



LIMPOPO PROVINCE  
LIMPOPO PROVINSIE  
XIFUNDZANKULU XA LIMPOPO  
PROFENSE YA LIMPOPO  
VUNDU LA LIMPOPO  
IPHROVINSI YELIMPOPO

**Provincial Gazette • Provinsiale Koerant • Gazete ya Xifundzankulu  
Kuranta ya Profense • Gazethe ya Vundu**

*(Registered as a newspaper) • (As 'n nuusblad geregistreer)*

*(Yi rhijistariwile tanihi Nyuziphepha)*

*(E ngwadisitšwe bjalo ka Kuranta)*

*(Yo redzhistariwa sa Nyusiphepha)*

**Vol. 22**

**Extraordinary**

**Ku katsa na Tigazete to  
Hlawuleka hinkwato**

17 JUNE 2015

17 JUNIE 2015

17 KHOTAVUXIKA 2015

17 JUNE 2015

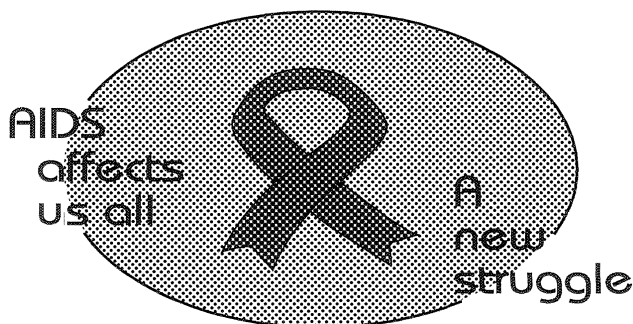
17 FULWI 2015

**No. 2527**

**Buitengewoon**

**Hu tshi katelwa na  
Gazethe dza Nyingo**

**We all have the power to prevent AIDS**



**Prevention is the cure**

**AIDS  
HELPLINE**

**0800 012 322**

DEPARTMENT OF HEALTH

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# IMPORTANT *Information* from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.

## **GPW Business Rules**

- 
1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
  2. Notices can only be submitted in Adobe electronic form format to the email submission address [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za). This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
  3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
  4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
  5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
  6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – [www.gpwonline.co.za](http://www.gpwonline.co.za))
  7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za))
  8. All re-submissions by customers will be subject to the above cut-off times.
  9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
  10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za).



**DO** use the new Adobe Forms for your notice request.

These new forms can be found on our website:  
[www.gpwonline.co.za](http://www.gpwonline.co.za) under the Gazette Services page.

**DO** attach documents separately in your email to GPW. (In other words, your email should have an Adobe Form plus proof of payment – 2 separate attachments – where notice content is applicable, it should also be a 3<sup>rd</sup> separate attachment)

**DO** specify your requested publication date.

**DO** send us the electronic Adobe form. (There is no need to print and scan it).

**DON'T** submit request as a single PDF containing all other documents, i.e. form, proof of payment & notice content, it will be **FAILED** by our new system.

**DON'T** print and scan the electronic Adobe form.

**DON'T** send queries or RFQ's to the submit.egazette mailbox.

**DON'T** send bad quality documents to GPW. (Check that documents are clear and can be read)

#### Form Completion Rules

**Important!**

No.	Rule Description	Explanation/example
1.	All forms must be completed in the chosen language.	GPW does not take responsibility for translation of notice content.
2.	All forms must be completed in sentence case, i.e. No fields should be completed in all uppercase.	e.g. "The company is called XYZ Production Works"
3.	No single line text fields should end with any punctuation, unless the last word is an abbreviation.	e.g. "Pty Ltd.", e.g. Do not end an address field, company name, etc. with a period (.) comma (,) etc.
4.	Multi line fields should not have additional hard returns at the end of lines or the field itself.	This causes unwanted line breaks in the final output, e.g. <ul style="list-style-type: none"> <li><b>Do not</b> type as: 43 Bloubokrand Street Putsonderwater 1923</li> <li><b>Text should be entered as:</b> 43 Bloubokrand Street, Putsonderwater, 1923</li> </ul>
5.	Grid fields (Used for dates, ID Numbers, Telephone No., etc.)	<ul style="list-style-type: none"> <li>Date fields are verified against format CCYY-MM-DD</li> <li>Time fields are verified against format HH:MM</li> <li>Telephone/Fax Numbers are not verified and allow for any of the following formats limited to 13 characters: including brackets, hyphens, and spaces <ul style="list-style-type: none"> <li>0123679089</li> <li>(012) 3679089</li> <li>(012)367-9089</li> </ul> </li> </ul>
6.	Copy/Paste from other documents/text editors into the text blocks on forms.	<ul style="list-style-type: none"> <li>Avoid using this option as it carries the original formatting, i.e. font type, size, line spacing, etc.</li> <li>Do not include company letterheads, logos, headers, footers, etc. in text block fields.</li> </ul>



No.	Rule Description	Explanation/example
7.	Rich text fields (fields that allow for text formatting)	<ul style="list-style-type: none"> <li>• Font type should remain as Arial</li> <li>• Font size should remain unchanged at 9pt</li> <li>• Line spacing should remain at the default of 1.0</li> <li>• The following formatting is allowed: <ul style="list-style-type: none"> <li>○ Bold</li> <li>○ Italic</li> <li>○ Underline</li> <li>○ Superscript</li> <li>○ Subscript</li> </ul> </li> <li>• Do not use tabs and bullets, or repeated spaces in lieu of tabs and indents</li> <li>• Text justification is allowed: <ul style="list-style-type: none"> <li>○ Left</li> <li>○ Right</li> <li>○ Center</li> <li>○ Full</li> </ul> </li> <li>• Do not use additional hard or soft returns at the end of line/paragraphs. The paragraph breaks are automatically applied by the output software <ul style="list-style-type: none"> <li>○ Allow the text to wrap automatically to the next line only use single hard return to indicate the next paragraph</li> <li>○ Numbered lists are allowed, but no special formatting is applied. It maintains the standard paragraph styling of the gazette, i.e. first line is indented.</li> </ul> </li> </ul>
	<p>e.g.</p> <ol style="list-style-type: none"> <li>1. The quick brown fox jumps over the lazy river. The quick brown fox jumps over the lazy river. The quick brown fox jumps over the lazy river.</li> <li>2. The quick brown fox jumps over the lazy river. The quick brown fox jumps over the lazy river. The quick brown fox jumps over the lazy river.</li> </ol>	



You can find the **new electronic Adobe Forms** on the website [www.gpwonline.co.za](http://www.gpwonline.co.za) under the Gazette Services page.

For any **queries or quotations**, please contact the **eGazette Contact Centre** on 012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)

## Disclaimer

*Government Printing Works does not accept responsibility for notice requests submitted through the discontinued channels as well as for the quality and accuracy of information, or incorrectly captured information and will not amend information supplied.*

*GPW will not be held responsible for notices not published due to non-compliance and/or late submission.*

**DISCLAIMER:**

Government Printing Works reserves the right to apply the 25% discount to all Legal and Liquor notices that comply with the business rules for notice submissions for publication in gazettes.

National, Provincial, Road Carrier Permits and Tender notices will pay the price as published in the Government Gazettes.

For any information, please contact the eGazette Contact Centre on 012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za)

**CONTENTS • INHOUD**

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>
<b>LOCAL AUTHORITY NOTICES</b>			
99	Local Government: Municipal Systems Act (32/2000): Makhado Local Municipality: Building Regulations By-law .....	6	2527
100	do.: do.: do.: Electricity Supply By-law .....	36	2527
101	do.: do.: do.: Stormwater Management By-laws.....	69	2527
102	do.: do.: do.: Municipal Facilities: Cemeteries By-laws .....	79	2527
103	do.: Municipal Systems Act (32/2000) and Local Government: Municipal Property Rates Act (6/2004): Makhado Local Municipality: Municipal Property Rates Amendment By-laws .....	107	2527
104	Local Government: Municipal Systems Act (32/2000): Makhado Local Municipality: Municipal Credit Control and Debt Collection By-laws.....	117	2527

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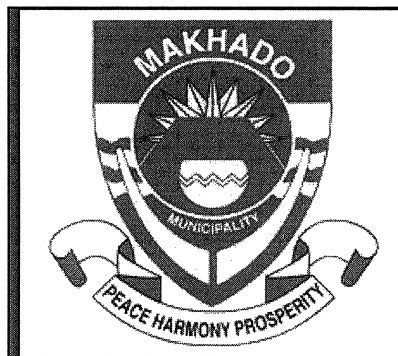
## LOCAL AUTHORITY NOTICES

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### LOCAL AUTHORITY NOTICE 99

# BUILDING REGULATIONS BY-LAWS

MAKHADO LOCAL MUNICIPALITY  
[NP344]



**MAKHADO LOCAL MUNICIPALITY  
BUILDING REGULATIONS BY-LAW**

The Municipal Manager of Makhado Local Municipality hereby in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) publishes Building Regulations by-law for the municipality as approved by its council, as set out hereunder.

**TABLE OF CONTENTS**

**PART A: DEFINITIONS**

1. Definitions

**PART B: SCOPE OF BY-LAW**

2. Scope of By-Law

**PART C: STREETS AND PAVEMENTS**

3. Catheads, cranes and platforms
4. Slab footways and pavements
5. Plants on street verges
6. Street gutter bridges

**BUILDINGS**

7. Encroachments
8. Restriction on the erection of buildings within the one-in-fifty-year flood line
  - 8.1. Building Activities that need Approval from the Municipality
  - 8.2. Construction of Unapproved Building Plans
  - 8.3. Exemptions from Requiring Building Approval
  - 8.4. Building Approval Requirements
  - 8.5. Certificate of Occupancy
  - 8.6. Penalties for Construction of Unapproved Building Plans
  - 8.7. Penalties for Altering of Existing Structure before Approval
  - 8.8. Construction of Shacks on Proclaimed Areas and Procedure Relating to the Termination of Unauthorized Informal Settlement
  - 8.9. Disposal of Building Material and Personal Property
9. Relay of stormwater from high-lying erven to lower-lying erven
10. Enclosures
11. Roofs

**PART D: SEWERAGE****GENERAL PROVISIONS**

- 12. Connection to sewer
- 13. Disconnection of drainage installations and conservancy and septic tanks
- 14. Drainage work that does not meet the requirements
- 15. Maintenance
- 16. Drain and sewer blockages
- 17. Interference with or damage to sewers and water care works
- 18. Entry onto premises
- 19. Manholes on municipal property
- 20. Mechanical food-waste and other disposal units

**PREVENTION OF WATER POLLUTION**

- 21. Sewage and other pollutants not to enter stormwater drains
- 22. Stormwater not to enter sewers
- 23. Discharge from fountains, boreholes, wells, reservoirs and swimming pools
- 24. Permission to discharge industrial effluent
- 25. Control of industrial effluent
- 26. Metering and assessment of the volume and composition of industrial effluent
- 27. Prohibited discharges

**PART E: WATER**

- 28. Connection from main
- 29. Valves in communication pipes
- 30. Additions to fire extinguishing system
- 31. Extension of fire extinguishing system to other premises
- 32. Inspection and approval of fire extinguishing services
- 33. Connections to be to the satisfaction of the Municipality
- 34. Installation of reflux valves
- 35. Sprinkler systems
- 36. Header tanks and duplicate supply from main

**PART F: NOTICES**

- 37. Right of access to premises
- 38. Notices

**PART G: OFFENCES AND PENALTIES**

- 39. Offences and penalties
- 40. Revocation
- 41. Short title and commencement



**SCHEDULE I**

Conditions with which Enclosures must Comply

**SCHEDULE II**

Limits of Concentration of Certain Substances

**PART A: DEFINITIONS****1. Definitions**

In this By-law all words and phrases, except the words and phrases defined in this By-law, have the same meaning as in the National Building Regulations and Building Standards Act, 1977 (Act 103 of 1977), the National Building Regulations made under the Act and the user's code of practice for the application of the National Building Regulations, namely SANS 10400/SABS 0400:1990, and, unless the context indicates otherwise:-

**"Adequate"** means adequate in the opinion of the Municipality, regard being had in all cases to all the circumstances of a particular case and to the accepted principles of drainage installation and, in the case of any appliance, fitting or other object, to the purpose such appliance, fitting or object is intended to serve;

**"Anti-siphonage Pipe"** means a pipe or portion of a pipe provided to protect, by ventilation, a water seal or trap against unsealing through siphonage or back pressure;

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

**"Cleaning Eye or Rodding Eye"** means an access opening to the interior of a discharge pipe or trap which is provided for the purpose of internal draining and which remains permanently accessible after completion of a drainage installation;

**"Communication Pipe"** means a pipe leading from a main to the premises of a consumer as far as that street boundary of the premises which is situated nearest to the main or, where a meter is installed inside the premises, as far as the inlet of the meter;

**"Connecting Sewer"** means that part of a sewerage system which is vested in the Municipality and by means of which a drain is connected to the Municipality's sewer;

**"Connection"** means the point at which a drain is connected to a 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;

**"Consumer"** means:-

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

**"Drain"** means that portion of a drainage installation on any premises, other than a soil-water pipe, waste-water pipe, ventilation pipe or anti-siphonage pipe, 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 a connecting sewer, a common drain, a conservancy tank or a septic tank situated on the premises;

**"Drainage Installation"** means an installation vested in the owner of premises and includes a 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 collecting and conveying sewage;

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

**"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 a mining operation, and includes any liquid besides soil water or waste water or stormwater;

**"Main"** means a pipe, aqueduct or other work which is under the exclusive control of the Municipality and which is used by the Municipality for the purpose of conveying water to consumers, but does not include a communication pipe;

**"Municipality"** means the MAKHADO Local Municipality established in terms of the provisions of the Local Government: Municipal Structures Act, 1998 (Act 117 of 1998), the Municipality's Mayoral Committee acting under the powers delegated to it in terms of the provisions of section 58 of the Local Government (Administration and Elections) Ordinance, 1960 (Ordinance 40 of 1960), or any officer to whom the Mayoral

Committee has delegated, in terms of the provisions of section 58(3) of that Ordinance, any function, duty or power vested in the Municipality in respect of this By-Law;

**"Owner"** means:-

(a) the person who receives the rent or profits of land or property from a tenant or occupier of the land or property, or who would receive the rent or profits if the land or property were leased, whether for his or her own account or as an agent for a person entitled to the rent or profit;

(b) 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 the premises is vested as curator, trustee, executor, administrator, judicial manager, liquidator or other legal representative; and

(c) in relation to:

(i) a piece of land delineated on a sectional plan registered in terms of the Sectional Titles Act, 1986 (Act 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, the person in whose name the section is registered under a sectional title deed, and includes the lawfully appointed agent of such person;

**"Piece of Land"** means:-

(a) a piece of land registered in a deeds registry as an erf, stand, lot, plot or other area or as a portion or a subdivision portion of such erf, stand, lot, plot or other area; or

(b) a defined portion, not intended as a public place, of a piece of land which is held under surface right permit or under mining title or which, being proclaimed land not held under mining title, is used for residential purposes or for purposes not incidental to mining operations;

**"Premises"** means a 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, 1997 (Act 8 of 1997), or in terms of the Deeds Registries Act, 1937 (Act 47 of 1937); or

(b) a sectional plan registered in terms of the Sectional Titles Act, 1986;

**"Purified Sewage Effluent"** means water discharged from a water care works after purification of the water, either into a watercourse or for purposes of re-use;

**"Sanitary Fitting" or "Sanitary Appliance"** means a soil-water fitting or waste-water fitting;

**"Septic Tank"** means a tank designed to receive sewage and to effect the adequate decomposition of organic matter in the sewage by bacterial action;

**"Sewage"** means soil water, waste water or industrial effluent, whether separately or together;

**"Sewer"** means a pipe with fittings which is vested in the Municipality and is used or designed or intended to be used for or in connection with the conveyance of sewage;

**"Soil Water"** means liquid containing human or animal excreta;

**"Soil-water Fitting"** means a fitting that is used to receive and discharge soil water;

**"Soil-water Pipe"** means a pipe, other than a drain, that is used to convey 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;

**"Stormwater"** means a liquid resulting from natural precipitation or accumulation, and includes rainwater, spring water and groundwater;

**"Tariff"** means the tariff of charges for the Municipality's sewerage services, as determined by the Council of the Municipality from time to time, acting under the powers delegated to the Council in terms of section SOB of the Local Government Ordinance (Ordinance 17 of 1939);

**"Trap"** means a pipe fitting or a portion of a sanitary appliance that is designed to retain a water seal in position;

**"Ventilation Pipe"** means a pipe or portion of a pipe which leads to the open air at its highest point and which does not convey any liquid, but which is used to ventilate a drainage installation in order to prevent the destruction of water seals;

**"Waste Water"** means used water that has not been polluted by soil water or industrial effluent, but does not include stormwater;

**"Waste-water Fitting"** means a fitting that is used to receive and discharge waste water;

**"Waste-water Pipe"** means a pipe, other than a drain, that is used to convey waste water only;

**"Water Care Works"** means a water works for the purification, treatment or disposal of effluent; and

"Water Seal" means the water in a trap which serves as a barrier against the flow of foul air or gas.

## **PART B: SCOPE OF BY-LAW**

### **2. Scope of by-law**

(1) This By-Law are supplementary to the National Building Regulations and are applicable to every building, sewerage installation and water installation and, in relation to any sewerage installation or water installation in particular, to the operation and maintenance of such installation in any new building or existing building, with or without any alteration of or addition to the existing installation, whether or not such alteration or addition is required by the Municipality in terms of the National Building Regulations or this By- Law.

(2) Any building, sewerage installation or water installation may at any time after its completion and commissioning be subject to such inspection, approval, tests and control as the Municipality may deem fit or require.

## **PART C: STREETS AND PAVEMENTS**

### **3. Catheads, cranes and platforms**

A cathead, lifting crane, platform or other similar device may not overhang any street or sidewalk without the special consent of the Municipality.

### **4. Slab footways and pavements**

(1) The owner or occupier of a piece of land adjoining a street may lay or construct a slab footway or pavement on that portion of the verge of the street which is intended for exclusive use as a street sidewalk.

(2) The paving or slabs for a slab footway or pavement referred to in subsection (1) must be laid to the grade, line and cross fall determined by the Municipality and must meet the following further requirements:

(a) For ordinary paving or slabs the minimum cross fall is 1:100 and the maximum cross fall is 1:25.

(b) Non-skid paving or non-skid slabs of a type to be approved by the Municipality must be used when the cross fall is between 1:25 and 1:15, provided that the cross fall does not exceed 1:15.

(c) Longitudinal grades may not be steeper than 1:25 for ordinary paving or ordinary slabs, and non-skid paving or non-skid slabs must be used for longitudinal grades of between 1:25 and 1:15, provided that the longitudinal grade does not exceed 1:15.

(3) If, in respect of a slab footway or pavement referred to in subsection (1), a vehicular opening is formed in a kerb or an intersecting footway or pavement, the opening must be paved or slabbed.

(4) The Municipality may impose such conditions as it deems necessary in respect of a slab footway or pavement referred to in subsection (1), with due regard to public safety, the preservation of municipal property and all other relevant circumstances.

**5. Plants on street verges**

(1) The owner or occupier of a piece of land adjoining a street may grade and plant with grass the area lying between such piece of land and that part of the street that is intended, laid out or made up for the use of vehicular traffic.

(2) The owner or occupier of a piece of land adjoining a street may plant with flowers or small shrubs a strip of land not exceeding 1 m in width immediately adjoining the piece of land.

(3) The Municipality may, due regard being had to public safety, the preservation of municipal property and all other relevant circumstances, impose such conditions as it deems necessary in respect of the planting of grass, flowers and small shrubs as contemplated in subsections (1) and (2).

**6. Street gutter bridges**

No person may without the express permission of the Municipality bridge over or enclose any gutter or stormwater drain that is under the control of the Municipality.

