and the fresh produce agent concerned, who shall issue or cause to be issued a delivery note signed by him and by such person showing the following :
 - (a) the date of arrival;
 - (b) the full name and address of the vendor;
 - (c) the description of the article;
 - (d) the description of the container;
 - (e) the mass or quantity;
 - (f) the variety and quality of products as may be determined by the General Manager from time to time;
 - (g) the name or code mark of the fresh produce agent or consignee to whom such article is consigned;
 - (h) the registration number of the vehicle, if any;
 - (i) any other particulars that may from time to time be required by the General Manager.
- (2) The General Manager or fresh produce agent should furnish every such person or consignee to whom such article is consigned, with a copy each of the said delivery note, and must himself keep a copy.

12. Railway delivery notes

The General Manager may obtain from the South African Railway and Harbours Administration a copy of every delivery note or way-bill issued by the said administration, and any other particulars required by him, in respect of every article delivered at the market by the said administration, irrespective of whether such article has been transported by rail or by road. Every fresh produce agent must, when so instructed by the General Manager, authorise the said administration to furnish the General Manager with a copy of every such note or bill relating to articles consigned to him.

13. Fresh produce agent to account to vendor

Every fresh produce agent should sign for the receipt of every article or consignment delivered to him at the time when it is delivered, and must be responsible to the vendor for the quantity shown on the delivery note and must account to the vendor for such quantity in such manner as may be determined by the General Manager.

14. Offloading on arrival

Every article offered on the market should on arrival be handed either to the General Manager or a fresh produce agent, who should immediately make all arrangements deemed necessary by the General Manager to offload it and to place such article in the space or enclosure that is provided therefore.

15. Stacking, arranging and displaying

Every fresh produce agent must make all arrangements deemed necessary by the General Manager to place, stack, arrange and display all articles received by him, at such time as the General Manager may determine and in such a way that they will have an orderly appearance, be conspicuous to intending buyers and adequately separated from other articles, whether or not the articles be of the same commodity or come from the same vendor or not. The General Manager may at any time direct a vendor or fresh produce agent to remove some or all of such articles to another space or area, or to re-stack, or re-arrange them anew or to re-display them.

16. Marking of containers

Every container should be marked with the name and address of the owner, in clear and legible capital letters, on such container itself or on a label securely attached to it. All other names, addresses or marks, except the name, address or mark of the consignee and such other marks or labels as are required by law to appear thereon, must be obliterated. No article may be displayed for sale, offered for sale or sold unless the container is marked as such.

17. Separation of produce

Every fresh produce agent must remove or effectively separate all produce from any article received by him, which at any time is, or shows signs of being, deteriorated or damaged, and should re-sort or repack such produce if, in the opinion of the General Manager, it is necessary to do so.

18. Variation in quality

No person must bring or offer on the market any produce which is so packed that the produce at the top or sides of the container is of a better quality or larger than the produce in the other parts of the container.

19. Selling by sample

No fresh produce agent must display for sale or offer for sale or sell from sample any article unless at least 60 % of the entire consignment is on the recognised sales area or in the designated cold storage area of the market at the time of such display for sale, offer for sale or sale.

20. Variation between article and sample

No fresh produce agent must display a sample of any article for sale or sell any article from sample, unless such sample is truly representative of the entire consignment. The General Manager may satisfy himself in such manner as he may determine that the entire consignment is truly represented by the sample so displayed or offered for sale or sold.

21. Responsibility for difference between article and sample

Every fresh produce agent must be responsible for any damage, inconvenience or loss suffered by any person who buys from sample an article that differs basically from the sample displayed or offered for sale. The decision of the General Manager as to whether the sample displayed or offered is truly representative of the article sold, is final and binding.

22. Re-stacking of unsold produce

Every fresh produce agent should at the conclusion of each day's sales, re-stack all unsold produce in such a way as to give it an orderly appearance and in a position from which it will be clearly visible to intending buyers during the following day's sales and should take every reasonable precaution to prevent deterioration of or damage to any article remaining unsold.

23. Cleanliness of premises

Every person to whom there has been allocated any office, area, stand, stall or other place in, on or from which to carry on business, should at all times keep such office, area, stand, stall or other place and any roadways, gangways or passages adjoining it, neat and clean and must immediately remove therefrom anything which the General Manager instructs him to remove. The General Manager may at any time inspect any such office, area, stand, stall or other place and any such roadways, gangways or passages and any vehicles or containers therein or thereon.

24. Right to occupy or to trade

No person must occupy or trade from any office, area, stand, stall or other place, unless he has obtained the prior permission of the Council, and has paid any rent or fee lawfully due in respect thereof in advance. No tenant must sub-let such office, area, stand, stall or other place, without the written consent of the Municipality, or its assignee and appropriate agreements to be entered into where necessary.

25. Unauthorised activities

No person must sell, or offer, introduce, hawk with or carry about for sale, any article on the market without the prior permission of the General Manager.

26. Commencement and closing of sales

(1) Sales shall commence and close on the times as may be determined by the General Manager.

27. Procedure before sales

No article must be displayed or offered for sale or sold until the provisions of sections 11 and 12, or whichever may be applicable, have been complied with, or unless the deliverer of any article, and the fresh produce agent or other person to whom it has been delivered, have in their possession either the original or a true copy of the documents referred to in the said sections, whichever may be applicable. Any copy of the original shall be deemed to be a true copy, if it is certified as such by the General Manager.