**BUILDINGS****7. Encroachments**

With the consent of the Municipality:-

(a) a cantilevered overhanging roof may be erected over a street boundary or building line, at a height of at least 2,75 m above the finished ground level, measured from the finished ground level to the lowest point of the overhanging roof;

(b) foundations that are at least 0,75 m under the ground level may exceed a street boundary or building line by a maximum of 0,5 m;

(c) a sunshade or overhead lamp may exceed a street boundary or building line, provided that there is a head clearance of at least 2,1 m, measured from the finished ground level to the lowest point of such sunshade or overhead lamp; and

(d) a projection from any eaves may exceed a street boundary or building line.

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

(1) No building may without the express permission of the Municipality be erected so that the building is, at its nearest point to a natural watercourse, nearer to the centre of the natural watercourse than to a line indicating the maximum level likely to be reached every fifty years on average by flood water in the watercourse.

(2) For the purpose of subsection (1) the Municipality is the sole judge as to the position of the line and of the centre of the natural watercourse.

(3) For the purpose of this section, a natural watercourse means a topographic land depression that collects and conveys surface stormwater in a definite direction, and includes any clearly defined natural channel that conveys water in a definite course along a bed between visible banks, whether or not the

channel's conformation has been changed by artificial means and whether or not the channel is dry during any period of the year, and such channel includes any river, spruit or stream.

### **8.1. Building Activities that need Approval from the Municipality**

Generally building activity that needs approval of the Municipality includes the following:

- (1) constructing a new building or other structures such as sheds, towers, temporary structures
- (2) extending existing buildings\_
- (3) undertaking alterations to an existing building including structural alterations, altering internal walls and partitions
- (4) installing new or altering existing services such as electrical or hydraulic works
- (5) demolishing or removing buildings, engineering works or services
- (6) installing signs, antennas, some fences

### **8.2. Construction of Unapproved Building Plans**

(1) Any proposed use or development on the erf requires the approval of the Municipality. This includes any construction or demolition of a building, carrying out of any internal alterations to a existing building, or the carrying out of works on the erf.

(2) The Municipality is responsible for the following in accordance to the Building Regulations By-Law:

- (a) Responsible for processing and approving building plans presented by individuals, the private sector, associations and Government Agencies
- (b) Inspect building constructions from time to time and declare the building fit for occupations upon its completion.
- (c) Control unapproved building construction/connection and prepare reports, issue notices and initiate legal action.
- (d) Issue temporary permits for temporary building applications, work garage buildings, placement of construction materials, erecting tents, film shows and so on.
- (e) Issue compounds for violations such as building stalls, temples and placement of building materials within public areas.

(3) Applications will not be assessed until all relevant plans, elevations and supporting information is submitted and the appropriate application fee is paid

(4) The primary responsibility of the Municipality is to assess land use and development proposals against the requirements of the Land Use Plan.

(5) Upon receipt of an application the Municipality will first check that the application submission requirements have been met. Once the Municipality is satisfied that the appropriate information has been submitted, a preliminary assessment of the application will be made to ensure that the proposal is broadly consistent with the requirements of the Land Use Plan. The application will then be referred to relevant referral authorities.

(6) Where appropriate, the comments/requirements of referral authorities may be addressed via conditions on the planning permit issued by Municipality.

(7) Once authorities have commented upon an application the Municipality will prepare a report and recommendations on the proposal for consideration. Where appropriate this will include additional conditions that address the requirements of authorities.

(8) Subject to Municipality adoption of the recommendation, a planning permit and/or approval will be issued for the development.

(9) Once the Municipality has granted planning approval, a building approval is required to be obtained from the Municipality. The Municipality is required to make an assessment of the development against the Building Regulations By-Law and any other relevant Legislation. Importantly the Building Regulations By-Law prevents the Municipality officials from issuing any approval which is not consistent with the approved Master Plan.

### **8.3. Exemptions from Requiring Building Approval**

(8.3.1) There are numerous minor works that may not require formal building approval but will still require a minor work order. Examples are:-

(a) minor painting

(b) some minor landscaping works

(c) some minor repair and maintenance works

(d) works that the Municipality deems to be minor.

(2) Advice is to be sought from the Municipality, who will liaise with the individual as to whether the proposed works are exempt. NO works are to commence until advice, is sought.

### **8.4. Building Approval Requirements**

An application for building approval is required to be lodged with the responsible Municipality official who will forward it with appropriate comment to the Manager Engineering Services. Generally this will require an application form to be completed, appropriate drawings and or details to be submitted depending on the extent of the works and payment of the application fee which is based on the cost of works. Prior to the building approval being issued, consent for the works must be issued by Municipality.

### **8.5. Certificates of Occupancy**

Before a building may be occupied or used a Certificate of Compliance for Occupancy/ Use is required to be obtained from the Municipality. This allows individual to legally occupy or use the building or works you have just completed.



### **8.6. Penalties for Construction of Unapproved Building Plans**

(1) This Building Regulations By-Law gives authority to the responsible Municipality official to issue on-the-spot fines for building activity undertaken without formal building approval and for new buildings occupied or used without a Certificate of Compliance.

(2) Penalties for Altering of Existing Structure Before Approval:-

(a) It should be noted that heavy penalties exist for noncompliance with the Building Regulations By-Law.

(2) This Building Regulations By-Law gives authority to the responsible Municipality official to issue on-the-spot fines for building activity undertaken without formal building approval and for new buildings occupied or used without a Certificate of Compliance.

### **8.8. Construction of Shacks on Proclaimed Areas and Procedures relating to the termination of Unauthorized Informal Settlements**

(1) As soon as a determination of the status of an unauthorized informal settlement has been made and within a reasonable period, the Manager Engineering Services must, personally or through a subordinate official designated by him or her for that purpose, visit the informal settlement and notify the residents of the status of the unauthorized informal settlement by means of a written notice hand-delivered to each shack in the informal settlement.

(2) The written notice contemplated in subsection (1) must-

(a) notify the residents of a shack in the unauthorized informal settlement that their occupation of the shack and the site or stand on which it is situated is illegal; and

(b) request the residents of the shack to vacate the shack and remove any building materials and other personal property from the unauthorized informal settlement within a period of 24 hours after receipt of the written notice.

(3) If the residents notified in terms of subsection (1) cooperate and vacate their shacks and remove their building materials and other personal property from the site or stand in the unauthorized informal settlement, the Manager Engineering Services must take such steps as he or she may deem appropriate to prevent a recurrence of any incident of land invasion or illegal land occupation on that site, stand or unauthorized informal settlement and must regularly monitor the situation to ensure the non-recurrence of such land invasion or illegal land occupation.

(4) If the residents notified in terms of subsection (1) fail to cooperate and vacate their shacks and remove their building materials and other personal property from the site or stand in the unauthorized informal settlement, the Manager Engineering Services must immediately institute the necessary legal procedures to obtain an eviction order contemplated in subsection (5).

(5) Within a period of 24 hours after the expiry of the period stipulated in the written notice contemplated in subsection (1), the Manager: Informal Settlements must lodge an application in a competent court to obtain an eviction order contemplated in section 4, 5 or 6 of the Prevention of Illegal Eviction from and Unlawful Occupation of Land Act, 1998 (Act 19 of 1998), against any person or persons, jointly or severally,

occupying or residing in a shack or on a site or stand in the unauthorized informal settlement.

(6) The Manager Engineering Services must, within a period of 24 hours after obtaining the eviction order referred to in subsection (5), deploy the Land Invasion Reaction Unit to execute the eviction order and to terminate the unauthorized informal settlement by:-

- (a) evicting the residents of the unauthorized informal settlement;
- (b) demolishing and removing all shacks and removing all building materials and other personal property from the unauthorized informal settlement; and
- (c) disposing of the building materials and other personal property in accordance with the provisions of these bylaws.

(7) Any costs incurred by the Manager Engineering Services for the purposes of executing the provisions of this By-Law must be borne by the Municipality in accordance with its approved budget.

#### **8.9. Disposal of Building Materials and Personal Property**

(1) In the execution of the provisions of section 8(8), any building materials and other personal property belonging to a resident or occupier of a shack in an unauthorized informal settlement must be removed and stored in a safe place by the Manager Engineering Services.

(2) If the building materials and other personal property contemplated in subsection (1) are not claimed by their owner within a period of three months after the date of the removal and storage, the building materials and personal property must be sold to the best advantage by the Manager Engineering Services, or a person designated by him or her, who must, after deducting the amount of any charges due or any expenses incurred, deposit the net proceeds into the Municipality's Revenue Account, provided that:-

(a) subject to the laws governing the administration and distribution of estates, nothing in this subsection contained may deprive the heir of any deceased person of his or her right to the balance of the proceeds of the property; and

(b) any building materials or other personal property which is, in the opinion of the Manager: Informal Settlements, valueless and unable to realise any meaningful amount may be destroyed, abandoned, dumped or otherwise disposed of by the Manager Engineering Services.

(3) The Manager Engineering Services must compile and maintain a register in which is recorded and appears-

(a) particulars of all building materials or other personal property removed and stored in terms of this By-Law;

(b) the date of the removal and storage of building materials or other personal property in terms of subsection (1) and the name and site or stand number of the owner of the building materials or personal property; and

(c) (i) the signature or left thumb print of the person who is claiming ownership and to whom delivery of building materials or other personal property has been made; or

(ii) full details of the amount realised on the sale of building materials or other personal property in terms of subsection (2) and the date of the sale; and

(iii) if building materials or other personal property has been destroyed, abandoned, dumped or otherwise disposed of in terms of subsection (2), a certificate by the Manager Engineering Services to the effect that the building materials or personal property was valueless.

(4) Neither the Municipality nor any of its officials acting within the reasonable scope of their authority are liable for any loss of or damage to property or injury to any resident or occupier of a shack in an unauthorized informal settlement or any other person for any reason whatsoever.

#### **9. Relay of Stormwater from High-lying Erven to Lower-lying Erven**

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

#### **10. Enclosures**

Where a piece of land is enclosed in any manner whatsoever, the enclosure must be designed, erected and maintained in accordance with Schedule I, subject to any other provisions of this By-Law.

#### **11. Roofs**

(1) Sheet metal that is used for a roof and that is visible from a street or a surrounding erf must be properly painted within 15 months after construction thereof if the Municipality so requires.

(2) No roof surface may have a luminous finish.

### **PART D: SEWERAGE**

#### **GENERAL PROVISIONS**

#### **12. Connection to Sewer**

(1) No part of any drainage installation may extend beyond the boundary of the piece of land on which the building or part of the building served by the drainage installation is erected, provided that, where the Municipality considers it necessary or expedient to do so, the Municipality may permit the owner of the piece of land to lay a drain at his or her own expense through an adjoining piece of land on submission of proof of registration of an appropriate servitude or of a notarial deed of joint drainage, as the Municipality may require.

(2) Subject to the provisions of subsection (3), and without prejudice to the provisions on the National Building Regulations regarding the inspection and testing of drainage installations, the owner of any premises must, 14 days before the drainage installation on his or her premises is ready for connection to a connecting

sewer, advise the Municipality of his or her intention to connect the drain to a connecting sewer. As soon as the Municipality has provided the connecting sewer, such owner must connect the drain to the connecting sewer at his or her own expense.

(3) Any alternative or additional connection required by the owner of any premises is subject to the approval of the Municipality and must be effected at the owner's expense.

(4) No person may permit, for testing purposes, the entry of any substance whatsoever other than clean water into any drainage installation before the drainage installation has been connected to a sewer.

(5) Except as may be otherwise authorized by the Municipality in writing, no person other than an officer duly authorized to do so may lay and connect any connecting sewer to a sewer.

(6) The conveyance of sewage from two premises or more by means of a common drain to a connecting sewer may be authorized by the Municipality.

### **13. Disconnection of Drainage Installations and Conservancy and Septic Tanks**

(1) If an existing conservancy tank or septic tank is no longer required for the storage or treatment of sewage, or if permission for the use of a conservancy tank or septic tank is withdrawn, the owner of the premises on which such conservancy tank or septic tank is situated must cause the conservancy tank or septic tank to be disconnected and to be either completely removed or completely filled with earth or other suitable material, provided that the Municipality may require the conservancy tank or septic 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.

(2) After all the requirements of the National Building Regulations in regard to the disconnection of an existing conservancy tank or septic tank on any premises have been complied with and on request of the owner of the premises, the Municipality must issue a certificate to the effect that-

(a) the disconnection has been completed in terms of the National Building Regulations; and

(b) any sewerage charges prescribed in the tariff and raised in respect of the disconnected portion of the drainage installation will cease to be raised in respect of the disconnected portion with effect from the first day of the month following the issue of the certificate, provided that until the certificate is issued by the Municipality, any such charges will continue to be raised.

(3) When a drainage installation on any premises is disconnected from the sewer, the Municipality must seal the opening made and must recover from the owner of the premises the cost of the work in accordance with section 14(5).

(4) Any person who, without the permission of the Municipality, breaks or removes or causes or permits the breakage or removal of a seal effected in terms of subsection (3) is guilty of an offence under this By-Law. (5) Where a soil-water fitting has, during the month, been connected to or disconnected from a drainage installation that discharges into a sewer system, the charge as prescribed in the tariff, excluding the fixed charge for every erf, stand, premises or other area that has or has no improvements or that in the opinion of

the Municipality can be connected to a sewer, must be calculated as if the connection or disconnection had been made on the first day of the month following the month in which the connection or disconnection was made.

#### **14. Drainage Work that does not Meet the Requirements**

(1) Where a drainage installation that has been constructed on any premises or drainage work that has been carried out on any premises fails to comply in any respect with any of the provisions of the National Building Regulations or this By-Law, the owner of the premises must, notwithstanding the fact that he or she may have received approval for the plans for the drainage installation or work in terms of the National Building Regulations or previous By-Law, carry out, on receiving written notice from the Municipality, such repairs, replacements, maintenance work or alteration in respect of the drainage installation as the notice may specify and within the time the notice may specify.

(2) If, in the opinion of the Municipality, a nuisance exists as a result of the emission of gas from a trap or sanitary fitting or any other part of a drainage installation on any premises, the Municipality may require the owner of the premises to, at his or her own expense, take such action as may be necessary to prevent the recurrence of the nuisance.

(3) Where any sewage, after being discharged into a drainage installation, enters or overflows a soil-water fitting or waste-water fitting connected to the drainage installation on any premises or leaks out somewhere 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 of the premises to carry out within the period specified in the notice the work necessary to abate and prevent any recurrence of such entry, overflow or leakage of sewage.

(4) Instead of serving a notice contemplated in subsection (1) or (3) or where such notice has not been complied with within the period prescribed in the notice, the Municipality may, without prejudice to its right also to prosecute the owner to whom the notice was directed because of an infringement of the National Building Regulations or this By-Law -

(a) itself proceed to carry out such alteration, removal or other work as it may deem necessary for compliance with the provisions of the National Building Regulations or this By-Law; and

(b) recover, in accordance with subsection (5), the cost of the alteration, removal or other work from the owner by the ordinary process of law.

(5) Where any work other than that for which a fixed charge has been determined in the tariff is done by the Municipality, the Municipality is entitled in terms of this By-Law to recover the cost of such work from a person, and there may be included in such cost such claim to be determined by the Municipality as will cover all expenditure reasonably incurred by the Municipality.

**15. Maintenance**

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

**16. Drain and Sewer Blockages**

(1) No person may cause or permit such an accumulation of grease, oil, fat, solid matter or any other substance in any trap, tank, pipe, drain or fitting as to cause the blockage or ineffective operation of the trap, tank, pipe, drain or fitting.

(2) If the owner or occupier of any premises has reason to believe that a blockage has occurred in any drainage installation on the premises, he or she must immediately inform the Municipality of the blockage and take steps to have it removed.

(3) Where a blockage occurs in a drainage installation, any work necessary for the removal of the blockage must, subject to the provisions of subsection (5), be done by or under the supervision of a plumber or registered person as required by the National Building Regulations in regard to the control of plumbers and plumbing work.

(4) Any plumber or registered person contemplated in subsection (3) must:-

(a) before proceeding to remove any blockage from a drainage installation, notify the Municipality by telephone or otherwise of his or her intention to remove the blockage; and

(b) after removing the blockage, notify the Municipality of the removal of the blockage and of the nature, location and cause of the blockage.

(5) The Municipality is entitled at its own discretion to remove a blockage from a drainage installation on any premises and, whether or not it has been requested by the owner of the premises to do so, the Municipality may recover the costs of such removal from the owner in accordance with section 14(5).

(6) Should the removal 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 of the paving, lawn or other artificial surfacing.

(7) Should any drainage installation on any premises overflow as a result of an obstruction in the connecting sewer, and should the Municipality be 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 removing the blockage, and the Municipality may recover the cost of the removal from the owner in accordance with section 14(5).

(8) Where a blockage has been removed from a drain or portion of a drain that serves two pieces of land or more, the charge for the removal of the blockage as prescribed in the tariff is recoverable in equal portions from each of the owners of the pieces of land, provided that the owners are jointly and severally liable for the whole charge.

**17. 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 through or in consequence of noncompliance with or the 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 such noncompliance or contravention or for causing or permitting such noncompliance or contravention, and the cost of rectifying or repairing the damage must be determined by the Municipality.

**18. Entry on to Premises**

(1) An officer authorized by the Municipality has the right to enter on any premises at any reasonable time in order to take samples of or test sewage or industrial effluent or to carry out such inspection or work in connection with a drainage installation as the Municipality may deem necessary.

(2) The owner or occupier of any premises is guilty of an offence under this By-Law if he or she, in respect of an officer entering on the premises in terms of subsection (1):-

(a) denies the officer entry to the premises or causes or permits any other person to deny the officer entry; (b) obstructs the officer in the performance of the officer's duties or causes or permits any other person to so obstruct the officer;

(c) withholds information that the officer requires to carry out his or her duties or causes or permits any other person to withhold such information; or

(d) knowingly gives the officer false information or causes or permits any other person to give the officer such information.

**19. Manholes on Municipal Property**

(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 of the premises, 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 such owner must bear the cost, as determined 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.

(2) The owner of the private premises referred to in subsection (1) must, if so required by the Municipality, pay rental to the Municipality for the space occupied by the manhole in the public place. Such rental must be determined from time to time by the Municipality in accordance with the powers delegated to it in terms of section 808 of the Local Government Ordinance, 1939.

**20. Mechanical Food-waste and Other Disposal Units**

(1) No person may incorporate into a drainage installation a mechanical food-waste or other disposal unit or garbage grinder that has a power capacity in excess of 500 W unless a standard water meter has been connected to the supply pipe that 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.
- (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, to remove, repair or replace the unit or grinder if, in the opinion of the Municipality, the unit or grinder is functioning inefficiently or is impairing the working of the Municipality's sewerage system.
- (3) The owner or occupier referred to in subsection (2) must, upon the removal of the unit or grinder, notify the Municipality within 14 days of the removal.
- (4) The charges as prescribed in the tariff must be paid in respect of the discharge of a food-waste or other disposal unit or a garbage grinder referred to in subsection (1).

## **PREVENTION OF WATER POLLUTION**

### **21. Sewage and other Pollutants not to Enter Stormwater Drains**

- (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 the facilities necessary to prevent any discharge, leakage or escape of such liquid into any street, stormwater drain or watercourse, except where, *in* the case of steam, the Municipality has specifically permitted such discharge.
- (2) Where the hosing down or the 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 a street gutter, stormwater drain, river, stream or other watercourse, whether natural or artificial; or
  - (b) contribute to the pollution of any watercourse, the Municipality may instruct the owner of the premises to take at his or her own cost such measures, by way of the owner's alteration of the drainage installation or roofing of the open area, as it may consider necessary to prevent or minimize the discharge or pollution.