28. Separate sales notes

Every fresh produce agent or consignee that offers articles, should sell separately and obtain separate market sales notes for every consignment of produce received from, or offered for sale by him on behalf of vendors, notwithstanding the fact that such consignments may be of the same commodity and from the same consigner.

29. Vendors at sales

Except with the prior permission of the General Manager, no vendor must assist or attempt to assist the General Manager or fresh produce agent with the display or sale of his goods or interfere with or obstruct them in any way. Any instruction that such vendor wants to give regarding such goods should be given either verbally, or, if so directed by the General Manager, in writing before the sale begins.

30. Auctions by General Manager

Every article offered for sale by public auction may be auctioned by the General Manager or by a person authorised by him to do so, and no other person must organise or conduct or attempt to organise or conduct any auction.

31. Delivery note before auction

Before a sale by public auction begins, the fresh produce agent concerned must hand to the General Manager a true copy of a properly completed delivery note in respect of the articles concerned. The General Manager shall retain all such delivery notes until the expiration of the time allocated to the fresh produce agent for selling the articles entrusted to him.

32. Declaration before auction

Before a sale by public auction begins, the fresh produce agent concerned must declare to the General Manager the grade, quality, condition, variety and exact quantity of the articles offered for sale. The General Manager shall announce the declaration so made, together with the minimum quantity to be purchased by each buyer, to all persons attending the sale, and such announcement shall constitute the conditions of sale, together with any other conditions as the General Manager may impose from time to time.

33. Market sales note at the auction

- (1) The General Manager should at the time of a sale by public auction, prepare a market sales note, signed by him and having the following inscribed thereon:
 - (a) the number of the delivery note;
 - (b) the full name of the vendor;
 - (c) the name or number of the fresh produce agent;
 - (d) the date on which the sale is held;
 - (e) a description of the article and container;
 - (f) the variety;
 - (g) the grade;
 - (h) the place of origin;
 - (i) the mass (where applicable) and/or quantity received;
 - (j) the quantity available for sale;
 - (k) the quality;
 - (l) the price per unit;
 - (m) the name or number of the buyer;
 - (n) the quantity purchased by each buyer;
 - (o) such other information as he may deem fit to add.
 - (2) The General Manager should provide the fresh produce agent concerned with a copy of every such market sales note as soon as the consignment or part thereof is sold or, if it is not sold, before the General Manager passes on to the next consignment.
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34. Procedure at auction

- (1) Every article offered for sale by public auction, must be deemed to be sold to the highest bidder after the auctioneer knocked down the bid in respect of such article; if the fresh produce agent is willing to accept the price so realised. If not, the fresh produce agent must declare the reserve price to the auctioneer, and the auctioneer shall announce such price to all persons attending the sale, and the highest bidder may thereafter accept or reject such price. Thereafter, provided the highest bidder accepts the article at the reserve price and does not purchase the whole number, other persons attending the sale, may obtain their requirements at such declared reserve price. Once a price has been declared, as described, it may not be changed for a period of 24 hours, and the original conditions of sale may not be changed in any way, except with the prior permission of the General Manager.
- (2) If the fresh produce agent refuses to accept the highest bid obtained at the sale as a selling price for any article, he must declare a reserve price. The highest bid, together with the reserve price, should be inscribed on the market sales note by the auctioneer, and if no sale is made at the reserve price, the words "not sold" should be inscribed by the auctioneer on the market sales note, which must then be deemed to be a no sale market note.
- (3) If no offer is made for any article offered for sale, the auctioneer may issue a no offer market note in respect thereof, by inscribing on the market sales note the words "no offer".

35. Controlled price

When the price of an article offered for sale by auction, is controlled or fixed by law, and the price so prescribed, is offered by persons attending the sale, the article should be sold to the person who first made the bid at the controlled price. Should more than one person make a bid at the controlled price simultaneously, the General Manager may either cancel the sale by public auction and direct that the article be sold by private treaty by the fresh produce agent concerned at the controlled price to the persons who attend the auction sale, in such a manner that each person receives a fair share of the available supply, or the General Manager may distribute the article in question at the controlled price among the bidders in a manner to be determined by him. No person may withhold such article from sale, unless directed to do so by the General Manager and no person must offer or sell such article at a price in excess of the maximum controlled price, or offer or sell such article jointly with other articles that are not subject to controlled prices.

36. Alterations in market sales notes

The auctioneer must initial every alteration on a market sales note, and the General Manager shall, after satisfying himself as to the reason for the alteration, countersign the altered note.

37. Roster of auction sales

Auctions should be conducted according to a roster prepared by the General Manager in such a manner that every fresh produce agent in turn is given an opportunity to sell first. Every fresh produce agent should be given a period of time, determined by the General Manager, within which the articles entrusted to him, may be sold. Every consignment should be offered for sale only once during every round.

38. Re-auctioning

If the auctioneer has knocked an article down to the highest bid, and the sale is confirmed by the fresh produce agent, and the highest bidder has obtained his requirements, and a number of other buyers attending the sale ask to be served at the same price, the auctioneer may put the rest of the consignment up for auction again if, in his opinion, it will be to the advantage of all concerned. No responsibility must, however, devolve upon the Municipality should a lower price be realised when the article is again put up for sale, but the General Manager or the fresh produce agent shall have the right to place a reserve price equivalent to the original highest bid on the article if a bid lower than the original highest bid is received when the article is re-auctioned.

39. Issue of documents

No person other than the General Manager must issue or cause to be issued market sales notes or any other documents relating to collections, sales or deliveries. The cost, or portion thereof, attached to all or some of such documents, may be recovered from the fresh produce agents.