### **22. Stormwater not to Enter Sewers**

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

### **23. Discharge from Fountains, Boreholes, Wells, Reservoirs and Swimming Pools**

Water from a fountain, borehole, well, reservoir or swimming pool situated on private premises may only be discharged into a drainage installation with the prior written consent of the Municipality and subject to such conditions relating to place, time, rate of discharge and total discharge as the Municipality may impose.



**24. Permission to Discharge Industrial Effluent**

(1) No person may discharge or cause or permit to be discharged into any sewer any industrial effluent or other liquid or substance other than soil water or waste water without the prior written permission of the Municipality and, if such permission has been obtained, such discharge must be in strict compliance with all of the conditions of the permission.

(2) Every person must, before discharging any industrial effluent into a sewer, make application in writing to the Municipality for permission to discharge the industrial effluent, and such application must be made on the prescribed form, which is to be completed in duplicate, and, after the application is made, he or she must furnish such additional information and submit such samples as the Municipality may require.

(3) The Municipality may, at its discretion, grant permission for the discharge of industrial effluent from any premises into a sewer, having regard to the capacity of the sewer or any mechanical appliance used for the sewage or any water care works, whether or not vested in the Municipality, provided that such conditions as the Municipality may deem fit to impose are complied with, including the payment of any charge prescribed in the tariff.

(4) Any person to whom permission has been granted in terms of subsection (3) to discharge industrial effluent into a sewer must, before doing or causing or permitting to be done anything that results in a change in the quantity or discharge or nature of the industrial effluent, notify the Municipality in writing of the date of the proposed change and of the nature of the proposed change.

(5) Any person who discharges or causes or permits to be discharged any industrial effluent into a sewer without having first obtained permission to do so in terms of subsection (3) is guilty of an offence and is -

(a) liable to such charge prescribed in the tariff as the Municipality may determine for the conveyance and treatment of the effluent so discharged; and

(b) liable for any damage caused as a result of the unauthorized discharge.

(6) If any person discharges into a drain or sewer any industrial effluent or any substance which is prohibited or restricted in terms of section 27 or which has been the subject of an order issued in terms of section 27(2), the Municipality is, without prejudice to its rights in terms of subsection (5) or section 27(2)(c), entitled to recover from such person the full cost of expenses or charges incurred or to be incurred by the Municipality and the full cost of losses suffered or to be suffered by the Municipality as a result of any or all of the following:

(a) Injury to people or damage to any sewer, any water care works, any mechanical appliance or any property whatsoever, which injury or damage is as a result of the breakdown, either partial or complete, of a 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 Water Act, 1956 (Act 54 of 1956), or any action against the Municipality consequent on a partial or complete breakdown of a sewer, water care works or mechanical appliance caused directly or indirectly by the discharge, including any fine or damages which may be imposed or awarded against the Municipality.

(7) Owing to a 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 Water Act, 1956, or as a result of any amendment to this By-Law or for any other reason, the Municipality may from time to time or at any 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 industrial effluent into a sewer; or

(c) prohibit the discharge of any or all industrial effluent into a sewer, provided that:-

(i) the Municipality gives adequate written notice in advance of its intention to take the measures contemplated in paragraph (a), (b) or (c); and

(ii) on expiry 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, apply immediately.

## **25. Control of Industrial Effluent**

(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 a sewer of any substance that is prohibited or restricted or has properties outside the limits imposed by this By-Law, irrespective of whether such accidental discharge is owing to the negligence of an operator, power failure, failure of equipment or control gear, overloading of facilities, spillage during loading or unloading or any other similar reason.

(2) If the owner or occupier of any premises on which industrial effluent originated intends treating such industrial effluent before discharging it, he or she must obtain prior written permission from the Municipality. (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 to, without prejudice to any provision of the National Building Regulations or any other provision of this By-Law, do all or any of the following:

(a) The owner or occupier must subject the industrial effluent, before it is discharged into the sewer, to such pretreatment as to ensure that the industrial effluent will at all times conform in all respects with the requirements of section 27(1), or the owner or occupier must modify the effluent cycle of the industrial process to such extent and in such manner as in the opinion of the Municipality is necessary to enable any water care works receiving the industrial effluent, whether the water care works is 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 water care works in terms of the National Water Act,

(b) The owner or occupier must:-

(i) restrict the discharge of industrial effluent to certain specified hours and restrict the rate of discharge to a specified maximum; and

(ii) install, at his or her own expense, such tanks, appliances and other equipment as in the opinion of the Municipality may be necessary or adequate for compliance with the restrictions contemplated in subparagraph (i).

(c) The owner or occupier must install a separate drainage installation for the conveyance of industrial effluent and must discharge the industrial effluent into the sewer through a separate connection, as directed by the Municipality, and the owner or occupier must refrain from -

(i) discharging any industrial effluent through a drainage installation intended or used for the conveyance of domestic sewage; or

(ii) discharging any domestic sewage through the separate installation for industrial effluent.

(d) The owner or occupier must construct at his or her own expense in 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) The owner or occupier must pay, in respect of the industrial effluent discharged from the premises, such charge as may be determined in the tariff, provided that, where, owing to the particular circumstances of a case, the actual chemical oxygen demand (COD) or permanganate value (PV) and the concentration of metals in the industrial effluent cannot be assessed by means of the method of assessment prescribed by the South African Bureau of Standards (SABS), the Municipality may use such alternative method of assessment as it may deem expedient, and the charge to be levied must be assessed accordingly.

(f) The owner or occupier must provide all such information as may be required by the Municipality to enable it to assess the charges payable in terms of the tariff.

(g) For the purposes of paragraph (f), the owner or occupier must provide and maintain at his or her own expense a meter or meters to measure the total quantity of water which is drawn from any borehole, spring or other source of water, excluding that of the Municipality, used on the premises and which is discharged as industrial effluent into the sewer.

## **26. Metering and Assessment of the Volume and Composition of Industrial Effluent**

(1) The Municipality may incorporate, in such position as it may determine, in any drainage installation conveying industrial effluent to a sewer any meter or gauge or other device for the purpose of ascertaining the volume and composition of the industrial effluent, and it is an offence for any person to bypass, 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 a sewer to establish an alternative method of assessing the quantity of industrial effluent so discharged.

(2) The Municipality is entitled to install and maintain a meter, gauge or device referred to in subsection (1) at the expense of the owner of the premises on which it is installed.

(3) The owner of any premises on which is situated a borehole or well used for a water supply for trade or

industrial purposes must:-

- (a) register the borehole or well with the Municipality;
- (b) give the Municipality 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 in terms of paragraph (b), 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 this By-Law.

## **27. Prohibited Discharges**

(1) No person may discharge or cause or permit the discharge or entry into any sewer of any sewage, industrial effluent or other liquid or substance which: -

- (a) in the opinion of the Municipality, may be offensive to the public or cause a nuisance to the public;
- (b) is in the form of steam or vapor or has a temperature exceeding 44 °C at the point at which it enters the sewer;
- (c) has a pH value less than 6, 0 or greater than 10, 0;
- (d) contains any substance whatsoever that is likely to produce or emit explosive, flammable, poisonous or offensive gases or vapours in the sewer;
- (e) contains a substance having a flashpoint of less than 93 °C or which emits a poisonous vapour at a temperature below 93 °C;
- (f) contains any material whatsoever, including oil, grease, fat or a detergent, which is capable of causing interference with the proper operation of any water care works;
- (g) shows any visible signs of tar or associated products or distillates, bitumen or asphalts;
- (h) contains a 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) contains any substance specified in Schedule II in such concentration as to exceed the limit of concentration specified in Schedule II, provided that-
  - (i) the Municipality may approve a greater limit of concentration 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 the substance on the sewer or on any sewage treatment process; and
  - (ii) the Municipality is satisfied that the discharge or entry of the substance into the sewer will not - (aa) damage the sewer or any mechanical appliance, water care works or equipment;
  - (bb) prejudice the use of sewage for re-use; or
  - (cc) adversely affect any waters into which purified sewage effluent is discharged, or any land or crops irrigated with the sewage; and
- U) contains any substance whatsoever which, in the opinion of the Municipality:-
  - (i) is not amenable to treatment at any water care works, or which causes or may cause a breakdown or

inhibition of the normal sewage treatment processes;

(ii) is or may be amenable to treatment only to such degree as to prevent the final treated effluent from any Water care Works from satisfactorily complying in all respects with any requirement imposed in terms of the National Water Act, or (iii) whether listed in Schedule II 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 persons entering the Municipality's sewers or manholes in the course of their duties;

(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 purified sewage effluent is used.

(2) (a) Any person who receives from an officer duly authorized thereto by the Municipality a written order instructing such person to stop the discharge into a sewer of any substance referred to in subsection (1) must immediately stop such discharge.

(b) Any person who contravenes the provisions of subsection (1) or who fails to comply with an order issued in terms of paragraph (a) is guilty of an offence.

(c) Notwithstanding the provisions of paragraph (b), if any person fails to comply with the terms of an order served on him or her in terms of paragraph (a) and if the discharge is likely, in the opinion of the Municipality, to cause damage 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 the industrial effluent complies in all respects with the Municipality's requirements as prescribed in terms of this By-Law.

Any person who has been refused such permission to discharge industrial effluent into a sewer must immediately stop discharging industrial effluent and, if he or she fails to do so, the Municipality may prevent him or her from proceeding with the discharge.

## **PARTE: WATER**

### **28. Connection from Main**

(1) Any communication pipe that is intended for preventive or automatic use in the event of fire must be laid by the Municipality as far as the boundary of the consumer's property.

(2) A communication pipe referred to in subsection (1) may be used only for fire extinguishing purposes.

(3) No extraction (draw-off) of water of any kind may be made from the main, except an extraction (draw-off) in connection with any automatic sprinkler and drencher, hydrant connection or any connection necessary for the pressure tank on the top of a building, which tank must be controlled by a suitable ball tap.

### **29. Valves in Communication Pipes**

Every communication pipe must be fitted with a proper stop valve, which valve:-

(a) must be supplied by the Municipality at the expense of the consumer to whose premises the

communication pipe leads;

- (b) must be installed between the consumer's premises and the main;
- (c) must be of the same diameter as the communication pipe; and
- (d) must be in such position as may be determined by the Municipality.

### **30. Additions to Fire Extinguishing System**

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

### **31. Extension of Fire Extinguishing System to Other Premises**

No extension or connection may be made from the fire extinguishing system of one premises to any other premises. If any such extension or connection is made, the Municipality is entitled to enter on any premises and to take all steps necessary to disconnect the extension or connection at the cost of the person responsible for the extension or connection.

### **32. Inspection and Approval of Fire Extinguishing Services**

No supply of water may be made or given in respect of a fire extinguishing service until the fire extinguishing system has been inspected and the Municipality has certified in writing that -

- (a) such service is in accordance with this By-Law; and
- (b) the work in connection with the system has been carried out to the Municipality's satisfaction.

### **33. Connections to be to the Satisfaction of the Municipality**

Any connection to a main in respect of a fire extinguishing service must be effected to the satisfaction of the Municipality, which is entitled to disconnect any fire extinguishing service at any time.

### **34. Installation of Reflux Valves**

In any private installation where a fire pump connection is installed, a reflux valve to close off the supply from the Municipality's main when the fire pump connection is being used must be installed between the boundary of the premises and the fire pump connection.

### **35. Sprinkler Systems**

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

**36. Header Tanks and Duplicate Supply from Main**

If a header tank is installed above ground level, the header tank must be provided with an overflow pipe which discharges in such a position as to be readily observable and which may not be led away by any down-pipe to any drain.

**PART F: NOTICES****37. Right of access to premises**

- (1) The Municipality 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 Municipality under this by-law or any other law;
  - (b) inspecting and examining structures to comply with approved building plans, service mains and anything connected with this by-law;
  - (c) enforcing compliance with the provisions of this by-law or any other law,
- (2) The Municipality shall pay to any person suffering damage as a result of the exercise of the right of access contemplated by sub-section (1), except where the Municipality 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 Municipality and such person or, in the absence of agreement, as may be determined by arbitration or court of law.

**38. Notices**

- (1) Every notice, order or other document issued or served by the Municipality in terms of this By-Law is valid if signed by an officer of the Municipality who is duly authorized thereto.
- (2) Any notice, order or other document served on any person in terms of this By-Law must be served in the following manner:-
  - (a) The notice, order or other document, or a true copy thereof, must be delivered personally to the person to whom it is addressed or must be delivered at his or her last-known residence or place of business; or
  - (b) the notice, order or other document, or a true copy thereof, must be posted to the person to whom it is addressed at his or her last known residence or place of business, in which case it will be deemed to have been served five days after it was posted.
- (3) In every notice, order or other document issued or served in terms of this By-Law, the premises to which the notice, order or document 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.

**PART G: OFFENCES AND PENALTIES****39. Offences and Penalties**

A person who or organization who contravenes any provision or fails to comply with any provision of this by-law commits an offence and shall on conviction be liable to

- (a) a fine R 2000, 00 or imprisonment 6 months, or either such fine or imprisonment or to both such fine and imprisonment; and
- (b) in the case of a continuing offence, to an additional fine of R 200, 00 per day or an additional period of 1 day imprisonment for each day that the transgression continues or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and
- (c) a further amount equal to any costs and expenses found by the court to have been incurred by Council as result of such contravention or failure.

**40. Revocation of By-laws**

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality, are hereby repealed as far as they relate to matters provided for in this by-law, and insofar as it has been made applicable to the municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.

**41. Short title and commencement**

This by-law shall be known as the MAKHADO Municipality: Building Regulation By-laws and shall come into operation on the date of publication thereof in the Provincial Gazette.

**SCHEDULE I****CONDITIONS WITH WHICH ENCLOSURES MUST COMPLY****1. Height restrictions**

- (1) Subject to the provisions of paragraph 3, no enclosure (except an enclosure on an erf zoned Industrial or Business) may exceed a height of 2, 1 m, irrespective of the type of material from which the enclosure is made.
- (2) Subject to the provisions of subparagraph (1), barbed wire or similar wire or safety spikes may only be erected on an enclosure from a height of 1,75 m.

**2. Design and appearance**

- (1) An enclosure referred to in paragraph 1 must comply with the following conditions if the enclosure is visible from an adjacent street or public open space:



- (a) All surfaces of the enclosure that are visible from an adjacent street or public open space must—
- (i) be skillfully finished;
  - (ii) be of good quality material; (iii) be without any defect; and
  - (iv) have an exposed or finished side.
- (b) All painted surfaces of the enclosure that are visible from an adjacent street or public open space must be white only or another colour approved by the Municipality.
- (c) If the enclosure is made of precast material, it must— (i) have a brick-pattern finish and be painted white; or
- (ii) be of a finish or colour approved by the Municipality.
- (d) If wood forms part of the enclosure, the wood must be thoroughly treated with a wood-preserving agent.
- (2) An enclosure referred to in paragraph 1 must comply with the following conditions if the enclosure is visible from any adjacent erf:
- (a) All surfaces of the enclosure that front on an adjacent erf must— (i) be skillfully finished;
  - (ii) be of good quality material; (iii) be without any defect; and (iv) be maintenance-free.
  - (b) If applicable, the struts, posts or columns of the enclosure must show on the sides of the enclosure that face the piece of land being enclosed by the enclosure.
  - (c) If wood forms part of the enclosure, the wood must be thoroughly treated with a wood-preserving agent.

### 3. General

Notwithstanding the provisions of paragraphs 1 and 2:-

- (a) the Municipality may agree to the exceeding of the maximum height of an enclosure stipulated in paragraph 1;
- (b) an enclosure referred to in paragraph 1 must, if the Municipality so requires, be splayed or lowered to a height of 1 m within a distance of 4,5 m from any street boundary or boundary of a public open space;
- (c) the barbed wire or similar wire or safety spikes of an enclosure in any area (Industrial-zoned erven excluded) may not be visible from any street, public open space or adjacent erf;
- (d) the maintenance of an enclosure must be done properly to ensure at all times a good appearance, of which the Municipality is the sole judge; and
- (e) the height of any enclosure must, for the purpose of this schedule, be measured from natural ground level

### SCHEDULE II

#### LIMITS OF CONCENTRATION OF CERTAIN SUBSTANCES

1. Subject to the provisions of section 27(1), the limits of concentration of certain substances in sewage are as follows, provided that the Municipality reserves the right to limit the total mass of any substance or impurity discharged per 24 hours into a sewer from any premises:-

(1) The limits of pH and electrical conductivity of sewage are as follows:

(a) PH: within the range of 6,0 to 10,0; and

(b) electrical conductivity: not greater than 300 m/Sm at 20 °C.

(2) The maximum permissible concentrations of pollution in sewage, expressed in milligrams per liter (mg/1), are as follows:-

**(a) GENERAL**

(i) Permanganate value (PV): 1 400 mg/1;

(ii) caustic alkalinity (expressed as CaCO<sub>3</sub>): 2 000 mg/1;

(iii) substances in suspension (including fat, oil, grease, waxes and like substances): 2 000 mg/1; (iv) substances soluble in petroleum ether: 500 mg/1;

(v) sulphides, hydrosulphides and polysulphides (expressed as S): 50 mg/1;

(vi) substances from which hydrogen cyanide can be liberated in a drainage installation, sewer or water care works (expressed as HCN): 20 mg/1;

(vii) formaldehyde (expressed as CH<sub>2</sub>O): 50 mg/1; (viii) phenolic compounds: 1, 0 mg/1;

(ix) non-organic solids in suspension: 100 mg/1; (x) chemical oxygen demand (COD): 5 000 mg/1;

(xi) all sugars and/or starches (expressed as glucose): 1 500 mg/1; (xii) available chlorine (expressed as Cl): 100 mg/1;

(xiii) sulphates and sulphites (expressed as SO<sub>4</sub>): 1 800 mg/1; (xiv) fluorine-containing compounds (expressed as F): 5 mg/1; (xv) anionic surface activators: 500 mg/1; and

(xvi) orthophosphates (expressed as P): 10 mg/1.

**(b) METALS**

**(i) Group 1**

The total collective concentration of the following metals (which constitute Group 1) in any sample of effluent may not exceed 20 mg/1, nor may the concentration of any individual metal in any sample exceed 5 mg/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); and (hh) manganese (expressed as Mn). (ii) Group 2

The total collective concentration of the following metals (which constitute Group 2) in any sample of effluent may not exceed 50 mg/1, nor may the concentration of any individual metal in any sample exceed 20 mg/1:-

(aa) Lead (expressed as Pb);

(bb) selenium (expressed as Se); and

(cc) mercury (expressed as Hg). (iii) Group 3

The total collective concentration of the following metals (which constitute Group 3) in any sample of effluent may not exceed 20 mg/1:

(aa) Arsenic (expressed as As); and

(bb) boron (expressed as B).

**(c) RADIOACTIVE WASTE**

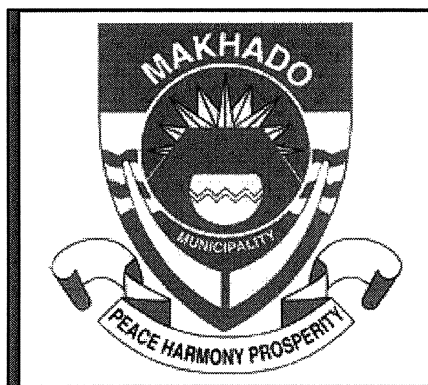
1. Radioactive waste or isotopes: such concentration as may be laid down by the Atomic Energy Corporation or any State department.

2. The method of testing in order to ascertain the concentration of any substance referred to in this schedule must be the test normally used by the Municipality for this purpose. Any person discharging into a sewer any substance referred to in this schedule must obtain the details of the appropriate test from the Municipality.

**LOCAL AUTHORITY NOTICE 100**

**ELECTRICITY SUPPLY  
BY-LAW**

**MAKHADO LOCAL MUNICIPALITY  
[NP344]**



**ELECTRICITY SUPPLY BY-LAW**

The Municipal Manager of Makhado Local Municipality hereby in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) publishes Electricity Supply by-law for the municipality as approved by its council, as set out hereunder.

**TABLE OF CONTENTS****CHAPTER 1: GENERAL**

1. Definitions
2. Other terms
3. Headings and titles

**CHAPTER 2: GENERAL CONDITIONS OF SUPPLY****PART A: GENERAL ADMINISTRATIVE PROVISIONS**

4. Provision of Electricity Services
5. Supply by agreement
6. Service of notice
7. Compliance with notices
8. Application for supply
9. Processing of requests for supply
10. Wayleaves
11. Statutory Servitude
12. Right of admittance to inspect, test and/or do maintenance work
13. Refusal or failure to give information
14. Refusal of admittance
15. Improper use

**PART B: REVENUE ELECTRICAL SUPPLY**

16. Electricity tariffs and fees
17. Deposits
18. Payment of charges
19. Interest on overdue accounts
20. Principles for the resale of electricity
21. Right to disconnect supply

**PART C: GENERAL SUPPLY SYSTEMS**

22. Non-liability of the Municipality
23. Leakage of electricity
24. Failure of supply
25. Seals of the Municipality
26. Tampering with service connection or supply mains
27. Protection of Municipality's supply mains
28. Prevention of tampering with service connection or supply mains
29. Unauthorised connections
30. Unauthorised reconnections
31. Temporary disconnection and reconnection
32. Temporary supplies
33. Temporary work
34. Load reduction
35. Medium and low voltage switchgear and equipment
36. Substation accommodation
37. Wiring diagram and specification
38. Standby supply
39. Consumer's emergency standby supply equipment
40. Circular letters

**CHAPTER 3: RESPONSIBILITIES OF CONSUMERS**

41. Consumer to erect and maintain electrical installation
42. Fault in electrical installation
43. Discontinuance of use of supply
44. Change of occupier
45. Service apparatus

**CHAPTER 4: SPECIFIC CONDITIONS OF SUPPLY**

46. Service connection
47. Metering accommodation

**CHAPTER 5: SYSTEMS OF SUPPLY**

48. Load requirements
49. Load limitations
50. Interference with other persons' electrical equipment
51. Supplies to motors

52. Power factor

53. Protection

#### **CHAPTER 6: MEASUREMENT OF ELECTRICITY**

54. Metering

55. Accuracy of metering

56. Reading of credit meters

57. Prepayment metering

#### **CHAPTER 7: ELECTRICAL CONTRACTORS**

58. Electrical Contractors- Additional requirements to those of the Regulations

59. Responsibility of Electrical Contractors

#### **CHAPTER 8: COST OF WORK**

60. Cost of work

#### **CHAPTER 9: PENALTIES**

61. Penalties

#### **CHAPTER 10: REPEAL OF BY-LAWS**

62. Repeal of By-laws

**Schedule 1:** By-laws repealed

**Schedule 2:** Applicable standard specification

#### **CHAPTER 1: GENERAL**

##### **1. Definitions**

In this by-law, unless inconsistent with the context:-

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

"**applicable standard specification**" means the standard specifications as listed in Schedule 2 attached to this by-law;

"**Authorized official**" means

- a. The manager responsible for electricity in term with the supervision of electrical machinery as entrenched in the OHS Act.
- b. Any other person in the electricity department qualified in terms with high, medium and low voltage in terms with the Act and authorized in writing by the responsible manager of electricity

"**certificate of compliance**" means a certificate issued in terms of the Regulations in respect of an electrical installation or part of an electrical installation by an accredited person;

"**consumer**" in relation to premises means:-

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

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

"**electrical contractor**" means an electrical contractor as defined in the Regulations;

"**electrical installation**" means an electrical installation as defined in the Regulations;

"**high voltage**" means the set of nominal voltage levels that are used in power systems for bulk transmission of electricity in the range of  $44\text{ kV} < U_n \leq 220\text{ kV}$ . [SANS 1019];

"**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). [SANS 1019]

"**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  $1\text{ kV} < U_n \leq 44\text{ kV}$ . [SANS 1019];

"**meter**" means a device which records the demand and/or the electrical energy consumed and includes conventional, electronic, prepaid and smart meters;

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



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

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

"**Municipality**" means MAKHADO Local Municipality, a municipality established in terms of the law or any legal entity duly authorized by the MAKHADO Local Municipality to provide an electricity service within the jurisdiction of the MAKHADO Local Municipality;

"**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/she is absent from the Republic of South Africa or his/her 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 50 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 Municipality, any person who as agent or otherwise receives or is entitled to receive the rent in respect of such property, and
- (iii) if the Municipality 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 a point of consumption as defined in the Regulations;

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

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

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

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

**"Regulations"** means Regulations made in terms of the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended;

**"safety standard"** means the Code of Practice for the Wiring of Premises SANS 10142-1 incorporated in the Regulations (LV) ORHVS stand for operating regulations for high voltage systems;

**"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 Municipality's equipment from overloads or faults occurring on the installation or on the internal service connection;

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

**"supply mains"** means any part of the Municipality's electricity network;

**"tariff"** means the Municipality's tariff of charges for the supply of electricity;

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

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

**"Smart meters"** means a remote controlled meter that measures the energy, monitors the billing, gathers data, and communicate all data by remote control two way communications between the meter and the central system in the Municipality. Can be prepaid and be used for credit control energy efficiency and demand side management.

**2. Other Terms**

All other terms used in this by-law shall, unless the context otherwise requires, have the meaning assigned thereto in the Electricity Act, 1987 (Act 41 of 1987), as amended, or the Occupational Health and Safety Act, 1993 (Act 85 of 1993), as amended.

**3. Headings and Titles**

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

**CHAPTER 2: GENERAL CONDITIONS OF SUPPLY****PART A: GENERAL ADMINISTRATIVE PROVISIONS****4. Provision of Electricity Services**

Only the Municipality shall supply or contract for the supply of electricity within the jurisdiction of the Municipality.

**5. Supply by Agreement**

No person shall use or be entitled to use an electricity supply from the Municipality unless or until such person shall have entered into an agreement in writing with the Municipality for such supply, and such agreement together with the provisions of this by-law shall in all respects govern such supply. If a person uses an electricity supply without entering into an agreement he/she shall be liable for the cost of electricity used.

**6. 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 Municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

#### **7. 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.

#### **8. 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 office of the Municipality, 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 Municipality.
- (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 Municipality or any duly authorised official of the Municipality, which may specify any special conditions to be satisfied in such case.

#### **9. Processing of Requests for Supply**

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

#### **10. Wayleaves**

- (1) The Municipality may refuse to lay or erect a service connection above or below ground on any thoroughfare or land not vested in the Municipality or on any private property, unless and until the prospective consumer shall have obtained and

deposited with the Municipality 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.

#### **11. Statutory Servitude**

- (1) Subject to the provisions of subsection (3) the Municipality may within its municipal area:
- (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, though, over or under any street or immovable property and the ownership of any such main shall vest in the Municipality;
  - (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 Municipality constructs, erects or lays any electricity supply main on, across, through, over or under any street or immovable property not owned by the Municipality or under the control of or management of the Municipality it shall pay to the owner of such street or property compensation in an amount agreed upon by such owner and the Municipality or, in the absence of agreement, as determined either by arbitration or a court of law.
- (3) The Municipality 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 Municipality or under the control or management of the Municipality, 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.

**12. Right of admittance to inspect, test and/or do maintenance work**

- (1) The Municipality 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 Municipality 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 Municipality 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 Municipality shall pay to any person suffering damage as a result of the exercise of the right of access contemplated by sub-section (1), except where the Municipality 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 Municipality and such person or, in the absence of agreement, as may be determined by arbitration or court of law.
- (3) An employee of the Municipality authorised thereto by such Municipality may, by notice in writing served on the owner or occupier of any property, require such owner or occupier to provide, on the day and at the hour specified in such notice, access to such property to a person and for a purpose referred to in sub-section (1).
- (4) The Municipality 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.

**13. Refusal or Failure to Give Information**

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

**14. Refusal of Admittance**

No person shall wilfully hinder, obstruct, interfere with or refuse admittance to any duly

authorised official of the Municipality in the performance of his duty under this by-law or of any duty connected therewith or relating thereto.

#### **15. Improper Use**

If the consumer uses the electricity for any purpose or deals with the electricity in any manner which the Municipality has reasonable grounds for believing interferes in an improper or unsafe manner or is calculated to interfere in an improper or unsafe manner with the efficient supply of electricity to any other consumer, the Municipality may, with 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 Municipality for the disconnection and reconnection shall be paid by the consumer before the electricity supply is restored, unless it can be shown that the consumer did not use or deal with the electricity in an improper or unsafe manner.

### **PART B: REVENUE ELECTRICAL SUPPLY**

#### **16. Electricity Tariffs and Fees**

Copies of charges and fees may be obtained free of charge at the offices of the Municipality.

#### **17. Deposits**

The Municipality reserves the right to require the consumer to deposit a sum of money as security in payment of any charges which are due or may become due to the Municipality. The amount of the deposit in respect of each electricity installation shall be determined by the Municipality, and each such deposit may be increased if the Municipality 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 Municipality shall be refunded to the consumer.

#### **18. 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 Municipality. A copy of the prescribed tariff is obtainable free of charge from the Municipality.
- (2) All accounts shall be deemed to be payable when issued by the Municipality 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/herself that the account rendered is in accordance with the prescribed tariff of charges in respect of electricity supplied to the premises.
- (4) Where a duly authorised official of the Municipality has visited the premises for the purpose of disconnecting the supply of electricity in terms of subsection (2) and he/she is obstructed or prevented from effecting such disconnection, the prescribed fee shall become payable 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.

#### **19. Interest on Overdue Accounts**

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

#### **20. Principles for the resale of electricity**

- (1) Unless otherwise authorised by the Municipality, no person shall sell or supply electricity, supplied to his/her premises under an agreement with the Municipality, to any other person or persons for use on any other premises, or permit or suffer such resale or supply to take place. If electricity is resold for use upon the same premises, the electricity resold shall be measured by a sub-meter of a type which has been approved by Standards South Africa and supplied, installed and programmed in accordance with the standards of the Municipality.
- (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 Municipality. Every reseller shall furnish the purchaser with monthly accounts that are at least as detailed as the relevant billing information details provided by the Municipality to its electricity consumers.

**21. Right to Disconnect Supply**

- (1) The Municipality 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 Municipality in connection with any supply of electricity which he/she may at any time have received from the Municipality in respect of such premises, or, where any of the provisions of this by-law and/or the Regulations are being contravened, provided the Municipality has given the person 14 (fourteen) days' notice to remedy his/her 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 26 of this by-law, without notice. After disconnection for non-payment of accounts or the improper or unsafe use of electricity, the fee as prescribed by the Municipality 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 Municipality, or in the case where the Municipality's electrical equipment has been tampered with to prevent the full registration of consumption by the meter, the electricity supply may be physically removed from those premises.

**PART C: GENERAL SUPPLY SYSTEM****22. Non-liability of the Municipality**

The Municipality 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 Municipality.

**23. 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.

**24. Failure of Supply**

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

**25. Seals of the Municipality**

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

**26. 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 Municipality.
- (2) Where prima facie evidence exists of a consumer and/or any person having contravened sub-section(1), the Municipality 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 Municipality for such disconnection.
- (3) Where a consumer and/or any person has contravened sub-section(1) and such contravention has resulted in the meter recording less than the true consumption, the Municipality shall have the right to recover from the consumer the full cost of his estimated consumption.

**27. Protection of Municipality's Supply Mains**

- (1) No person shall, except with the consent of the Municipality 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; and
  - (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 Municipality 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 Municipality 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 Municipality may subject to obtaining an order of court demolish, alter or otherwise deal with any building, structure or other object constructed, erected or laid in contravention with this by-law.
- (3) The municipality may in the case of an emergency or disaster remove anything damaging, obstructing or endangering or likely to damage, obstruct, endanger or destroy any part of the electrical distribution system.

#### **8. Prevention of Tampering with Service Connection or Supply Mains**

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

#### **9. Unauthorised Connections**

No person other than a person specifically authorised thereto by the Municipality 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.

**30. Unauthorised Reconnections**

- (1) No person other than a person specifically authorised thereto by the Municipality 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 Municipality.
- (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 Municipality 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) Other charges may include the current cost plus the deposit of the existing type of connection.

**31. Temporary Disconnection and Reconnection**

- (1) The Municipality 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 Municipality for each such disconnection and subsequent reconnection.
- (2) In the event of the necessity arising for the Municipality 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 Municipality shall waive payment of the fee hereinbefore referred to.
- (3) The Municipality 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.

**32. Temporary Supplies**

It shall be a condition of the giving of any temporary supply of electricity, as defined in this by-law, that, if such supply is found to interfere with the efficient and economical supply of

electricity to other consumers, the Municipality shall have the right, with notice, or under exceptional circumstances without notice, to terminate such temporary supply at any time and, the Municipality shall not be liable for any loss or damage occasioned by the consumer by such termination.

### **33. Temporary Work**

Electrical installations requiring a temporary supply of electricity shall not be connected directly or indirectly to the supply mains except with the special permission in writing of the Municipality. Full information as to the reasons for and nature of such temporary work shall accompany the application for the aforesaid permission, and the Municipality may refuse such permission or may grant the same upon such terms and conditions as it may appear desirable and necessary.

### **34. Load Reduction**

- (1) At times of peak load, or in an emergency, or when, in the opinion of the Municipality, it is necessary for any reason to reduce the load on the electricity supply system of the Municipality, the Municipality may without notice interrupt and, for such period as the Municipality 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 Municipality 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 Municipality 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 Municipality may at any reasonable time enter any premises for the purpose of installing, inspecting, testing adjusting and/or changing such apparatus and equipment.
- (3) Notwithstanding the provisions of sub-section (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 Municipality may decide to facilitate the later installation of the apparatus and equipment referred to in sub-section (2).

### **35. Medium and Low Voltage Switchgear and Equipment**

- (1) In cases where a supply of electricity is given at either 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 Municipality or any duly authorised official of the Municipality, 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 Municipality and installed by or under the supervision of any duly authorised official of the Municipality.
- (3) No person shall operate medium voltage switchgear without the written authority of the Municipality.
- (4) All earthing and testing of medium voltage equipment linked to the Municipality's network shall be conducted by or under the supervision of an employee of the Municipality.
- (5) In the case of a low voltage supply of electricity, the consumer shall provide and install a low voltage main switch and/or any other equipment required by the Municipality or any duly authorised official of the Municipality.

### **36. Substation Accommodation**

The Municipality may, on such conditions as may be deemed fit by the Municipality or any duly authorised official of the Municipality, 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. The Municipality reserves the right to supply its own networks from its own equipment installed in such accommodation, and if additional accommodation is required by the Municipality, such additional accommodation shall be provided by the applicant at the cost of the Municipality.

### **37. Wiring Diagram and Specification**

- (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 Municipality in duplicate for approval before the work commences.

- (2) Where an electrical installation is to be supplied from a substation on the same premises on which the current is transformed from high voltage, or from one of the substations of the Municipality through mains separate from the general distribution system, a complete specification and drawings for the plant to be installed by the consumer shall, if so required, be forwarded to the Municipality for approval before any material in connection therewith is ordered.

#### **38. Standby Supply**

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

#### **39. Consumer's Emergency Standby Supply Equipment**

- (1) No emergency standby equipment provided by a consumer in terms of any Regulations or for his own operational requirements shall be connected to any installation without the prior written approval of the Municipality. 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 Municipality'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 Municipality, the consumer's standby generating equipment is permitted to be electrically coupled to, and run in parallel with the Municipality's supply mains, the consumer 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 Municipality.

#### **40. Circular Letters**

The Municipality may from time to time issue Circulars detailing the requirements of the Municipality regarding matters not specifically covered in the Regulations or this by-law but which are necessary for the safe, efficient operation and management of the supply of electricity.



**CHAPTER 3: RESPONSIBILITIES OF CONSUMERS****41. 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 and the Regulations.

**42. Fault in Electrical Installation**

- (1) If any fault develops in the electrical installation, which constitutes a hazard to persons, livestock or property, the consumer shall immediately disconnect the electricity supply. The consumer shall without delay give notice thereof to the Municipality and shall immediately take steps to remedy the fault.
- (2) The Municipality 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.

**43. Discontinuance of Use of Supply**

- (1) In the event of a consumer desiring to discontinue using the electricity supply, he/she shall give at least two full working days' notice in writing of such intended discontinuance to the Municipality, failing which he/she 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.
- (2) If by agreement then the terms and condition of the agreement for discontinuation must be followed.

**44. Change of Occupier**

- (1) A consumer vacating any premises shall give the Municipality not less than two full working days' notice in writing of his intention to discontinue using the electricity supply, failing which he/she shall remain liable for such supply.
- (2) If the person taking over occupation of the premises desires to continue using the electricity supply, he/she shall make application in accordance with the provisions of section 5 of this by-law, and if he/she fails to make application for an electricity supply within ten working days of taking occupation of the premises, the supply of electricity shall be disconnected, and he/she shall be liable to the Municipality for the electricity supply from the date of occupation till 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 5 of this by-law, he/she shall be liable for all charges and fees owed to the Municipality for that metering point as well as any outstanding charges and fees whether accrued by that person or not.

#### **45. Service Apparatus**

- (1) The consumer shall be liable for all costs to the Municipality arising from damage to or loss of any metering equipment, service protective device, service connection or other apparatus on the premises, unless such damage or loss is shown to have been occasioned by an Act of God or an act or omission of an employee of the Municipality or caused by an abnormality in the supply of electricity to the premises.
- (2) If, during a period of disconnection of an installation from the supply mains, the service main, metering equipment or any other service apparatus, being the property of the Municipality and having been previously used, 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 and/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 Municipality which shall be final and binding.

### **CHAPTER 4: SPECIFIC CONDITIONS OF SUPPLY**

#### **46. Service Connection**

- (1) The consumer shall bear the cost of the service connection, as approved by the Municipality.
- (2) Notwithstanding the fact that the consumer bears the cost of the service connection, ownership of the service connection, laid or erected by the Municipality, shall vest in the Municipality, the Municipality 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 Municipality in respect of such service connection.
- (3) The work to be carried out by the Municipality at the cost of the consumer for a service connection to the consumer's premises shall be determined by the Municipality or any

duly authorised official of the Municipality.

- (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 Municipality.
- (5) The consumer shall provide, fix and/or maintain on his premises such ducts, wireways, trenches, fastenings and clearance to overhead supply mains as may be required by the Municipality 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 10mm<sup>2</sup> (copper or copper equivalent), and all conductors shall have the same cross-sectional area, unless otherwise approved by any duly authorised official of the Municipality.
- (7) Unless otherwise approved, the Municipality 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 or notarial tied.
- (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 Municipality.
- (9) Within the meter box, the service conductor or cable, as the case may be, shall terminate in an unobscured 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.

#### **47. Metering Accommodation**

- (1) The consumer shall, if required by the Municipality or any duly authorised official of the Municipality, provide accommodation in an approved position, the meter board and adequate conductors for the Municipality's metering equipment, service apparatus and protective devices. Such accommodation and protection shall be provided and maintained, to the satisfaction of the Municipality, at the cost of the consumer or the owner, as the circumstances may demand, and 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 Municipality'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 Municipality the position of the meter, service connection, protective devices or main distribution board is no longer readily accessible or becomes a course of danger to life or property or in any way becomes unsuitable, the consumer 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 Municipality's metering equipment and protective devices may, if approved, include the consumer's main switch and main protective devices. 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 unless approved.

## **CHAPTER 5: SYSTEMS OF SUPPLY**

### **48. Load Requirements**

Alternating current supplies shall be given as prescribed by the Electricity Act, 1987 (Act 41 of 1987), and in the absence of a quality of supply agreement, as set out in applicable standard specification.