40. Time allowed to fresh produce agents

A fresh produce agent shall after he has arranged a specific time for his sales with the General Manager, commence immediately after announcement of his turn, failing which the General Manager may instruct the auctioneer to proceed to the next fresh produce agent. A fresh produce agent who failed to commence immediately forfeits the services of an auctioneer for the rest of the day.

41. Persons that are allowed within enclosure

Except with the permission of the General Manager no person other than the market officials, fresh produce agents or members of their staff is allowed within the enclosure or area in which sales are held. Every person must forthwith leave such enclosure or area when directed to do so by the General Manager.

42. Refusal to sell

The General Manager may in his discretion refuse to accept any bid offered by any person at any sale by public auction, or refuse to sell any article to any person, if he has reason to believe that such person will be unable to pay the selling price or will not take delivery of his purchases, or if such person has contravened or failed to comply with any provision of these regulations.

43. Doubts and disputes

If the General Manager is doubtful as to the highest bid or the highest bidder, or if the person to whom an article is knocked down, immediately disputes the sale, the article should again be put up for sale, and the Municipality is not responsible for any loss resulting from such re-sale.

44. General Manager's decision final

The decision of the General Manager as regards disputes on a bid and all other matters connected with sales, is final and binding.

45. Doubts as to ownership

The General Manager may refuse to put any article up for sale if he has reason to believe that such article is not the property of the vendor, or he may put such article up for sale on condition that the proceeds of the sale remain in his possession until such time as he has been satisfied as to the ownership of such article. The Municipality is not be liable for any loss or damage caused to any person by such refusal to sell, or sale made on the condition set out above.

46. Sales at prices below the highest bid

Every fresh produce agent who has placed a reserve price on any article, and who later accepts an offer which is lower than the highest bid made for such article at the original sale, must be responsible to and shall pay the vendor, in a manner to be determined by the General Manager, the difference between the highest bid received at the original sale, and the price at which the article was sold, unless the written permission of the General Manager had been obtained beforehand.

47. Reasonable price

The General Manager may declare that any article is unsold when the highest price offered is in his opinion not a reasonable price, and he may declare an article sold or direct that it be sold if he is convinced that the vendor by not concluding the sale may suffer inconvenience, loss or damage, unless the producer has given a contradictory order.

48. Inspection, grading, packing and marking

No article required by law to be graded, may be offered for sale or sold unless it has been submitted by the fresh produce agent concerned for inspection, and has been inspected as prescribed by law, and the grade assigned to it as a result of such inspection has been clearly marked on it by such fresh produce agent. No article required by law to be offered for sale or sold by mass, or to be packed, marked or graded in a prescribed manner, must be offered for sale or sold or removed from the market unless it complies in every respect with the requirements of such law: Provided that the General Manager may in his discretion sell any article or direct that it be sold, if he deems it expedient to do so.

49. Collection and delivery

Every buyer should collect his purchases as soon as they are ready for delivery to him, and every fresh produce agent should make available his purchases to the buyer as soon as he has paid the price, or as soon as such fresh produce agent is directed to do so by the General Manager. The fresh produce agent must be responsible for providing to the buyer the quantity, mass, quality, grade, variety and container, as the case may be, purchased by him. The buyer is not entitled to claim from and be compensated by the Municipality for any loss or inconvenience suffered as a result of non-compliance by the fresh produce agent with these provisions.

50. Purchase and sale by employees of the Municipality

Except in an official capacity, nobody who is in the employ of the Municipality at the market, may bid on an article on the market or buy or sell it or may directly or indirectly be interested in the sale or purchase of any article sold or offered for sale on the market, save such as he may bona fide require for his private consumption or use.

51. Private treaty sales

No person except those authorised thereto by the Municipality can conduct private treaty sales, and private treaty sales of such articles may only take place during such times and places and under such conditions as the General Manager may determine from time to time.

52. Sales dockets

- (1) No article must be sold by private treaty unless, at the time of sale, a sales docket complying with the provisions of section 52(2), is issued to the buyer by the fresh produce agent.
- (2) Every sales docket referred to in section 52(1), be clearly and legibly written out and must have the following inscribed thereon :
 - (a) the date of sale;
 - (b) the agent's code-mark;
 - (c) the vendor's full name;
 - (d) the buyer's full name or number;
 - (e) the variety and count where applicable;
 - (f) the type of container and/or the mass where applicable
 - (g) the quality, quantity and mass of the article sold, where applicable;
 - (h) the price per unit;
 - (i) the number of units that are sold;
 - (j) the gross value of the sale;
 - (k) such other information as may be required by the General Manager.

53. Preference

No fresh produce agent must, when conducting private treaty sales, in any way give preference to any person.

54. How articles are to be sold

No article must be sold except according to quality, mass, number, quantity or as otherwise prescribed by a law or as determined by the General Manager. If an article is sold by mass, the mass shall mean the netto mass.

55. Prepayment system

- (1) The Municipality may introduce a prepayment system to the fresh produce market;
- (2) All persons wishing to be registered onto and partake in the prepayment system should apply for an electronic card by way of paying a deposit as determined by the Council from time to time by way of resolution;
- (3) After receipt of such a deposit an electronic card will be issued to the cardholder, who applied for such a card, by the General Manager. Prior to utilising the card, the cardholder should deposit an amount of money with the General Manager, which amount will be reflected on the card as a credit.
- (4) The cardholder may purchase goods by tendering the card at the relevant fresh produce agents, who will swipe the card through the relevant devices after each sale, effecting a deduction of the purchase amount from the credit on the card;
- (5) Persons may be prohibited from purchasing anything on the market if they do not have a card, or the card does not reflect enough credit to pay for the proposed purchases.
- (6) The cardholder should exercise the necessary care with his card and the Municipality will not be held liable for any unauthorised deductions from the card, unless such deductions can be shown to be due to an error by the Municipality.