### **49. 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 Municipality or any duly authorised official of the Municipality.
- (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 Municipality or any duly authorised official of the Municipality.
- (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 Municipality.

#### 50. Interference with Other Person's 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/her own cost, install the necessary equipment to filter out the interference and prevent it reaching the supply mains.

#### 51. Supplies to Motors

Unless otherwise approved by the Municipality or any duly authorised official of the Municipality 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 <sup>2</sup> , copper equivalent	Maximum permissible starting current	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 Municipality.

**52. Power Factor**

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

**53. Protection**

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

**CHAPTER 6: MEASUREMENT OF ELECTRICITY**

**54. Metering**

- (1) The Municipality 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 Municipality and read at the end of such period except where the metering equipment is found to be defective, or the Municipality invokes the provisions of section 58(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 Municipality reserves the right to meter the supply to blocks of shops and flats, tenement-houses and similar buildings for the buildings as a whole, or for individual units, or for groups of units.
- (5) No alterations, repairs or additions or electrical connections of any description shall be made on the supply side of the point of metering unless specifically approved in writing by the Municipality or any duly authorised official of the Municipality.

#### **55. Accuracy of Metering**

- (1) A meter shall be conclusively presumed to be registering accurately if its error, when tested in the manner prescribed in sub-section (5) hereof, is found to be within the limits of error as provided for in the applicable standard specifications.
- (2) The Municipality shall have the right to test its metering equipment. If it is established by test or otherwise that such metering equipment is defective, the Municipality shall: -
  - (i) in the case of a credit meter, adjust the account rendered;
  - (ii) in the case of prepayment meters:-
    - (a) render an account where the meter has been under-registering; or
    - (b) issue a free token where the meter has been over-registering, in accordance with the provisions of sub-section (6).
- (3) The consumer shall be entitled to have the metering equipment tested by the Municipality on payment of the prescribed fee. If the metering equipment is found not to comply with the system accuracy requirements as provided for in the applicable standard specifications, an adjustment in accordance with the provisions of sub-sections (2) and (6) shall be made and the aforesaid fee shall be refunded.
- (4) In case of a dispute, the consumer shall have the right at his own 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.

- (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 sub-section (2) or (3), such adjustment shall either be based on the percentage error of the meter as determined by the test referred to in sub-section (5) or upon a calculation by the Municipality 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 sub-section (6), the adjustment may not exceed a period of six months 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 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 8(1) to the extent that the Municipality 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 Municipality making any upward adjustment to an account in terms of sub-section (6), the Municipality 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 Municipality may permit why his/her 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 Municipality shall be entitled to adjust the account as notified in sub-section 9(a)(i).
- (c) The Municipality 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 therefor, adjust the account appropriately.
- (d) If a duly authorized official of the Municipality 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 Municipality 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 Municipal Systems Act, 2000.

#### **56. 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 Municipality shall not be obliged to effect any adjustments to such charges.
- (2) If for any reason the credit meter cannot be read, the Municipality 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 6 months 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 any longer period where the consumer is able to prove the claim in the normal legal process.

#### **57. Prepayment Metering**

- (1) 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 Municipality.
- (4) The Municipality shall not be liable for the reinstatement of credit in a prepayment meter

lost due to tampering with, or the incorrect use or the abuse of, prepayment meters and/or tokens.

- (5) Where a consumer is indebted to the Municipality for electricity consumed or to the Municipality for any other service supplied by the Municipality (including rates) or for any charges previously raised against him/her in connection with any service rendered, the Municipality may deduct a percentage from the amount tendered to offset the amount owing to the Municipality, as set out in the section 5 agreement for the supply of electricity.
- (6) The Municipality 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) The Municipality may at its discretion convert the metering system into conventional system on all household.

#### **CHAPTER 7: ELECTRICAL CONTRACTORS**

##### **58. APPLICATION FOR NEW AND INCREASED SUPPLY**

In addition to the requirements of the Regulations the following requirements shall apply:-

- (1) Where an application for a new or increased supply of electricity has been made to the Municipality, any duly authorised official of the Municipality may at his/her 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 Municipality, be inspected, tested and connected to the supply mains as though it were a complete installation.
- (2) The examination, test and inspected that may be carried out at the discretion of the Municipality or any duly authorised official of the Municipality in no way relieves the electrical contractor/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 Municipality shall not be held responsible for any defect or fault in such electrical installation.

**59. INDEMNITY OF THE MUNICIPALITY**

The Municipality shall not be held responsible for the work done by the electrical contractor/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.

**CHAPTER 8: COST OF WORK****60. Cost of Work**

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

**CHAPTER 9: PENALTIES****61. Penalties**

- (1) Any person who contravenes any of the provisions of sections 5, 7, 13, 14, 20, 25, 26, 27, 29 and 30 of this by-law shall be guilty of an offence.
- (2) Any person who continues to commit an offence after notice has been served on him/her to cease committing such offence or after he/she has been convicted of such offence shall be guilty of a continuing offence.
- (3) Any person convicted of an offence under this by-law for which no penalty is expressly provided; shall be liable to a fine not exceeding Ten(10) Thousand Rand or imprisonment for a period not exceed six(6) months or to such imprisonment without the option of a fine or to both such fine and such imprisonment and, in the case of a continuing offence, to an additional imprisonment for a period not exceeding ten (10) days or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued.
- (4) Every person committing a breach of the provisions of this by-law shall be liable to recompense the Municipality for any loss or damage suffered or sustained by it in consequence of such breach.

**CHAPTER 10: REPEAL OF BY-LAWS****62. Repeal of By-laws**

The By-laws specified in the first column of Schedule 1 are hereby repealed to the extent set out in the second column of Schedule 1.

**SCHEDULE 1: BY-LAWS REPEALED**

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality, are hereby repealed as far as they relate to matters provided for in this by-law, and insofar as it has been made applicable to the municipality by the authorisation for the execution of powers and functions in terms of section 84(3) of the Local Government: Municipal Structures Act, Act 117 of 1998.

**SCHEDULE 2: APPLICABLE STANDARD SPECIFICATION**

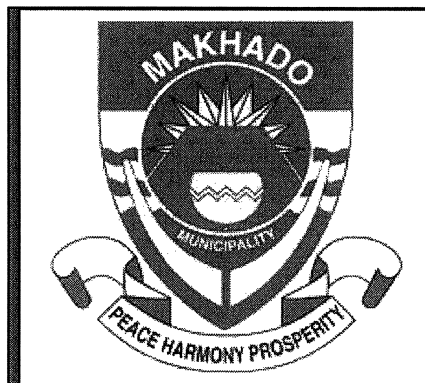
Means:-

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

**LOCAL AUTHORITY NOTICE 101**

**STORMWATER MANAGEMENT  
BY-LAWS**

**MAKHADO LOCAL MUNICIPALITY  
[NP344]**



## STORMWATER MANAGEMENT BY-LAWS

The Municipal Manager of Makhado Local Municipality hereby in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), publishes the Storm Water Management by-law for the municipality as approved by its council, as set out hereunder.

### Table of Contents

1. Definitions
2. Purpose of by-law
3. Application of by-law
4. Prohibited conduct
5. Application and conditions which municipality may impose
6. Storm water systems on private land
7. Powers of municipality
8. Authentication and service of notices and other documents
9. Appeal
10. Exemptions
11. Penalties
12. Repeal of By-laws
13. Short title and commencement

### 1. Definitions

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

"**floodplain**" means land adjoining a watercourse which is predisposed to flooding up to the 100 year recurrence interval;

"**municipality**" means the Makhado Local Municipality established in terms of Section 12 of the Municipal Structures Act, 117 of 1998, and includes any political structure, political office bearer, councillor, duly authorised agent 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;

"**owner**" also means lessee, occupier, resident or any person who obtains a benefit from the premises or is entitled thereto and also includes any insolvent estate, executor, administrator, trustee, liquidator judicial manager;

"**private storm water system**" means a storm water system which is owned, operated or maintained by a person and not the municipality;

"**pollute**" bears the meaning assigned to it in the National Water Act, 1998 (Act 36 of 1998);

"**storm water**" means water resulting from natural rainfall or the accumulation thereof, and includes:-

(a) groundwater and spring water ordinarily conveyed by the storm water system; and

(b) sea water within estuaries, but excludes water in a drinking water or waste water reticulation system;

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

"**watercourse**" bears the meaning assigned to it in the National Water Act, 1998 (Act 36 of 1998);

"**organ of state**" bears the meaning assigned to it in section 239 of the Constitution.

## **2. Purpose of By-law**

The purpose of this by-law is to regulate storm water management and activities that may have an adverse impact on the development, operation and maintenance of the storm water system.

## **3. Application of By-law**

This by-law binds an organ of state and applies to storm water systems in built-up areas.

## **4. Prohibited Conduct**

(1) No person may, except with the written consent of the municipality-

- (a) discharge, place or permit to enter into the storm water system-
    - (i) anything other than storm water;
    - (ii) anything likely to damage the storm water system or interfere with **the operation thereof**;
    - (iii) anything likely to pollute the water in the storm water system;
  - (b) discharge from any place, or place onto any surface, any substance other than storm water, where that substance could reasonably be expected to **find its way into the storm water system**;
  - (c) undertake any action that is likely to destroy, damage, alter, endanger or **interfere with the free flow of water or the storm water system, or the operation thereof, which action includes, but is not limited to-**
    - (i) obstructing or reducing the capacity of the storm water system;
    - (ii) opening a pipe, culvert or canal which forms part of the storm water **system**;
    - (iii) constructing or erecting any structure or thing over or in such a **position or in such a manner as to destroy, damage, endanger or interfere** with the storm water system or the operation thereof;
    - (iv) draining, abstracting or diverting any water directly from the **storm water system**;
    - (v) filling, excavating, shaping, landscaping, opening up or removing the ground above, within, under or immediately next to any part of **the storm water system**;
    - (vi) changing the design or the use of, or otherwise modify any feature **of the storm water system which alone or in combination with other existing or potential land uses, may cause an increase in flood** levels or create a potential flood risk; or
    - (vii) any activity which alone or in combination with other existing or **future activities, may cause an increase in flood levels or create a potential flood risk.**
- (2) When an incident contemplated in subsection (1) (a) or (b) occurs without the consent of the municipality:-



- (a) if the incident is not the result of natural causes, the person responsible for **the incident**; or
  - (b) the owner of the property on which the event took place or is taking place, must immediately report the incident to the municipality, and take, at own cost, all reasonable measures to contain and minimise the effects of the incident, which measures include, but are not limited to, the undertaking of cleaning up operations including the rehabilitation of the environment.
- (3) A person who contravenes a provision of subsection (1) or (2) commits an offence.

#### **5. Application and conditions which the municipality may impose**

- (1) A person who wishes to obtain the consent of the municipality as contemplated in section 4 must submit an application form obtainable from the municipality.
- (2) When considering an application the municipality may require the applicant to provide the municipality, at own cost, with impact studies such as, but not limited to, environmental impact studies or environmental impact investigations which are required by environmental legislation.
- (3) The municipality may also require the applicant to establish and provide documentation indicating flood lines.

#### **6. Storm water systems on private land**

- (1) An owner of property on which a private Storm water system is located:-
  - (a) may not carry out any activity which may impair the effective functioning of the Storm water system or which could reasonably be expected to impair the effective functioning of the Storm water system; and
  - (b) must, at own cost, keep the Storm water system functioning effectively, including undertaking, on written instruction by the municipality, the refurbishment and reconstruction thereof if the municipality has reasonable grounds for issuing such instruction.
- (2) Subsection (1)(b) does not apply where the municipality has accepted responsibility for any of the duties contained in a maintenance agreement or in terms of a condition of a servitude.

- (3) Should an owner fail or refuse to comply with an instruction by the municipality made in terms of subsection (1)(b), the municipality may undertake measures to refurbish or reconstruct the Storm water system, and the municipality may recover from the owner all reasonable costs incurred as a result of action taken.
- (4) An owner who contravenes a provision of subsection (1)(a) or who fails or refuses to comply with an instruction contemplated in subsection (1)(b) commits an offence.

#### **7. Powers of municipality**

- (1) The municipality may at all reasonable times enter upon any premises or any portion thereof with the aim of carrying out any inspection or test to determine the current status of a Storm water system, provided that such an owner received prior notice of such entry and that such employee carries an identification card issued by the municipality and produces it upon request of an owner.
- (2) The municipality may, for the purpose of providing and maintaining infrastructure for a storm water system:-
  - (a) on any premises, construct, expand, alter, maintain or lay any drain, pipe or other structure related to the storm water system on or under any immovable property, and may do any other thing necessary or desirable or incidental, supplementary or ancillary to such construction, expansion, **alteration or maintenance**;
  - (b) drain storm water or discharge water from any municipal service works **into any watercourse**;
  - (c) repair and make good any damage done in or damage resulting from a contravention of section 4(l)(a)(ii) or 4(1)(c), such as, but not limited to:-
    - (i) demolishing, altering or otherwise dealing with any building, structure or other thing constructed, erected or laid in contravention of section 4(l)(c)(iii);
    - (ii) filling in, removing and making good any ground excavated, removed or placed in contravention of section 4(1)(c)(v);
  - (d) remove anything -

- (i) discharged or permitted to enter into the storm water system or watercourse in contravention of section 4(1)(a) or (b);
    - (ii) damaging, obstructing or endangering or likely to obstruct, endanger or destroy any part of the storm water system;
  - (e) seal off or block any point of discharge from any premises, irrespective of whether the point is used for lawful purposes; cancel any consent granted in terms of section 5 if any condition under which the consent was granted is not complied) with; by written notice and after consultation with an owner, instruct any owner of property-
    - (i) to retain storm water originating from his or her property on such property or to lay, at the cost of such owner, a storm water drain pipe or gutter to a suitable place indicated by the municipality, irrespective of whether the course of the pipe or gutter will run over private property or not;
    - (ii) to allow the owner of a higher lying property to lay a storm water drain pipe or gutter over his or her property for the draining of concentrated storm water;
  - (f) discharge storm water into any watercourse, whether on private land or not. (3) Should an owner of property fail to comply with an instruction contemplated in subsection (2)(g)(i), the municipality may undertake measures to retain such storm water or to lay such storm water drain pipe or gutter.
- (4) Where it seems that any action or neglect by a person or owner of property may lead to a contravention of a provision of this by-law, the municipality may notify, in writing, such person or owner to comply with such requirement as may be necessary to prevent the occurrence of such contravention.
- (5) The municipality may [recover all reasonable costs incurred as a result of action taken:
- (a) in terms of subsection (2)(c) or (d), from the person who was responsible for a contravention of the provisions of this by-law or the owner of the property on which a contravention occurred; or
  - (b) in terms of subsection (3), from the owner of the property.

- (6) Any drain, pipe or structure provided in terms of subsection (2)(a) vests in the municipality.
- (7) A person commits an offence if he or she:-
  - (a) fails to comply with a notice contemplated in subsection (2)(g);
  - (b) threatens, resists, hinders, obstructs or otherwise interfere with, or who uses foul or abusive language towards or at an employee or contractor of the municipality in the exercise of any powers or performance of any duty or function in terms of this by-law; or
  - (c) impersonates an employee or contractor of the municipality.

#### **8. Authentication and service of notices and other documents**

- (1) A notice or other document requiring authentication by the municipality must be signed by the municipal manager and when issued by the municipality in terms of this by-law is deemed to be duly issued if it is signed by the municipal manager.
- (2) Any notice or other document that is served on a 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 16 years;
  - (c) when it has been posted by registered or certified mail to that person's last known residential or business address in the Republic, and an acknowledgment of the posting thereof from the postal service is obtained;
  - (d) if that person's address in the Republic is unknown, when it has been served on that person's agent or representative in the Republic in the manner provided by paragraphs (a), (b) or (C)
  - (e) if that person's address and agent or representative in the Republic is unknown, when it has been posted in a conspicuous place on the property or premises, if any, to which it relates;
  - (f) in the event of a body corporate, when it has been delivered at the registered office of the business premises of such body corporate; or
  - (g) when it has been delivered, at the request of that person, to his or her email address.

- (3) Service of a copy is deemed to be service of the original.
- (4) 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.
- (5) Any legal process is effectively and sufficiently served on the municipality when  
it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

## 9. Appeal

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, Act 32 of 2000 to the municipal manager within 21 days of the date of the notification of the decision.

## 10. Exemptions

- (1) Any person may by means of a written application, in which the reasons are given in full, apply to the municipality for exemption from any provision of this by-law.
- (2) The municipality may:-
  - (a) grant an exemption in writing and the conditions in terms of which, if any, and the period for which such exemption is granted must be stipulated **therein**;
  - (b) alter or cancel any exemption or condition in an exemption; or
  - (c) refuse to grant an exemption.
- (3) An exemption does not take effect before the applicant has undertaken in writing  
to comply with all conditions imposed by the municipality under subsection (2), however, if an activity is commenced before such undertaking has been submitted to the municipality, the exemption lapses.

- (4) If any condition of an exemption is not complied with, the exemption lapses immediately.

#### **11. Penalties**

A person who has committed an offence in terms of this by-law is, on conviction, liable to a fine of up to R 2000, 00 or in default of payment, to imprisonment of up to 6 months, 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 R 200, 00 for every day such offence continues, or in default of payment thereof, to imprisonment 1 day for which such offence is/has continuing(ed).

#### **12. Repeal of by-laws**

The provisions of any by-laws previously promulgated by the municipality or by any of the disestablished municipalities now incorporated in the municipality are hereby repealed as far as they relate to matters provided for in this by-law.

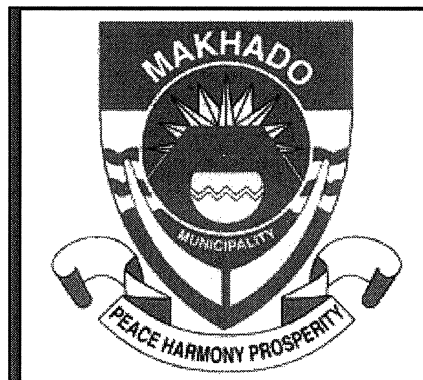
#### **13. Short title**

This by-law is called Makhado Local Municipality Storm water Management By-law, and shall come into operation on the date of date of publication in the *Provincial Gazette*.

**LOCAL AUTHORITY NOTICE 102**

**MUNICIPAL FACILITIES:  
CEMETERIES  
BY-LAWS**

**MAKHADO LOCAL MUNICIPALITY  
[NP344]**



- 2 -

The Municipal Manager of Makhado Local Municipality hereby in terms of section 13 of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000) publishes Municipal Facilities: Cemeteries by-law for the municipality as approved by its council, as set out hereunder.