56. Articles of inferior quality as sample

No buyer is obliged to accept any article which, in the opinion of the General Manager, is inferior to, or does not conform to the sample exposed at the sale, or which does not conform to the declaration made at the time of sale by the General Manager or the fresh produce agent : Provided that the buyer notifies the General Manager accordingly immediately after delivery of the article has been made to him, and that the article in dispute has not be fiddled or tampered with, unpacked, resorted or removed from the market. Any dispute regarding any article or the sale thereof must be decided by the General Manager and his decision is in all such cases of dispute or complaint, final and binding.

57. Cash purchases and credit guarantee

- (1) Unless the Municipality determines otherwise, all persons purchasing articles on the market, must pay the General Manager in cash the price thereof immediately after the sale has been concluded. Except with the permission of the Municipality and the relevant producer, no person must purchase any article on credit. If permission is granted, the General Manager may demand a guarantee from any person buying article on credit.
- (2) No person, except the General Manager, must accept money in respect of any articles that has been sold.
- (3) Agents may collect money from sales after official hours, only if prior arrangement for this has been made with the General Manager and he agreed to the arrangement.

58. Penalties for late payment of accounts

The provisions of the Local Government: Municipal Systems Act, Act No. 32 of 2000, applies to any person who fails to pay his account for an article purchased on credit within fifteen (15) days from date of purchase. Credit for defaulting buyers will be suspended without detracting from the right of the Municipality to take steps for the recovery of the amount due.

59. Defaulting buyers

- (1) If any buyer fails to pay for articles purchased by him or to comply with any other provision of this by-law relating to sales, or has left articles at the General Manager or a fresh produce agent, the General Manager may direct that such articles be sold again in such manner as he may deem expedient, and the defaulting buyer is responsible for any loss on such re-sales, plus such monies and charges as may be due in terms of this by-law.
- (2) The General Manager may further, in the event of any such loss, and on receiving particulars thereof from the fresh produce agent concerned, refuse to take any more bids from such defaulting buyer. Only sales by way of private treaty shall be allowed between such defaulting buyer and a fresh produce agent. The General Manager will only take bids from such defaulting buyer once the loss has been made up or the said defaulting buyer has made other arrangements to the satisfaction of the General Manager.
- (3) No defaulting buyer must fail or refuse to pay on demand by the General Manager any deficiency due by him, or appoint any other person to buy on his behalf or use the name of any other person in order to obtain articles.
- (4) The Municipality is not be liable for any error in connection with any article left at a fresh produce agent or on the market by a defaulting buyer, or for any wrong description, shortage or excess in quantity or lack of quality, or for any loss, damage or inconvenience suffered by such defaulting buyer.

60. Measuring of mass

When an article is offered for sale or sold by mass, the General Manager may direct that the mass of such article be measured in the presence of a buyer or prospective buyer at such place and on such scale as the General Manager may determine.

61. Responsibility for mass

It is the responsibility of the fresh produce agent concerned to ensure that articles which by law or by direction of the General Manager are sold by mass, are the correct prescribed mass before they are displayed for sale, offered for sale or sold, and such mass should be clearly and legibly marked on such articles or their containers.

62. Default by fresh produce agent

When, in the opinion of the General Manager, a fresh produce agent has neglected to take all reasonable steps to sell any article with a minimum of delay at the ruling market price, or has failed to take all reasonable precautions to prevent deterioration or contamination of such article, the General Manager may notify the vendor and issue a market sales note in his favour in respect of such article at the price realised for similar articles on the day on which the article should have been sold. The said fresh produce agent should pay to the vendor, in a manner to be determined by the General Manager, the value specified on such market sales notes, less any charges he is entitled to receive and less the price for which the deteriorated or contaminated article, or the article not sold when it should have been sold, has been sold. No responsibility devolves on the Municipality or the General Manager for having so notified the vendor, or for any loss or damage suffered by the fresh produce agent concerned as a result thereof.

63. Demand for payment by General Manager

- (1) The General Manager may demand, and recover any monies due by any person for or to whom any article has been sold, and if such person fails to pay such monies, the General Manager may set off such monies against any monies in his possession belonging to such person.

- (2) If the General Manager is in control of monies and has reason to believe that if such monies are paid out to any person other than the person to whom they are lawfully due, they will not reach the person to whom they are lawfully due, he may either withhold payment of such monies to any person until he is satisfied that they will reach the person to whom they are lawfully due, or direct that they be paid direct to the person to whom they are lawfully due in a manner to be determined by him. No responsibility devolves on the Municipality for any action bona fide taken in terms of these regulations.

64. Unclaimed articles

A storage fee, as determined by the Council from time to time by way of resolution, may be levied on any article left on the market and not claimed within forty-eight hours and not removed by the person entitled thereto, before it may be removed. Such articles, when not claimed or when the set storage fee is not paid, may be sold by the General Manager in the manner to be determined by himself, and the said General Manager shall hold the proceeds of such sale, less all monies and charges lawfully due thereon, on behalf of any person duly establishing his claim thereto.

65. Dumping and re-selling

Except with the permission of the General Manager, no person must dump or resell any article on the market which he has purchased on the market. No person may bring any article to the market for dumping or storing thereon until delivery can be taken by the owner or purchaser. The General Manager shall warn any person trying to do so, against such dumping, reselling or storing or take the necessary legal steps.

66. Off-loading

- (1) Every fresh produce agent must proceed with reasonable despatch to load or cause to be loaded any barrow or other vehicle, when requested to do so by the General Manager.
- (2) The Municipality is not responsible for the loss of or damage to or delay in delivery or off-loading of any article of the fresh produce agent or buyer.

67. Liability for loss or damage

No liability devolves on the Municipality in respect of loss of or damage to any article from any cause whatsoever while such article is on the market.

68. Permits for fresh produce agents

- (1) No person must carry on the trade or business of a fresh produce agent unless he has first obtained a permit from the Municipality to do so. The permit is not transferable without the written permission of the Municipality.
- (2) Every person carrying on such trade or does business, must submit an application therefor on the official form obtainable from the General Manager as well as a fidelity fund certificate from the Registrar of Agricultural Produce Agents in accordance with the stipulations of APAC, and must lodge the completed form with the General Manager.
- (3) Every applicant should satisfy the Municipality that he is compliant with the stipulations of APAC and is a fit and proper person to carry on the trade or business of a fresh produce agent and that he has complied with the provisions of the law relating to fresh produce agents.
- (4) In the evaluation of applications in terms of this section, the Municipality may take the following into consideration:
- (a) the stipulations of the Municipality's Supply Chain Management Policy;
 - (b) the BEE status of the applicant;
 - (c) the floor space available in the market;
 - (d) the adding of value to the market
 - (e) the number of employment opportunities created by the applicant
- (5) Every permit holder must pay in advance to the Municipality a fee, as from time to time determined.
- (6) Every permit must be valid from its date of issue until the following 31 December, unless it is otherwise cancelled or withdrawn. Every permit holder desiring to renew such permit should make application therefore when directed to do so by the General Manager, in terms of the provisions of subsection (2).
- (7) The Municipality may in its discretion withdraw or refuse to renew a permit.
- (8) The General Manager may in his discretion allocate stands to a fresh produce agent to carry on his business. No fresh produce agent must sublet any such stand or place without the approval of the General Manager and the allocation may be withdrawn at any time by the General Manager if circumstances warrant it.

69. Other licenses

In addition to the permit issued by the Municipality, a fresh produce agent shall, before beginning to trade on the market, take out all such other licenses and furnish all such other surety bonds as he may be required to do by any other law. The issue of permits will be at the entire discretion of the Municipality notwithstanding the fact that intended applicants may comply with all the requirements and conditions for a permit or not.

70. Transfer of produce

The General Manager may, when instructed to do so by the vendor, transfer the produce belonging to such vendor from the fresh produce agent to whom the goods was originally consigned, to any other fresh produce agent named by the vendor.

71. Allocation of space to fresh produce agents

As soon as possible after the commence of the Municipality's new financial year, the General Manager may, in consultation with the market agents and subject to section 24, allocate space in the market area for the use by fresh produce agents as he may deem fit. No fresh produce agent must place articles on floor space which has been allocated to another fresh produce agent without the prior approval of the General Manager.

72. Dust- and rubbish receptacles

Every person hiring premises on the market, must provide an adequate number of dust- or rubbish receptacles of a type and size approved by the General Manager for use on such premises. No person must place or cause to be placed any offensive matter in any such receptacles, and it is the responsibility of every person hiring such premises to ensure that the contents of such receptacles are regularly removed and dumped in a place determined by the General Manager.

73. Information required of fresh produce agents

Every fresh produce agent should, when requested to do so by the General Manager, furnish him with any documents or information relating to arrivals and sales of and payments for all articles handled by such agent in the course of business.

74. The fresh produce agent is responsible for employees

Every fresh produce agent is responsible for the conduct of all persons in his employ and for the conduct of all persons in his employ and for any damage done to Municipality's property by such agent himself or by his employees, acting within the scope of their duties and instructions. Such agent shall forthwith institute adequate disciplinary measures as provided for in any relevant labour legislations against any employee contravening any law or regulation relating to the market, or any market rules or instructions issued by the General Manager, or convicted of any offence arising out of the execution of his duties or activities on the market, unless such conviction is set aside on appeal. No fresh produce agent must engage or re-engage any person whose services have been so terminated after the finalization of such disciplinary measures.

75. Registration of employees

- (1) Every fresh produce agent must register his employees with the General Manager and in compliance with APAC, in a manner to be determined by the General Manager, and must notify all changes of personnel within three days to the General Manager who shall for this purpose keep a register, which should set forth all relevant particulars relating to such employees.
- (2) The fresh produce agent must ensure that if his employees are suffering from a contagious disease, they not be present at the market until such disease has been cured.

76. Permit for employees

- (1) Every fresh produce agent must apply to the General Manager for a permit before employing any person, and must not employ such person or allow him to begin work until the General Manager has issued a permit in respect of such person.
- (2) The General Manager may refuse to issue a permit, and may at any time cancel a permit if the person to whom it was issued is not a fit and proper person to hold it, or if such person has contravened any law or regulation relating to the market or any market rules or instructions issued by the General Manager. Any such permit shall be the property of the person to whom it was issued, and is not transferable. The holder should produce it on demand by the General Manager or any duly authorised official at all reasonable times.