## TABLE OF CONTENTS

### Contents

#### Section

1. Definition
2. Principles and objects
3. Application of by-laws
4. Legislative framework

#### *Chapter I: General*

5. Curator and burial notice
6. Interment and cremation
7. Interment free of charge
8. Hours of admission or visit for public
9. Children
10. Keeping to path
11. Entrance and exit to cemetery, office, fenced place or building
12. Distribution of tract or advertisement
13. Disrespect
14. Prohibited conduct within cemetery
15. Right of interest in ground

#### *Chapter II: Interment*

16. Application for, purchase and use of graves
17. Alteration of date of interment
18. Dimensions of grave openings
19. Depth of grave



---

- 3 -

20. Reserving of grave
21. Child's coffin too large
22. Construction material of coffin
23. Number of bodies in grave
24. Coffin to be covered with earth
25. Disturbance of human remains
26. Religious ceremony
27. Hearse and vehicle at cemetery
28. Exposal of body
29. Instruction of caretaker
30. Music inside cemetery
31. Interment attended by more than 300 people
32. Occupation of chapel or shelter
33. Days and hours of interment
34. Number of grave

*Chapter III: Exhumation of body and re-opening of grave*

35. Exhumation
36. Time of exhumation
37. Re-opening of grave

*Chapter IV: Care of grave*

38. Shrubs and flowers
39. Care of graves

*Chapter V: Erection and maintenance of memorial work*

40. Consent of Council
41. Position of memorial work
42. Repairs to memorial work
43. Supervision of work
44. Damaging of memorial work
45. Moving of memorial work
46. Bringing material into cemetery
47. Cleaning of memorial work by Council

- 4 -

- 48. Requirements for erection of memorial work
- 49. Conveying of memorial work
- 50. Vehicle and tools
- 51. Complying with Council's directions
- 52. Times for bringing in material and doing work
- 53. Inclement Weather
- 54. Production of written permission

*Chapter VI: Sections*

- 55. Council to determine sections
- 56. Memorial section
- 57. Garden of Remembrance
- 58. Heroes' Acre

*Chapter VII: Tribal and village cemeteries*

- 59. Application
- 60. Location
- 61. Approval
- 62. Ownership
- 63. Exemption

*Chapter VIII: Miscellaneous*

- 64. Authentication and service of order, notice or other document
- 65. Complaint
- 66. Notice of compliance and representations
- 67. Costs
- 68. Appeal
- 69. Charges
- 70. Notice of contravention
- 71. Penalties
- 72. Limitation of liability
- 73. Revocation of by-laws
- 74. Short title and commencement

- 5 -

## 1. Definitions

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

**“adult”** (where the word is used to define a body) means a deceased person whose coffin will fit into the grave opening prescribed for adult in section 18;

**“aesthetic section”** means a cemetery or section of a cemetery which has been set aside by the Council wherein a headstone may only be erected and strips of garden will be provided by the Council;

**“berm”** means a concrete base laid by the Council at the head of a grave, in the Aesthetic Section;

**“body”** means the remains of a deceased person and includes a still-born child;

**“burial”** means burial in earth or any other form of sepulture and includes the cremation or any other mode of disposal of a body;

**“burial order”** means an order issued in terms of the Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);

**“caretaker”** means the official whom the Council appoints from time to time in a supervisory capacity with regard to the Cemetery;

**“cemetery”** means a land or part thereof within the municipality duly set aside by the Council as cemetery;

**“child”** (where the word is used to define a body) means a deceased person whose coffin will fit into the grave opening prescribed for children in section 18;

**“columbarium”** means a structure containing rows of niches for the purpose of placing receptacles containing the ashes of cremated bodies therein;

**“contractor”** means the person who has paid or caused any of the charges prescribed in the tariff to be paid or who has obtained any of the rights set out in these by-laws or who has obtained the right to have a memorial work erected or constructed or who has obtained any other rights or interests referred to or mentioned in these by-laws.

**“tribal or village cemetery”** means a cemetery situated on land owned by a tribal authority or village community.

- 6 -

## **2. Principles and objectives**

The Council, acting under the powers granted to it by national and provincial legislation, and aware of the dignity of its residents and the need to preserve that dignity, and aware that a dead body is to be granted respect, and that all its residents have the right to inter a body in a cemetery, hereby adopts these by-laws to make provision for the allocation of land for the purposes of the burial of human remains, to develop and maintain existing cemeteries, to permit its residents to dispose of a body by cremation and to provide space allowing the preservation of the remains of a cremation in a dignified manner.

## **3. Application of By-Laws**

These by-laws apply to all cemeteries within the Makhado municipal area.

## **4. Legislative framework**

These By-laws fall within the legislative framework of the:

- (a) Inquests Act, 1959 (Act No. 58 of 1959);
- (b) Births and Deaths Registration Act, 1992 (Act No. 51 of 1992);
- (c) Constitution of the Republic of South Africa, 1996 (Act No. 108 of 1996);
- (d) Promotion of Administrative Justice Act, 2000 (Act No. 3 of 2000); and
- (e) Local Government: Municipal Systems Act, 2000 (Act No. 32 of 2000).

# **CHAPTER I GENERAL**

## **5. Curator, and Burial order**

- (1) Council must appoint a curator for each cemetery to control and administer the cemetery.
- (2) The curator may not allow an interment to take place unless a burial order in, terms of section 20 of the Births and Deaths Registration Act, 1992 has been issued.
- (3) The curator must keep a record of all interments, and the record must contain:
  - (a) The particulars of the person who requested the interment;
  - (b) The particulars of the body to be interred, such as the name, address, and identification number;

- 7 -

- (c) The number of the grave in which the body is interred; and
- (d) The date of the interment.

**6. Interment and cremation**

- (1) No person may dispose of a body in any other manner than by interring it in a cemetery, or having it cremated in a crematorium approved in terms of provincial legislation.
- (2) The remains of a body (hereinafter referred to as "the ashes") cremated at a crematorium within or outside the boundaries of the municipality may be interred in a columbarium or in a grave, on payment of the charges prescribed in the tariff.
- (3) A person who contravenes subsection (1) commits an offence.

**7. Interment free of charge**

The Council may upon request inter a dead body free of charge in such grave and manner as is the responsibility of the Council in terms of the provisions of any other law.

**8. Hours of admission or visit for public**

- (1) Every cemetery is open to the public 7 days a week during the following hours: 08h00 and 17h00, however the Council may close to the public a cemetery or part thereof for such periods if it is in the interest of the public.
- (2) No person, excluding workers or persons with permission, may be in or remain in a cemetery or part thereof before or after the hours mentioned in subsection (1) or during a period when it is closed to the public.
- (3) A person who contravenes subsection (2) commits an offence.
- (4) Special permission must be obtained from the Caretaker for admission to the cemetery during non-official hours.

**9. Children**

- (1) No child under 12 years of age may enter a cemetery unless he or she is under the care of an adult person.

- 8 -

- (2) A person who allows a child to enter a cemetery in contravention of subsection (1), commits an offence.

**10. Keeping to path**

Except for purposes permitted by these by-laws, a person may only use a path provided in the cemetery, and failure to do so constitutes an offence.

**11. Entrance and exit to cemeteries, office, fenced place or building**

- (1) No person may enter or leave a cemetery, except by a gate provided for the purpose.
- (2) No person may enter an office, building or fenced place in a cemetery, except in connection with lawful business.
- (3) A person who contravenes subsection (1) or subsection (2) commits an offence.

**12. Distribution of tract or advertisement**

- (1) No person may solicit any business, order or exhibit, or distribute or leave a tract, business card or advertisement within a cemetery.
- (2) A person who contravenes subsection (1) commits an offence.

**13. Disrespect**

- (1) No person may treat a grave or memorial work with disrespect, such as climbing or sitting on a grave or memorial work.
- (2) A person who contravenes subsection (1) commits an offence.

**14. Prohibited conduct within cemetery**

- (1) No person may –
- (a) commit or cause a nuisance within a cemetery;
  - (b) ride an animal or cycle within a cemetery;
  - (c) bring or allow an animal to wander inside a cemetery;
  - (d) plant, cut, pick or remove a tree, plant, shrub or flower without the permission of the caretaker;

- 9 -

- (e) hold or take part in a demonstration in a cemetery;
  - (f) interrupt during the performance of his or her duties an official; workman or labourer employed by the Council in a cemetery;
  - (g) obstruct, resist or oppose the caretaker in the course of his or her duty or refuse to comply with an order or request which the caretaker is entitled under these by-laws to make;
  - (h) use a cemetery for an immoral purpose;
  - (i) mark, draw, scribble, erect an advertisement or object on a wall, building, fence, gate, memorial work or other erection within a cemetery;
  - (j) use water for any form of gardening without the permission of the caretaker;
  - (k) plant trees, flowers or shrubs on or between graves;
  - (l) leave any rubbish, soil, stone, debris or litter within the cemetery, and
  - (m) in any way damage or deface any part of a cemetery or anything therein contained.
- (2) An animal found in a cemetery may be destroyed by the Council, without paying any compensation to the owner thereof.
- (3) A person who contravenes a provisions of subsection (1) commits an offence.

## **15. Rights of interest in ground**

No person shall acquire any right to or interest in any ground or grave in a cemetery, other than such rights or interests as may be obtainable under these by-laws.

## **CHAPTER II INTERMENT**

### **16. Application for, purchase and use of grave**

- (1) A person desiring to have a body interred in a grave must submit to the caretaker an application in writing in the form set out in Schedule A and the application must be signed by the nearest surviving relative of the person whose body will be buried in the grave or such other person as the nearest surviving relative may authorize to sign the application on his or her behalf.

- 10 -

- (2) If the caretaker is satisfied that the signature of the nearest surviving relative cannot be obtained timeously, or for another valid reason, he or she may in his or her discretion grant an application signed by any other interested person.
- (3) An application must be submitted to the caretaker at least one working day before the time of the interment and two working days in the case where the size of the grave exceeds the standard size.
- (4) The Council may on payment of the applicable charges prescribed in the tariff sell to a person the use of a grave in a section of a cemetery.
- (5) Not more than two interments are allowed in a grave in which a corpse had already been entombed, except where application is made in terms of subsection (1) and sections 20 and 23 and the charges prescribed in the tariff have been paid.
- (6) No person may inter a body without an application first having been approved.
- (7) A person who contravenes subsection (5) or subsection (6) commits an offence.

#### **17. Alteration of date of interment**

Should any alteration be made in the day or hour previously fixed for an interment, notice of the alteration must be given to the caretaker at the cemetery at least six hours before the time fixed for the interment, and failure to do so constitutes an offence.

#### **18. Dimensions of grave openings**

- (1) The standard dimensions of graves are as follows
  - (a) Adult
    - (i) Single grave: Length: 2200mm; Width: 900mm.
    - (ii) Double grave: Length: 2200mm; Width: 2700mm.
  - (b) Child
    - (i) Single grave: Length: 1500mm; Width: 700mm.
- (2) Any person requiring an aperture for an interment in an adult's grave of a size larger than the standard dimensions must, when submitting an



- 11 -

application in the terms of section 16, specify the measurements of the coffin, and pay the charges prescribed in the tariff for enlarging the aperture.

**19. Depth of grave**

- (1) An adult's grave is 1900mm in depth and that of a child 1500mm in depth.
- (2) The lid of the coffin, or where one coffin has been buried on top of another coffin, the lid of the top coffin may not be less than 1200mm from the surface.

**20. Reserving of grave**

- (1) Any person desiring to reserve the use of a grave must apply therefore to the caretaker.
- (2) A restriction is placed on the reserving of graves, and reservations shall only be accepted for adult graves in the monumental section as stated in subsection (3), upon payment of the charges prescribed in the tariff.
- (3) In the event of an interment of a husband or wife in the monumental section, only one additional adjoining grave may be reserved for the survivor.
- (4) In the event of an interment of a husband or wife in the aesthetic section, an additional adjoining grave may not be reserved for the survivors, however, subject to the provisions of section 23, the interment of the survivors may be permitted in the same grave.

**21. Child's coffin too large**

Should a child's coffin be too large for the dimensions of a child's grave, it must be placed in an adult grave and the usual fee for an adult's interment must be paid by the person submitting an application in terms of section 16, and in the instance where a child's interred in a section intended for adults the tariff applicable to adults applies.

**22. Construction material of coffin**

- (1) A coffin interred in a grave must be constructed of wood or bio-degradable material.
- (2) A person who inter a coffin in contravention of subsection (1) commits an offence.

- 12 -

**23. Number of bodies in one grave**

Only where prior arrangements has been made in terms of section 16(5) and subject to section 37, may more than one body be buried in a single grave.

**24. Coffin to be covered with earth / concrete**

Every coffin must upon being placed in a grave, be covered with at least 300 mm of earth or concrete immediately without delay, and failure to do so constitutes an offence.

**25. Disturbance of mortal remains**

- (1) Subject to the provisions of an exhumation order given in terms of the Inquests Act, 1959 (Act No. 58 of 1959) or any other provision of any Act relating to the exhumation of bodies, no mortal remains or ground surrounding it in a cemetery may be disturbed.
- (2) A person who contravenes subsection (1) commits an offence.

**26. Religious ceremony**

The members of a religious denomination may conduct a religious ceremony in connection with an interment or memorial service.

**27. Hearse and vehicle at cemetery**

- (1) No hearse or other vehicle may enter a cemetery without the permission of the caretaker.
- (2) No hearse or other vehicle may use any other route to enter a cemetery than the routes set aside for the purpose.
- (3) A person who contravened subsection (1) or (2) commits an offence.

**28. Exposal of body**

- (1) No person may expose a dead body or a part thereof in a cemetery.
- (2) A person who contravenes subsection (1) commits an offence.

- 13 -

**29. Instructions of caretaker**

A person taking part in a funeral procession or ceremony in a cemetery must follow instructions by the caretaker, and failure to do so constitutes an offence.

**30. Music inside cemetery**

- (1) Only sacred singing is allowed in a cemetery, except in the case of a police or military funeral, in which case the prior permission of the caretaker must be obtained.
- (2) A person who contravenes subsection (1) commits an offence.

**31. Interment attended by more than three hundred people**

In any instance where it is probable that more than 300 people will be present at an interment, the person submitting an application in terms of section 16, must notify the fact to the caretaker the day before the funeral, and failure to do so constitutes an offence.

**32. Occupation of chapel or shelter**

- (1) No person may for the purpose of a funeral occupy a chapel or shelter in a cemetery for more than 45 minutes.
- (2) A person who contravenes subsection (1) commits an offence.

**33. Days and hours of interment**

- (1) Interments may take place between 09h00 and 16h00 on week days and between 09h00 and 12h00 on Saturdays only.
- (2) A person who contravenes subsection (1) commits an offence.

**34. Number of grave**

- (1) No person may inter a body in a grave on which a peg marked with the number of the grave has not been fixed.
- (2) A person who contravenes subsection (1) commits an offence.

- 14 -

### CHAPTER III

#### EXHUMATION OF BODY AND RE-OPENING OF GRAVE

##### **35. Exhumation**

- (1) Subject to permission from the municipality, or the provisions of an exhumation order given in terms of section 3(4) of the Inquests Act, 1959 (Act No. 58 of 1959) or any other provision of any Act relating to the exhumation of corpses, no person may without an Environmental Health Practitioner being present:
  - (a) disturb a corpse or mortal remains or ground surrounding it in a cemetery; or
  - (b) remove a corpse from a grave.
- (2) Any person requesting for a corpse to be exhumed or a grave to be opened must provide the municipality with an affidavit certifying that he or she has the authority to do so, and such an affidavit must be accompanied by any supporting documentation that may be required in terms of any Act relating to the exhumation of corpses.
- (3) The prescribed fee for exhumation must be paid to the municipality at least two days before the date fixed for the exhumation or removal of the corpse.
- (4) A person who contravenes the provisions of subsection (1) commits an offence.

##### **36. Time of exhumation**

- (1) No person may exhume or cause a corpse to be exhumed at any other time than that specified by the municipality.
- (2) A person who contravenes subsection (1) commits an offence.

##### **37. Re-opening of grave**

- (1) No person may re-open a grave for the purpose of interring a second corpse in the same grave without permission of the municipality
- (2) When considering an application contemplated in subsection (1), the municipality may impose such conditions it may deem necessary.
- (3) The municipality may re-open a grave for the purpose of establishing the identity of the corpse.

- 15 -

- (4) In the event of a police investigation, a corpse may be exhumed on receipt of a written request from the investigating officer, provided that the provisions of the Inquests Act, 1959 (Act No. 58 of 1959) have been complied with.
- (5) A person who contravenes subsection (1) or any condition imposed in terms of subsection (2) commits an offence.

#### **CHAPTER IV CARE OF GRAVE**

##### **38. Shrubs and flowers**

The Council may at any time prune, cut down, dig up or remove any shrub, plant, flower, foliage, wreath or adornment if it becomes unsightly, is damaged, or wilted.

##### **39. Care of graves**

- (1) The maintenance of a grave is the responsibility of the person contemplated in section 16(1).
- (2) The municipality may, on application by a person contemplated in section 16(1), and upon payment of a fee prescribed by the municipality, undertake to keep any grave in order for any period.

#### **CHAPTER V ERECTION AND MAINTENANCE OF MEMORIAL WORK**

##### **40. Consent of Council**

- (1) No person may bring into a cemetery, erect, alter, paint, clean, renovate, decorate, remove or otherwise interfere with any memorial work or cut any inscription thereon in a cemetery without the written consent of the Council and of the contractor of a grave.
- (2) When erecting a memorial work, the following must be submitted:
  - (a) a sketch which gives an indication of the measurements and the position;
  - (b) specification of the material of which the memorial work is to be constructed; and

- 16 -

- (c) the wording of the epitaph.
- (3) The sketch must be submitted 30 days before the erection commences, and must be accompanied by the charges prescribed in the tariff.
- (4) A person who contravenes subsection (1) commits an offence.

**41. Position of memorial work**

- (1) No person may erect a memorial work on a grave, before the position in which such memorial work is to be placed has been indicated by the Council.
- (2) Should the condition of subsection (1) not be complied with the Council has the right to alter the position of the memorial work and to recover the costs of the alteration from the contractor.

**42. Repairs to memorial work**

Should the contractor of a grave allow a memorial work to fall into such a state of disrepair that it may cause danger or deface the cemetery, the Council may cause a Notice of Compliance, as contemplated in section 66, to be served on the contractor.

**43. Supervisions of work**

A person engaged upon any work in a cemetery must effect the work under the supervision of the Council, and failure to do so constitutes an offence.

**44. Damaging of memorial work**

The Council under no circumstances accepts responsibility for any damage which may at any time occur to a memorial work, and which is not due to the negligence of the Council's employees.

**45. Moving of memorial work**

The Council may, after due notice, at any time change or alter the position of a memorial work in a cemetery and recover the cost thereof from the owner of the memorial work, however in an instance where a memorial work has originally been placed in a certain position with the express consent of Council or its employee, any

- 17 -

alteration of the position in terms of the provisions of this section is executed at the expense of the Council.

**46. Bringing material into cemetery**

- (1) No person may bring into the cemetery any material for the purpose of constructing therewith any memorial work on any grave unless and until –
  - (a) the provisions of section 40 have been complied with;
  - (b) all charges due in respect such grave have been duly paid; and
  - (c) the Council's written approval of the proposed work has been given to the applicant, which approval is only valid for six months, and in the event of the memorial work not being erected within the prescribed time a new application must be submitted.
- (2) The grave number must be neatly indicated in figures 30 mm in size, and failure to do so constitutes an offence.
- (3) A person who contravenes subsection (1) commits an offence.

**47. Cleaning of memorial work by Council**

A memorial work placed, built, altered, decorated, painted or otherwise dealt with in a cemetery in such manner that any provisions of these by-laws are contravened thereby, may be removed by the Council at the cost of the contractor after due notice, without payment of any compensation.

**48. Requirements for erection of memorial work**

- (1) A person erecting a memorial work must comply with the following:
  - (a) He or she must be in possession of a plan approved by the Council;
  - (b) All work must be effected according to the provisions laid down by the Council;
  - (c) Proceedings must be of such a nature that no damage be caused to any structure or offence given;
  - (d) Where a memorial has a pedestal on ground level or on the berm, the pedestal may not be more than 900mm in length, 250 mm in width and 250 mm in height for a single grave, and not more than 2700 mm in length, 250 mm in width, and 250 mm in height for a double grave;

- 18 -

- (e) With the contractor's permission, the name of the maker can be displayed on a memorial work, but no address or any other particulars may be added thereto, and the space utilized for it may not be larger than 40 x 100 mm; and
  - (f) Tiles in the Garden of Remembrance must be 240 mm x 300 mm large and must be manufactured out of non-corrosive metal.
- (2) A person who does not comply with a provision in subsection (1) commits an offence.