77. Protective clothing

Every fresh produce agent must supply his employees with such protective clothing as may be required by the General Manager, and should ensure that such clothing is distinctly marked with the code mark or the name of his firm, and numbered in a way determined by the General Manager, and that such clothing is at all times kept clean and in good repair. No fresh produce agent must allow any employee to work on the market unless he is wearing such protective clothing.

78. General Manager may furnish information to vendor

The General Manager may furnish direct to any vendor copies of any market sales note covering the sale of any article sold on behalf of such vendor by any fresh produce agent, or such other information as may be deemed expedient. Every fresh produce agent must, on request by the General Manager, furnish him with the name and address of any vendor on whose behalf such fresh produce agent has sold any article, as well as such other information as the General Manager may require.

79. Misconduct by fresh produce agents

If any fresh produce agent commits any breach of, or fails to comply with, the provisions of any law relating to the market, or any instructions issued by the General Manager, the Municipality may serve a notice on such agent calling on him forthwith to remedy such breach or failure, and if he fails to do so the Municipality may cancel and refuse to renew his permit, as well as his right of occupation of office or other accommodation, without prejudice to any other action the Municipality may be entitled to take against such agent.

80. Lease of push-carts and trolleys

- (1) No other equipment or vehicles, except such equipment and vehicles supplied by the Municipality or approved by the General Manager, may be used to convey or remove products, articles or empty containers from any section or area of the market to any other section or area of the market.
- (2) The equipment or vehicles supplied by the Municipality in terms of section 83(1) may be hired by any person: Provided that:
 - (a) the prescribed rental is paid in advance to the General Manager;
 - (b) the lessee shall not lend or transfer it to any other person without the prior permission of the General Manager;
 - (c) when circumstances in the opinion of the General Manager justify such action, the said General Manager may at any time instruct any person to place it in any part of the market for as long as he deems necessary;
 - (d) the lessee shall return it to the General Manager in the condition received, fair wear and tear excepted. The lessee will nevertheless be responsible for any loss as a result of damage to it, or destruction or non-return thereof;
 - (e) no liability shall devolve on the Municipality for injury or damage to persons or property as a result of the use thereof, save where such injury or damage is caused by the wrongful or negligent act of employees of the Municipality;
 - (f) on the day of leasing, the lessee may use the equipment and vehicles as supplied by the Municipality up to 14:00: Provided that the General Manager may shorten or lengthen the duration of the leasing period, if circumstances, in his opinion, justify such action and that as a result of this, no person shall have the right to claim against the Municipality;
 - (g) the type and maximum number of vehicles leased to any person per day, shall be determined by the General Manager according to circumstances;
 - (h) the lessee, on request of any duly authorised person, at any time has to give proof of his right to use such vehicle or equipment.

81. Cold storage and ripening

- (1) The Municipality may undertake the cold storage and ripening of articles, at tariffs laid down from time to time, to be paid by the person requiring such storage or ripening facilities, in such manner and at such time as may be determined by the General Manager. The said General Manager may refuse to release any articles so stored or ripened until the charges due to the Municipality in respect thereof have been paid.
 - (2) All articles placed in cold storage or in the ripening chamber are at the entire risk of the person requiring such storage or ripening facilities and no liability devolves on the Municipality in respect of any loss, damage, shortage or delay arising from the maintenance of too high or too low temperature, failure of machinery or plant, flood, wind, sprinkler leakage, dampness, sweating, decay, putrefaction or destruction by vermin, Act of God, civil commotion, military authority, insurrection, strikes, lock-outs, labour-disputes, quarantine, war, explosion, the nature of the goods, inherent vice, contact with or proximity to other goods, concealed damage, variation or shrinkage in weight, defective or insufficient packages or containers, theft or any other cause whatsoever, except upon proof by the owner that such loss, damage, shortage or delay was occasioned by or through the wilful misconduct or negligence of an employee of the Municipality acting in the course of his employment.
 - (3) Notwithstanding anything contained in section 84(2), the Municipality is not liable for damage, howsoever caused unless inspection of the articles concerned, or such sample of them as the General Manager may require, has been tendered to the General Manager before such articles are removed from the market, nor the amount of the Municipality's liability for any loss, damages, shortage or delay exceed the value of the articles concerned. "Value" for this purpose shall mean the average price realised on the market for similar article on the day on which the articles concerned are removed from the cold store or the ripening chamber.
 - (4) All articles are accepted on the understanding that the contents, weights, quantities and values are unknown, unless a special endorsement to the contrary is made on the receipt issued for such articles when they are accepted for cold storage or ripening.
 - (5) All articles should be labelled, as determined in sections 16 and 48.
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- (6) Articles will only be released from the cold store or ripening chamber on presentation of a written order from the store, or his duly authorised agent and provided a signed receipt for such articles is given to the General Manager.
- (7) The General Manager may at any time refuse to accept any article for cold storage or ripening if, in his opinion, circumstances then existing justify such refusal and he may order the immediate removal from the cold store or the ripening chamber of any article deemed by him to be unsound or liable to cause damage or constitute a nuisance, and if the owner of the article concerned, or his duly authorised agent, fails to comply with such order, the General Manager may remove such an article from the cold store or ripening chamber at the expense of such owner or agent, and no liability for any resulting damage or inconvenience shall devolve upon the General Manager or the Municipality.

82. Articles left behind in market area

Any products remain in the market at the owner's responsibility.

83. Prohibition on dogs

Nobody must bring any dog on any part of the market during market hours. Any person whose dog is found in the area, must remove the dog immediately. The Municipality reserves the right to impound any dog that is found in the market.

84. Hawking prohibited

Nobody must hawk or carry about for sale any article, animal material or thing in any part of the market area. Every article, animal, material or thing thus hawked or carried around on the premises for the purposes of trade may be seized and taken into possession by the General Manager until the closing time of the market.

85. Rejected articles

The medical officer of health may inspect, reject and dispose of any article brought for sale on the market, and no compensation must be paid by the Municipality in respect thereof.

86. Parking of vehicles

- (1) Nobody in control of any vehicle, may park such vehicle on any place except on the spaces that are set aside for such purpose from time to time by the General Manager : Such separate spaces next to the loading platforms may at the prepayment of the rental, as from time to time approved be reserved for any person. Provided that in the case of an emergency the General Manager may prohibit any person to park a vehicle in the place thus set aside.
- (2) No vehicles used for the delivery to or removal from the market of any article, should remain on the premises longer than such period as is necessary for the loading or offloading, as the case may be. The General Manager determines the time that is necessary for such offloading and loading.

CHAPTER 3 MISCELLANEOUS

87. Obstruction

No person should place any article in the market area in such a manner that an obstruction or inconvenience is caused thereby. Nobody must erect any structure in the mentioned area without the prior written permission of the General Manager.

88. Damage to property of the municipality

All persons moving into a premises, office, store table space, or stall, must be responsible for all damage done during the use of tables, blocks, counters, equipment belonging thereto and plates or other property of the Municipality in general, except for normal wear and tear.

89. Liability of the municipality

The Municipality is not responsible or liable to any person for any loss, damage, injury or death resulting from or arising out of their presence at the market, which loss, damage or injury is not attributable to the neglect of normal duties by the employees of the Municipality.

90. Obstruction of officials of the municipality

Any person who hinders officials of the Municipality in the execution of their duties or who uses offensive language or who acts in a threatening manner or who refuses to obey any lawful order, is guilty of an offence.

91. Unauthorised use of spaces

Any person who uses, keeps or occupies any space in the market in an unlawful manner, is guilty of an offence and is in addition responsible for the rental for the space and any damage caused by such unlawful occupation.

92. Market moneys, market commission and other fees

- (1) Market dues are levied on all articles sold, in accordance with the stipulations of the Act or any other applicable legislation. It also applies to articles stored in the market or in cold storage, ripening chambers and the Municipality's store rooms and also on the letting of trolleys, offices, accommodation, etc.
- (2) A fresh produce agent commission as negotiated between vendors, producers and agents is also be levied in respect of products.

93. Prohibition on wholesalers or their representatives trading

- (1) Wholesalers, their employees or representatives are not allowed to trade on the municipal fresh produce market except with the permission of the General Manager, granted in terms of subsection (2).
- (2) On receipt of an application to trade on the market from wholesalers, their employees or representatives, the General Manager may take the following into consideration when deciding to allow wholesalers, their employees or representatives on the municipal fresh produce market:
 - (a) whether the products that they intend to trade is the same or materially the same as other products being traded on the municipal fresh produce market;
 - (b) the availability of floor space or other accommodation on the municipal fresh market;
 - (c) representations or objections made by fresh produce agents;
 - (d) any other factors that the General Manager may deem necessary to take into account.

94. Submitting of railway claims

Any claim rejected by the Railway Administration on the ground that the full consignment was delivered to the fresh produce agent or consignee in a sound and undamaged condition, should be paid by the fresh produce agent or consignee concerned, and the value of such claim, less all lawful charges, should be remitted to the vendor by such fresh produce agent or consignee in such manner and at such time as the General Manager may determine.

95. Dispute resolution

- (1) Any dispute arising between fresh produce agents, traders, or persons other than the General Manager or any other employee of the Municipality may be referred to the General Manager. Such a referral should be in writing and accompanied by the written submission of all persons involved in the dispute.
- (2) The General Manager should set up a meeting for the resolution of the dispute referred in terms of subsection (1) and opportunity will be given to all parties involved to make representations.
- (3) The General Manager should provide his ruling on the representations to the parties concerned as soon as reasonably possible and such a ruling should only be of advisory nature and must not be deemed to be binding on the parties.
- (4) Where a dispute arises which involves the General Manager or any other employee of the Municipality, the matter must be referred to the Head of Department whereupon the Head of Department shall reasonably attempt to resolve the dispute. A ruling from the Head of Department is of an advisory nature and it is not deemed binding on the parties. Failing that, the matter must be referred to the City Manager whose ruling is deemed final and binding on the parties.

96. Offences and penalties

- (1) A person who has committed an offence in terms of this By-law is, on conviction liable to a fine not exceeding R30 000, 00 or imprisonment for a period not exceeding three years or in default of payment, to imprisonment, or to such imprisonment without the option of a fine, or to both such fine and such imprisonment, and in the case of a successive or continuing offence, to a fine for every day such offence continues, or in default of payment thereof, to imprisonment.
- (2) Any expense 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 or she failed to do, may be recovered by the Municipality from the person who committed the contravention or who failed to do such thing.

97. Repeal and Amendment

- (1) Any by-laws relating to fresh produce market adopted by the council of the municipality or any municipality now comprising part of the Council is repealed from the date of promulgation of these by-laws.
- (2) The by-laws relating to the Municipal Fresh Produce Market, as promulgated in the Provincial Gazette No. 105 of July 2009 and Local Government Notice No. 34 of June 2016, are hereby further amended.