**49. Conveying of memorial work**

- (1) No person may convey any stone, brick or memorial work or a portion thereof within a cemetery upon a vehicle or truck, which may cause damage to the paths or grounds or structures of the cemetery.
- (2) A person who contravenes subsection (1) commits an offence.

**50. Vehicle and tools**

Every person engaged with work upon a grave or plot must ensure that the vehicles, tools or appliances be of such a kind as not to contravene these by-laws and by no means block any road or roads, and failure to do so constitutes an offence.

**51. Complying with Council's directions**

A person carrying on work within a cemetery must in all respects comply with the directions of the Council, and failure to do so constitutes an offence.

**52. Times for bringing in material and doing work**

- (1) No person may bring memorial work or material into or do any work, other than the dismantling of memorial work for burial purposes, within a cemetery except during the following hours: Mondays to Fridays: From 07h00 to 18h00.
- (2) No person may engage in work, which may be disturbing when a funeral takes place and for the duration of the funeral.
- (3) A person who contravenes subsections (1) or (2) commits an offence.



- 19 -

**53. Inclement Weather**

- (1) No person may fix or place any memorial work during inclement weather or while the soil is in an unsuitable condition.
- (2) A person who contravenes subsection (1) commits an offence.

**54. Production of written permission**

A person charged with a work or on his or her way to or from work within the cemetery, must upon demand from the Council or its authorized official, produce the written consent issued to him or her in terms of section 40, and failure to do so constitutes an offence.

**CHAPTER VI  
SECTIONS**

**55. Council to determine sections**

The Council determines the sections according to the provisions applicable.

**56. Memorial section**

- (1) Memorial work may be erected upon the whole surface of the grave subject thereto that the provisions of section 48 must be complied with and that the following measurements may not be exceeded:
  - (a) Height: 2000 mm.
  - (b) Width: 900 mm in case of a single grave, and 2700 mm in case of a double grave.
  - (c) Thickness: 250 mm
- (2) The Council may in the course of time, level all graves and plant grass thereon.
- (3) Flowers, foliage, wreaths or any adornment may be placed upon the berm only of graves, except in the case of graves which have not yet been leveled.
- (4) A person commits an offence of he or she –
  - (a) exceeds the measurements stipulated in subsection (1); or
  - (b) contravenes section (3).

- 20 -

**57. Garden of Remembrance**

- (1) This section contains only the columbarium with niches, and the containers may not exceed 300mm x 150mm x 150mm.
- (2) Plaques may be erected and must be of non-corrodible metal or masonry only and must be 150mm by 150mm in size.
- (3) Flowers and wreaths may be placed on the places provided therefore only.
- (4) Failure to comply with the requirements of this subsection constitutes an offence.

**58. Heroes' Acre**

- (1) A heroes' acre consists of a structure erected for the purpose and contains no body but is only a memorial.
- (2) No person may erect such memorial without the written approval of the Council and the Council decides upon the merits of such matters.
- (3) The size of the memorial work must be 500 mm x 300 mm and must be manufactured from a non-corrodible metal or masonry upon which inter alia, the contribution made by the person in question is mentioned.
- (4) A person who inter a body in contravenes of subsection (1) or contravenes subsection (2) or who fails to comply with the requirements of subsection (3) commits an offence.

**CHAPTER VII**

**TRIBAL AND VILLAGE CEMETRIES**

**59. Application**

- (1) A tribal authority or rural village community may apply in writing to the Council to establish a cemetery at a place accessible to such tribe or village community.
- (2) An application referred to in subsection (1) must:
  - (a) indicate the area, tribe or community which will make use of the cemetery;
  - (b) the name of the tribal authority or name of the rural village who makes the application;
  - (c) the name of the tribal chief or representative of the village community;

- 21 -

- (d) whether a graveyard already exist at the place for which application is made; and
  - (e) be signed by the tribal chief or representative meant in (c) above.
- (3) The Council may require such further information as it may deem necessary to be supplied together with the application in subsection (1).

#### **60. Location**

- (1) The Council will decide on the site for a tribal or rural village cemetery, having regard to:
- (a) the wishes of the tribal authority or village community;
  - (b) any existing graveyard;
  - (c) spatial development of the area;
  - (d) the accessibility of a cemetery site;
  - (e) the environment; and
  - (f) health requirements.
- (2) The Council must commission an environmental impact study prior to the approval of any cemetery site in terms of this Chapter.

#### **61. Approval**

- (1) No person may inter any deceased person in a grave not situated in a cemetery approved by the Council.
- (2) The approval of a cemetery in terms of this Chapter will be in writing and subject to such conditions as the Council may determine, including but not limited to:
- (a) the layout of grave sites;
  - (b) the responsibility and standard of maintenance of the cemetery, grave sites and tombstones in the cemetery by the tribal authority or village community;
  - (c) the fencing and maintenance of such fence by the tribal authority or village community; and
  - (d) measures to make safe open graves.

- 22 -

- (3) The Council may at any time withdraw its approval in regard to a cemetery established in terms of this Chapter, in which case such cemetery will from the date of such withdrawal be deemed to be a cemetery of the Council.

**62. Ownership**

- (1) The tribal authority or village community must submit, together with the application meant in section 59 (1), proof of ownership of the land upon which a cemetery is to be establish or for any other site the Council may identify as suitable for a tribal or village community cemetery, together with written permission by the owner of such land for the establishment of a cemetery on such land.
- (2) The owner of the land meant in subsection (1) must give permission, authorize and do all such things as may be required by Council at any time, to register an appropriate public servitude over the land on which a cemetery is approved.

**63. Exemption**

- (1) Save for the provisions of sections 18, 19, 22, 23, 24, 25, 28, 35, 36 & 37 of these by-laws, tribal and village cemeteries shall be exempted from the remainder of the provisions of Chapter I to Chapter VI of these by-laws.
- (2) The regulation and administration of tribal and village cemeteries shall vest in the relevant tribal authority or rural village community and as such reasonable tariffs may be set and levied by the relevant tribal authority or rural village community.

**CHAPTER VIII  
MISCELLANEOUS**

**64. Authentication and service of order, notice or other document**

- (1) An order, notice or other document requiring authentication by the Council must be sufficiently signed by the Municipal Manager or by a duly authorized officer of the Council, such authority being conferred by resolution of the Council or by a by-law or regulation, and when issued by the Council in terms

- 23 -

of these by-laws shall be deemed to be duly issued if it is signed by an officer authorized by the Council.

- (2) Any notice or other document that is served on a person in terms of these by-laws, 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);
  - (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; or
  - (f) in the event of a body corporate, when it has been delivered at the registered office or the business premises of such body corporate.
- (3) Service of a copy shall be deemed to be service of the original.
- (4) Any legal process is effectively and sufficiently served on the municipality when it is delivered to the municipal manager or a person in attendance at the municipal manager's office.

#### **65. Complaint**

A person wishing to lodge a complaint must lodge the complaint, in writing, with the Municipal Manager.

#### **66. Notice of compliance and representations**

- (1) A notice of compliance must state –
- (a) the name and residential and postal address, if either or both of these be known, of the affected person;
  - (b) the nature of the state of disrepair;

- 24 -

- (c) in sufficient detail to enable compliance with the notice, the measures required to remedy the memorial work;
  - (d) that the person must within a specified time period take the measures to comply with the notice, to diligently continue with the measures, and to complete the measures before a specific date;
  - (e) that failure to comply with the requirements of the notice within the period contemplated in paragraph (d) is an offence;
  - (f) that written representations, as contemplated in subsection (3) may, within the time period stipulated under paragraph (d) above, be made to Council at a specified place.
- (2) Council, when considering any measure or time period envisaged in subsection (1) (d) and (e), must have regard to –
- (a) the principles and objectives of these By-laws;
  - (b) the state of disrepair;
  - (c) any measures proposed by the person on whom measures are to be imposed; and
  - (d) any other relevant factors.
- (3) A person may within the time period contemplated in paragraph (1) (f) make representations, in the form of a sworn statement or affirmation to Council at the place specified in the notice.
- (4) Representations not lodged within the time period will not be considered, except where the person has shown good cause and Council condones the late lodging of the representations.
- (5) Council must consider the representations and any response thereto by an authorized official or any other person, if there be such a response.
- (6) Council may, on its own volition, conduct any further investigation to verify the facts if necessary, and the results of the investigation must be made available to the person, who must be given an opportunity of making a further response if he or she so wishes, and Council must also consider the further response.
- (7) Council must, after consideration of the representations and response, if there be such a response, make an order in writing and serve a copy of it on the person.
- (8) The order must-
- (a) set out the findings of Council;

- 25 -

- (b) confirm, alter or set aside in whole or in part, the notice of compliance; and
  - (c) specify a period within which the person must comply with the order made by Council.
- (9) If the notice of compliance is confirmed, in whole or in part, or is altered but not set aside, Council will inform the person that he or she –
  - (a) must discharge the obligations set out in the notice; or
  - (b) may elect to be tried in court.
- (10) If the person elects to be tried in court he or she must, within seven calendar days, notify Council of his or her intention to be so tried.
- (11) If the person does not elect to be tried in court, he or she must, within the prescribed manner and time discharge his or her obligations under the order.
- (12) Where there has been no compliance with the requirements of a notice, the Council may take such steps as it deems necessary to repair the memorial work and the cost thereof must be paid to the Council in accordance with section 67.

#### **67. Costs**

Should a person fail to take the measures required of him or her by notice, the municipality may recover from such person all costs incurred as a result of it acting in terms of section 66(12).

#### **68. Appeal**

- (1) A person whose rights are affected by a decision of an official, may appeal against that decision by giving written notice of the appeal and reasons to the municipal manager within 21 days of the date of the notification of the decision.
- (2) The municipal manager must consider the appeal, and confirm, vary or revoke the decision, but no such variation or revocation of a decision may detract from any rights that may have accrued as a result of the decision.
- (3) The municipal manager must commence with an appeal within six weeks and decide the appeal within a reasonable time.

- 26 -

**69. Charges**

- (1) The charges set forth in the tariff (as contained in Schedule B) in respect of the various items therein contained, must be paid to the Council.
- (2) Should a person fail to pay a tariff as prescribed in these by-laws, Council may act in accordance with the provisions of the Credit Control and Debt Collection By-laws.

**70. Notice of contravention**

- (1) The Council may serve a notice of contravention on a person who has committed an offence in terms of these by-laws.
- (2) A notice of contravention must –
  - (a) specify at the time when the notice is issued, the name and residential and postal address, if either or both of these be known, of the person on whom the notice is served
  - (b) state the particulars of the contravention;
  - (c) specify the amount of the penalty payable in respect of that contravention and the place where the penalty may be paid; and
  - (d) inform the person that he or she may, within 28 calendar days of the date of service of the notice –
    - (i) pay the penalty;
    - (ii) inform Council in writing that he or she elects to be tried in court on a charge of having committed an offence.
- (3) If a person elects to be tried in a court he or she must, within seven calendar days, notify the Council of his or her intention.

**71. Penalties**

A person who contravenes any provision or fails to comply with any provision of this by-law commits an offence and shall on conviction be liable to-

- (a) a fine or imprisonment, or either such fine or imprisonment or to both such fine and imprisonment; and
- (b) in the case of a continuing offence, to an additional fine or an additional period of imprisonment or to such additional imprisonment without the option of a fine or to both such additional fine and imprisonment for each day on which such offence is continued; and



- 27 -

- (c) a further amount equal to any costs and expenses found by the court to have been incurred by Council as result of such contravention or failure.

**72. Limitation of liability**

The Council is not liable for any damage or loss caused by –

- (a) the exercise of any power or the performance of any duty in good faith under these By-laws;
- (b) the failure to exercise any power, or perform any function or duty in good faith under these By-laws.

**73. Revocation of by-laws**

The Louis Trichardt Cemeteries By-laws, 1985 are hereby revoked

**74. Short title and commencement**

This by-law shall be known as the Makhado Municipality: Municipal Facilities: Cemeteries by-laws and shall come into operation on the date of publication thereof in the Provincial Gazette.

**SCHEDULE**

**SCHEDULE A**

**APPLICATION FORM**

Name of applicant .....

Address of applicant .....

Name of diseased person to be interred .....

Particulars of deceased person .....

- 28 -

**SCHEDULE B****TARIFF OF CHARGES**

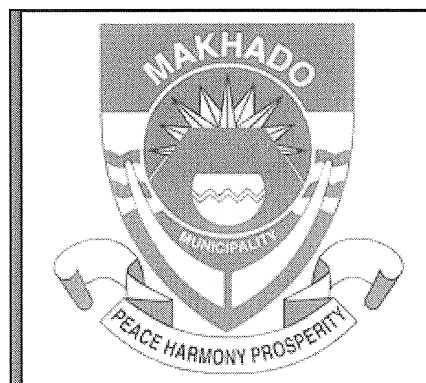
1. Section 6(2) : R .....
2. Section 16(4): R .....
3. Section 16(5): R .....
4. Section 20(2): R .....
5. Section 35(3): R .....
6. Section 39(2): R .....
7. Section 40(3): R .....

**LOCAL AUTHORITY NOTICE 103**

1

# **MUNICIPAL PROPERTY RATES AMENDMENT BY-LAWS**

**MAKHADO LOCAL MUNICIPALITY  
[NP344]**



## **PROPERTY RATES BY-LAW (AMENDMENT)**

The Municipal Manager of Makhado Local Municipality hereby in terms of section 13 of the Local Government: Municipal Systems Act, 2000(Act 32 of 2000), and in terms of Section 6 of the Local Government: Municipal Property Rates Act, 2004 (No. 6 of 2004), publishes the Property Rates By-law for the Municipality as approved by its council as set out hereunder.

### **PURPOSE OF BY-LAW**

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

### **TABLE OF CONTENTS:**

- 1. DEFINITIONS**
- 2. PRINCIPLES**
- 3. APPLICATION OF BY-LAW**
- 4. PRINCIPLES APPLICABLE TO FINANCING OF SERVICES**
- 5. CATEGORIES OF PROPERTY**
- 6. CATEGORIES OF OWNERS**
- 7. PROPERTIES USED FOR MULTIPLE PURPOSES**
- 8. DIFFERENTIAL RATING**
- 9. EXEMPTIONS AND IMPERMISSIBLE RATES**
- 10. REDUCTIONS**
- 11. REBATES**
- 12. PAYMENT OF RATES**
- 13. ACCOUNTS TO BE FURNISHED**
- 14. PHASING IN OF RATES**
- 15. SPECIAL RATING AREAS**
- 16. FREQUENCY OF VALUATION**
- 17. COMMUNITY PARTICIPATION**
- 18. REGISTER OF PROPERTIES**
- 19. REGULAR REVIEW PROCESSES**
- 20. SHORT TITLE AND COMMENCEMENT**

## 1. Definitions

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

1.1 **“Act”** means the Local Government: Municipal Property Rates Act, 2004 (Act No. 6 of 2004);

1.1.1 Inclusion is the 3 Inclusive additions as per the Municipal Property Rates Amendment Act of 2014, as per Gazette 37922 issued on 18 August 2014 but effective 1 July 2015

1.2 **“Municipality”** means the Makhado Local Municipality NP 344;

1.3 **“Privately owned towns serviced by the owner”** means single properties, situated in an area not ordinarily being serviced by the municipality, divided through sub division or township establishment into (ten or more) full title stands and/ or sectional units and where all services inclusive of water, electricity, sewerage and refuse removal and roads development are installed at the full cost of the developer and maintained and rendered by the residents of such estate.

1.4 **“Residential property”** means improved property that:

- (a) is used predominantly (60% or more) for residential purposes including any adjoining property registered in the name of the same owner and used together with such residential property as if it were one property. Any such grouping shall be regarded as one residential property for rate rebate or valuation reduction purposes.
- (b) is a unit registered in terms of the Sectional Title Act and used predominantly for residential purposes.
- (c) Is owned by a share-block company and used solely for residential purposes.
- (d) Is a residence used for residential purposes situated on property used for or related to educational purposes and specifically exclude vacant land irrespective of its zoning or intended use.

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

## 2. Principles

2.1 Rates will be levied in accordance with the Act as an amount in the rand based on the market value of all rateable property contained in the municipality's valuation roll and supplementary valuation roll.

2.2 The municipality will differentiate between various categories of property and categories of owners of property as contemplated in clause 5 and 6 of this by-law.

2.3 Some categories of property and categories of owners will be granted relief from rates.

2.4 The municipality will not grant relief in respect of payments for rates to any category of owners or properties, or to owners of properties on an individual basis.

2.5 There will be no phasing in of rates based on the new valuation roll, except as prescribed by legislation and in accordance with clause 14 of this by-law.

2.6 The municipality's rates policy will be based on the following principles:

- (a) Equity
  - (b) Affordability
- The municipality will treat all ratepayers with similar properties the same.

The ability of a person to pay rates will be taken into account by the municipality. In dealing with the poor/indigent ratepayers the municipality will provide relief measures through exemptions, reductions or rebates.

(c) Sustainability

Rating of property will be implemented in a way that:

- i. it supports sustainable local government by providing a stable and buoyant revenue source within the discretionary control of the municipality; and
- ii. Supports local social economic development.

(d) Cost efficiency

Rates will be based on the value of all rateable property and will be used to fund community and subsidised services after taking into account surpluses generated on trading (water, electricity) and economic (refuse removal, sewerage removal) services and the amounts required to finance exemptions, rebates, reductions and phasing-in of rates as approved by the municipality from time to time.

### 3. Application of By-law

3.1.1 Where this by-law contradicts national legislation, such legislation has preference over this by-law. The Municipal Manager shall bring such conflicts immediately to the attention of the municipality once he becomes aware of such conflicts and will propose changes to the municipality's by-laws to eliminate such conflicts.

3.1.2 If there is any conflict between this by-law and the Property Rates policy of the municipality, this by-law will prevail.

3.3 In imposing the rate in the rand for each annual operating budget component, the municipality shall grant exemptions, rebates and reductions to the categories of properties and categories of owners.

### 4. Principles applicable to financing services

4.1 The municipal manager or his/her nominee must, subject to the guidelines provided by the National Treasury and Executive Committee of the municipality, make provision for the following classification of services:-

(a) Trading services

i. Water

ii. Electricity

(b) Economic services

i. Refuse removal.

ii. Sewerage disposal.

(c) Community and subsidised services

These include all those services ordinarily being rendered by the municipality excluding those mentioned in 4.1 (a) and (b).

4.2 Trading and economic services as referred to in clauses (a) and (b) must be ring fenced and financed from service charges while community and subsidised services referred to in clause (c) will be financed from surpluses on trading and economic services, regulatory fees, rates and rates related income.

### 5. Categories of property

5.1 Different rates may be levied in respect of the categories of rateable properties as determined by the municipality's rates policy.

5.2 Such rates will be determined on an annual basis during the compilation of the municipality's budget.

5.3 In determining the category of a property referred to in 5.1 the municipality shall take into consideration the following criteria or a combination thereof:-

☐ The use of the property;

☐ Permitted use of the property; and

☐ The geographical area in which the property is situated.

- 5.4 In order to create certainty and to ensure consistency the criteria mentioned in 5.3 shall be applied as indicated below in order of priority and no deviation is permissible:
- 5.4.1 Properties shall first of all be categorised in accordance with their formal zoning. Town planning schemes, town establishment schemes and town planning regulations may be used to determine the formal zoning.
- 5.4.2 If, for whatever reason, the status or zoning of a property cannot be determined in terms of 5.4.1 the actual use shall then be determined in order to appropriately categorise such property. All relevant information, including circumstantial evidence, may be taken into consideration in an attempt to determine for what purpose the property is being used. A physical inspection may be done to acquire the necessary information.
- 5.4.3 The geographical area in which a property is situated may be used to assist in the categorisation of a property when the provisions of 5.4.1 can not be applied. However, the geographical area as a criterion should not be used in isolation.
- 5.5 Properties used for multiple purposes shall be categorised and rated as provided for in section 9 of the Act and as more fully described in clause 7.