98. Short title and commencement

This by-law is called **Mangaung, Fresh Produce Market By-law** and the amendments effected come into operation on the date of publication in the *Provincial Gazette*.

[PROVINCIAL NOTICE NO. 62 OF 2019]**PROMULGATION NOTICE****Display of Property Numbers and Names By-law**

Passed by Council on Thursday, November 15, 2018
Under item 84.1 – 15/11/2018

- 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 revised set of Display of Property Numbers and Names By-laws, at the sitting dated 15 November 2018.
- 2) The reviewed Display of Property Numbers and Names By-law is, as a result of the rationalization process, now applicable and enforceable throughout the jurisdiction of the Mangaung Metropolitan Municipality (MAN).
- 3) The By-laws are published for the purpose of general public notification.

Adv. Tankiso Mea
City Manager

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CHAPTER 1 INTERPRETATION

1. Definitions

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

"building" means, in addition to its ordinary grammatical meaning, any portion of a building which has a street entrance and is not interleading with any other portion of the building, having a separate pedestrian street entrance and forming a self-contained unit for purposes of its intended use, whether or not a registered sectional title scheme in respect of the building exists;

"Council" means the 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;

"display" means as a verb, to affix surely to, or unless otherwise authorised by the Municipality in terms of section 2, to paint on a building, boundary wall, gate or other place authorised by the Municipality in such a manner as to be clearly visible from the street bordered by such building, boundary wall, gate or other authorised place, and has a corresponding meaning as a noun;

"flat building" means a building in which several residential apartments are situated and such buildings usually consists of more than one level and for purposes of these by-laws may also refer to any sectional title complex;

"metal" means, any plastic material or any other durable material determined by the Municipality;

"Municipality/City" means Mangaung Metropolitan Municipality established by the Provincial Notice №. 155 of 2016 as published in the Provincial Gazette, Free State Province of 22 July 2016, issued in terms of section 12 of the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998);

"occupier" means, a person who actually occupies a property or any part thereof, irrespective of the title by virtue of which he occupies it and, in the case of a property which have been subdivided and are being let to various lodgers or various tenants, the person or persons entitled to the rental and, if the property form part of a scheme as referred to in the Sectional Titles Act, 1986 (Act No 95 of 1986), the body corporate referred to in that act shall be deemed to be the occupier of the property;

"property" means any land, building including flat building, room or structure, regardless of whether anything has been erected thereon.

(2) In these by-laws, unless the context otherwise indicates, words and expressions denoting the singular shall include the plural and vice versa, words and expressions denoting the male gender shall include the female gender and vice versa and reference to a natural person shall include a legal person and vice versa.

CHAPTER 2 ALLOCATION OF NUMBERS AND NAMES

2. Allocation of Property Numbers

(1) Property numbers are allocated or reallocated from time to time by the Municipality to properties within the area of jurisdiction of the Municipality.

(2) After service on him/her of a notice in writing by the Municipality requiring him to do so, the owner or occupier of any such property shall, within the time specified in such notice, display on such property the number allocated or reallocated thereto, in terms of this or any previous by-law by means of a metal number or metal plate bearing such number, or by means of paint if so authorised by the Municipality: Provided that such number or plate shall be affixed in the position indicated in such notice or, if no such position is so indicated, then in a position where it is legible from the street on which such property fronts, and its dimensions shall not be less than the minimum specified in section 5: Provided further that the Municipality may prescribe the colour and finish of the digits or the type of paint that may be used, in such notice.

(3) The provisions of subsection (2) shall apply, mutatis mutandis, to any property where such number or plate has become detached, illegible, obliterated or defaced, or does not meet the provisions of section 5, or is for any reason no longer legible from the street on which such property fronts.

3. Allocation and Display of Names on Flat Buildings

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

4. Allocation of Numbers and Letters to Flat Buildings

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

5. Minimum Dimensions of Numbers and Letters

- (1) The minimum height of every number and letter with regard to a property within the municipality is, in respect of -
 - (a) flat buildings, office- or business buildings and shopping centres, 150 millimeter, and
 - (b) any other property, 75 millimeter:

Provided that the distance between the lines which represent the actual number or letter should not be less than 10 millimeter.

**CHAPTER 3
MISCELLANEOUS**

6. Offences and Penalties

- (1) A person contravening or failing to comply with any of the provisions of these by-laws shall be guilty of an offence and shall upon conviction by a court be liable to a fine not exceeding R 60 000, or imprisonment for a period not exceeding three years or both a fine as well as period of imprisonment, or such other fine or period of imprisonment which the Minister of Justice may from time to time determine in terms of the provisions of section 92 of the Magistrate's Courts Act, 1944 (Act No 32 of 1944), as amended.
- (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 under these by-laws and which he or she failed to do, may be recovered by the Municipality from the person who committed the contravention or who failed to do such thing.

7. Repeal and Amendment

- (1) Any by-laws relating to display of property numbers and names adopted by the council of the municipality or any municipality now comprising part of the Council are repealed from the date of promulgation of these by-laws.
- (2) The by-laws relating to the Numbering of Buildings, as promulgated in the Local Government Notice No. 113 of 28 October 2005, are hereby amended.

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- (3) The by-laws relating to the Display of Property Numbers and Names, as amended by the Local Government Notice No. 34 of June 2016, are hereby further amended

8. Short title and Commencement

This by-law is now called the **Mangaung, Display of Property Numbers and Names By-law** and the amendments effected come into operation on the date of publication in the *Provincial Gazette*.