## **6. Categories of owners**

- 6.1 For the purpose of granting exemptions, reductions and rebates in terms of clause 9, 10 and 11 respectively the following categories of owners of properties are determined:
- (a) Those owners who qualify and who are registered as indigents in terms of the adopted indigent policy of the municipality;
- (b) Those owners who do not qualify as indigents in terms of the adopted indigent policy of the municipality but whose total monthly income is less than the amount annually determined by the municipality during the budget process;
- (c) Owners of property situated within an area affected by-
- i. a disaster within the meaning of the Disaster Management Act, 2002 (Act No. 57 of 2002); or
- ii. serious adverse social or economic conditions.
- (d) Owners of residential properties with a market value below the amount as determined annually by the municipality as part of tariffs approved during the budget process; and
- (e) Owners of agricultural properties.

## **7. Properties used for multiple purposes**

- 7.1 Rates on properties used for multiple purposes will be levied as follows:
- (a) In accordance with the "permitted use of the property".
- (b) In accordance with the "dominant use of the property" if (a) cannot be applied; or
- (c) In accordance with the "different uses" by apportioning the market value of a category of property to the different purposes for which the property is used if both (a) and (b) above cannot be applied.

## **8. Differential rating**

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

## 9. Exemptions and Impermissible Rates

9.1 Categories of property as determined by the municipality's rates policy on an annual basis will be exempted from paying rates.

- a) All applications will be dealt with in accordance with the municipality's Credit control and Indigent Policies.
- b) Conditions determined by the Rates policy will be applied accordingly.
- c) The municipality retains the right to refuse exemptions if the details supplied in the application form are incomplete, incorrect or false.
- d) Exemptions will automatically apply where no applications are required.
- e) Rates may not be levied by the municipality on properties in section 17(1) of the Act as amended in Gazette no: 38259 on 28 November 2014

9.2 Exemptions will automatically apply.

## 10. Reductions

10.1 Reductions as contemplated in section 15 of the Act will be considered on an *ad-hoc* basis in the event of the following:

10.1.1 Partial or total destruction of a property.

10.1.2 Disasters as defined in the Disaster Management Act, 2002 (Act 57 of 2002).

10.2 The following conditions shall be applicable in respect of 10.1:

10.2.1 The owner referred to in 10.1.1 shall apply in writing for a reduction and the onus will rest on such applicant to prove to the satisfaction of the municipality that his property has been totally or partially destroyed. He/she will also have to indicate to what extent the property can still be used and the impact on the value of the property.

10.2.2 Property owners will only qualify for a rebate if affected by a disaster as referred to in the Disaster Management Act, 2002 (Act No. 57 of 2002).

10.2.3 A maximum reduction determined by the municipality will be allowed in respect of both 10.1.1 and 10.1.2.

10.2.4 An ad-hoc reduction will not be given for a period in excess of 6 months, unless the municipality gives further extension on application.

10.2.5 If rates were paid in advance prior to granting of a reduction the municipality will give credit to such an owner as from the date of reduction until the date of lapse of the reduction or the end of the period for which payment was made whichever occurs first.

## 11. Rebates

11.1. Categories of property

11.1.1 The municipality may grant rebates to categories of property as determined in the municipality's rates policy.

11.2 Categories of owners

11.2.1 The municipality may grant rebates to categories of owners as determined annually in the municipality's rates policy.

11.2.2. Applications by property owners for rebates must reach the municipality before the date determined by the Property Rates Policy, preceding the start of the municipal financial year for which relief is sought.



11.2.3 The municipality retains the right to refuse rebates if the details supplied in the application form were incomplete, incorrect or false.

11.3 Properties with a market value below a prescribed valuation level of an amount determined annually by the municipality may, instead of a rate being determined on the market value, be rated a uniform fixed amount per property.

11.4 The extent of the rebate in terms of 11.1, 11.2 and 11.3 shall annually be determined by the municipality during the budget process.

## **12. Payment of rates**

12.1 Council may levy assessment rates: -

- (a) On a monthly basis or less regular as determined by the Municipal Finance Management Act, (No.56 of 2003) or
- (b) Annually, as agreed with the owner of the property.

12.2 Assessment rates is payable:-

- (a) Annually in a once of amount determined by the municipality during the budget process; or
- (b) in instalments payable on or before a date in each period as determined by the municipality.

12.3 Interest on arrears rates, whether payable on or before 30 September or in equal monthly instalments, shall be calculated in accordance with the provisions of the credit control, debt collection and indigent policy of the municipality.

12.4 If a property owner who is responsible for the payment of property rates in terms of the rates policy, fails to pay such rates in the prescribed manner, it will be recovered from him/her in accordance with the provisions of the Credit Control, Debt Collection and indigent policy of the Municipality.

12.5 Arrears rates shall be recovered from tenants, occupiers and agents of the owner, in terms of section 28 and 29 of the Act as follows:

12.5.1 If an amount, due for rates levied on a property, is not paid by the owner by the due date as shown on the account and no reaction is forthcoming from the owner after two written reminders have been issued, the municipality shall recover the amount in full or partially as follows:

12.5.2 from the agent who is lawfully responsible to collect commission or rental in respect of the property concerned;

12.5.3 from a tenant or occupier of the property, only after an attempt was made to collect it from an agent refer to in 12.5.2 but such attempt was unsuccessful or no such agent exists or only a part of the outstanding amount could successfully be recovered.

12.5.4 The amount recoverable is limited to the amount as stipulated in the Act and it may only be recovered after written notice has been served on the party concerned (tenant, occupier or agent) of the rates due and payable, but not yet paid by owner of the property.

12.5.5 The notice referred to in 12.5.4 shall give the party concerned at least 14 calendar days to pay the outstanding rates.

12.6 Where the rates levied on a particular property have been incorrectly determined, whether because of an error or omission on the part of the municipality or false information provided by the property owner concerned or a contravention of the permitted use to which the property concerned may be put, the rates payable shall be appropriately adjusted for the period extending from the date on which the error or omission is detected back to the date on which rates were first levied in terms of the current valuation roll.

- 12.7 In addition, where the error occurred because of false information provided by the property owner or as a result of a contravention of the permitted use of the property concerned, interest on the unpaid portion of the adjusted rates payable shall be levied at the maximum rate permitted by prevailing legislation.

### **13. Accounts to be furnished**

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

### **14. Phasing in of rates**

- 14.1 The rates to be levied on newly rateable property shall be phased in as explicitly provided for in section 21 of the Act.
- 14.2 The phasing-in discount on the properties referred to in section 21 shall be as follows:
- ☐ First year : 75% of the relevant rate;
  - ☐ Second year : 50% of the relevant rate; and
  - ☐ Third year : 25% of the relevant rate.
- 14.3 No rates shall be levied on newly rateable properties that are owned and used by organisations conducting activities that are beneficial to the public and that are registered in terms of the Income Tax Act for those activities, during the first year. Thereafter, the phasing-in discount on these properties shall be as indicated in paragraph 14.2 above

### **15. Special rating areas**

- 15.1.1 The municipality will, whenever deemed necessary, by means of a formal Council resolution determine special rating areas in consultation with the relevant communities as provided for in section 22 of the Act.
- 15.2 The following matters shall be attended to in consultation with the committee referred to in clause 15.3 whenever special rating is being considered:
- 15.2.1 Proposed boundaries of the special rating area;
  - 15.2.2 Statistical data of the area concerned giving a comprehensive picture of the number of erven with its zoning, services being rendered and detail of services such as capacity, number of vacant erven and services that are not rendered;
  - 15.2.3 Proposed improvements clearly indicating the estimated costs of each individual improvement;
  - 15.2.4 Proposed financing of the improvements or projects;
  - 15.2.5 Priority of projects if more than one;
  - 15.2.6 Social economic factors of the relevant community;
  - 15.2.7 Different categories of property;
  - 15.2.8 The amount of the proposed special rating;
  - 15.2.9 Details regarding the implementation of the special rating;
  - 15.2.10 The additional income that will be generated by means of this special rating.
- 15.3 A committee consisting of 6 members of the community of who 3 shall be women will be established to advise and consult the municipality in regard to the proposed special

rating referred to above. This committee will be elected by the inhabitants of the area concerned who are 18 years of age or older. No person under the age of 18 may be elected to serve on the committee. The election of the committee will happen under the guidance of the Municipal Manager. The committee will serve in an advisory capacity only and will have no decisive powers.

- 15.4 The required consent of the relevant community shall be obtained in writing or by means of a formal voting process under the chairmanship of the Municipal Manager. A majority shall be regarded as 50% plus one of the households affected. Each relevant household, i.e. every receiver of a monthly municipal account, will have 1 vote only.
- 15.5 In determining the special additional rates the municipality shall differentiate between different categories as referred to in clause 5.
- 15.6 The additional rates levied shall be utilised for the purpose of improving or upgrading of the specific area only and not for any other purposes whatsoever.
- 15.7 The municipality shall establish separate accounting and other record-keeping systems, compliant with GRAP, for the identified area and the households concerned shall be kept informed of progress with projects and financial implications on an annual basis.

#### **16. Frequency of valuation**

- 16.1 The municipality shall prepare a new valuation roll every 5 (five) years, with the option to extend the validity of the valuation roll to 7 (seven) years with the approval of the MEC for Local Government and Housing in the province.
- 16.2 Supplementary valuations will be done on a continual basis to ensure that the valuation roll is properly maintained which should be completed at least once a year.
- 16.3 The municipality holds the copyright over the information contained in the valuation roll.

#### **17. Community participation**

- 17.1 Before the municipality adopts the rates by-law, the municipal manager will follow the process of community participation envisaged in chapter 4 of the Municipal Systems Act and comply with the following requirements:
  - 17.1.1 Conspicuously display the draft rates by-law for a period of at least 30 days (municipality to include period decided on) at the municipality's head and satellite offices and libraries (and on the website)
  - 17.1.2 Advertise in the media a notice stating that the draft rates by-law has been prepared for submission to council and that such by-law is available at the various municipal offices and on the website for public inspection. Property owners and interest persons may obtain a copy of the draft by-law from the municipal offices during office hours at a cost as determined annually by the municipality. Property owners and interest persons may submit written comments or representations to the municipality within the specified period in the notice.
  - 17.1.3 Council will consider all comments and/or representations received when considering the finalisation of the rates by-law.

#### **18 Register of properties**

- 18.1 The municipality will compile and maintain a register in respect of all properties situated within the jurisdiction of the municipality. The register will be divided into Part A and Part B.
- 18.2 Part A of the register will consist of the current valuation roll of the municipality and will include all supplementary valuations done from time to time.
- 18.3 Part B of the register will specify which properties on the valuation roll or any supplementary valuation roll are subject to:

- i. Exemption from rates in terms of section 15 of the Property Rates Act, 2004,
- ii. Rebate or reduction in terms of section 15,
- iii. Phasing-in of rates in terms of section 21, and
- iv. Exclusions as referred to in section 17.

18.4 The register will be open for inspection by the public at the municipal main offices during office hours or on the website of the municipality.

18.5 The municipality will update Part A of the register every 6 months during the supplementary valuation process.

18.6 Part B of the register will be updated on a continuous basis.

## **19 Regular review processes**

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

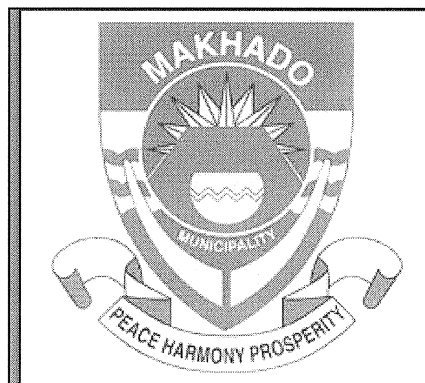
## **20. Short title and Commencement**

This by-law is called Makhado Local Municipality Property Rates by-law and shall come into operation on the date of publication in the Provincial Gazette and shall come into effect on the 1<sup>st</sup> of July 2015.

**LOCAL AUTHORITY NOTICE 104**

**MUNICIPAL CREDIT CONTROL AND  
DEBT COLLECTION  
BY-LAWS**

**MAKHADO LOCAL MUNICIPALITY  
[NP344]**



- 2 -

The Municipal Manager of Makhado Local Municipality hereby in terms of section 13 of the Local Government: Municipal Systems Act, 2000(Act 32 of 2000), and in terms of section 96 and 98 of the Municipal Systems Act, 2000(Act 32 of 2000) publishes the Credit Control and Debt Collection By law for the Municipality as approved by its council as set out hereunder.

#### INDEX

1. Definitions
2. Duty to collect debts
3. Provision of services
4. Service agreement
5. Deposits
6. Interest charges
7. Arrangements to pay arrears
8. Agreements with a debtor's employer
9. Power to restrict or disconnect supply of services
10. Recovery of debt
11. Recovery of costs
12. Attachment
13. Claim on rental for outstanding debt
14. Full and final settlement payments
15. Consolidation of a debtor's accounts
16. Indigents
17. Delegation
18. Offences and penalties
19. Indemnification from Liability
20. Operative clause
21. Repeal of By-Laws
22. Short title

- 3 -

## 1. Definitions

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

**"arrangement"** means a written agreement entered into between the Municipality and a debtor where specific terms and conditions for the payment of a debt are agreed to;

**"arrears"** means any amount due and payable to the Municipality and not paid by the due date;

**"Council"** means the council of the Municipality;

**"Councillor"** means a member of the Council;

**"debt"** means any monies owing to the Municipality and includes monies owing in regard to property rates, housing, motor vehicle registration and licensing, leases, and any other outstanding amounts, inclusive of any interest thereon, owing to the Municipality;

**"debtor"** means any person who owes a debt to the Municipality;

**"due date"** means the final date on which a payment, as shown on the debtor's municipal account or in terms of a contract is due and payable;

**"indigent debtor"** means a debtor who meets certain criteria, as determined by the Municipality from time to time;

**"interest"** means a rate of interest, charged on overdue accounts which is one percent higher than the prime rate, which is obtainable from the Municipality's banker on request; .

**"Municipality"** means the Makhado Municipality and includes any duly delegated official or service provider of the Municipality;

**"official"** means an "official" as defined in section 1 of the Local Government: Finance Management Act, No. 56 of 2003;

**"policy"** means the Municipality's credit control and debt collection policy;

**"service"** means "municipal service" as defined in section 1 of the Systems Act, and includes a function listed in Schedules 4B and 5B of the Constitution of the Republic of South Africa, 1996 and any other service rendered by the Municipality;

**"Systems Act"** means the Local Government: Municipal Systems Act, No. 32 of 2000;

- 4 -

**"third party debt collector"** means any person or persons authorised to collect monies or institute legal proceedings against debtors, on behalf of the Municipality;

**"this By-law"** includes the Credit Control and Debt Collection Policy;

**"user"** means a person who has applied for and entered into an agreement with the Municipality for the supply of a service.

## **2. Duty to collect debt**

All debt owing to the Municipality must be collected in accordance with this By-law and the policy.

## **3. Provision of services**

New applications for services and the provision of new services must be dealt with as prescribed in this By-law and the policy.

## **4. Service agreement**

Except as otherwise determined in terms of this By-law and the policy, no services may be supplied until an agreement has been entered into between the Municipality and the user for the supply of a service.

## **5. Deposits**

The Municipality may determine and require the payment of deposits for the provision of new services and the reconnection of services and may adjust the amount of any existing deposit.

## **6. Interest charges**

The Municipality may charge and recover interest in respect of any arrear debt as prescribed in this By-law and policy. Where a debt is overdue for part of a month, interest will be calculated for a full month.



- 5 -

**7. Arrangements to pay arrears**

- (1) The Municipality may make arrangements with a debtor to pay any arrear debt under conditions as prescribed in terms of this By-law and the policy.
- (2) Should any dispute arise as to the amount of the arrear debt, the debtor must nevertheless continue to make regular payments, in terms of the arrangement, until such time as the dispute has been resolved.

**8. Agreements with a debtor's employer**

- (1) The Municipality may—
  - (a) with the consent of a debtor, enter into an agreement with that person's employer to deduct from the salary or wages of that debtor—
    - (i) any outstanding amounts due by the debtor to the Municipality, or
    - (ii) regular monthly amounts as may be agreed; and
  - (b) provide special incentives for—
    - (i) employers to enter into such agreements; and
    - (ii) debtors to consent to such agreements.
- (2) The municipal debt of officials or councillors of the Municipality may by agreement be deducted from their salaries if such official or councillor is more than one month in arrears.

**9. Power to restrict or disconnect supply of service**

- (1) The Municipality may restrict or disconnect the supply of any service to the premises of any user whenever such user of a service—
  - (a) fails to make payment on the due date;
  - (b) fails to comply with an arrangement; or
  - (c) fails to comply with a condition of supply imposed by the Municipality;
  - (d) tenders a negotiable instrument which is dishonoured by the bank, when presented for payment;

- 6 -

- (e) damages the infrastructure of the Municipality for the supply of such service or tampers with any meters used regarding that service.
- (2) The Municipality may reconnect the restricted or discontinued services only—
  - (a) after the arrear debt, including the costs of disconnection or reconnection, if any, has been paid in full and any other conditions have been complied with; or
  - (b) after an arrangement with the debtor has been concluded.
- (3) The Municipality may restrict, disconnect or discontinue any service in respect of any arrear debt.

#### **10. Recovery of debt**

Subject to section 9, the Municipality may, with regards to rates and other debt-

- (a) by legal action recover any debt from any person; and
- (b) recover debt from any organ of state with due consideration of the provisions of Chapter 3 of the Constitution of the Republic of South Africa, 1996; and

may refer a debtor to third party debt collection agencies and have such debtor placed on the National Credit Rating list.

#### **11. Recovery of costs**

The Municipality may recover the following costs, in instances where such costs are incurred by or on behalf of the Municipality:

- (a) costs and administration fees where payments made to the Municipality by negotiable instruments are dishonoured by banks when presented for payment;
- (b) legal and administration costs, including attorney-and-client costs and tracing fees incurred in the recovery of debts;
- (c) restriction, disconnection and reconnection fees, where any service has been restricted or disconnected as a result of non-compliance with these By-laws;

- 7 -

- (d) any losses the Municipality may suffer as a result of tampering with municipal equipment or meters; and
- (e) any collection commission incurred.

## **12. Attachment**

The Municipality may, in order to recover debt approach a competent court for an order to attach a debtor's movable or immovable property.

## **13. Claim on rental for outstanding debt**

The Municipality may in terms of section 28 of the Municipal Property Rates Act, 2004 (Act No 6 of 2004), attach any rent due in respect of any rateable property, to cover in part or in full any amount in respect of outstanding rates after the due date.

## **14. Full and final settlement payments**

Where an account is not settled in full, any lesser amount tendered to, and accepted by, the municipality shall not be a full and final settlement of such an account despite the fact that the payment was tendered, in full and final settlement, unless the municipal manager or the manager of the municipality's authorised agent, expressly accepts it in writing as being in full and final settlement of the account in question.

## **15. Consolidation of debtor's accounts**

The Municipality may-

- (a) consolidate any separate accounts of a debtor;
- (b) credit a payment by a debtor against any account of the debtor; and
- (c) implement any measures provided for in these By-laws and the policy; in relation to any arrears on any of the accounts of such debtor.

## **16. Indigents**

A debtor, who can prove indigence, will be dealt with as prescribed in the policy.

- 8 -

### **17. Delegation**

The Municipality may delegate its powers in terms of the By-law or the policy to any official or service provider of the Municipality.

### **18. Offences and penalties**

Any person who—

- (a) obstructs or hinders any councillor or official of the Municipality in the execution of his or her duties under these By-laws or the policy;
- (b) unlawfully uses or interferes with Municipal equipment or consumption of services supplied;
- (c) tampers with any Municipal equipment or breaks any seal on a meter;
- (d) fails to comply with a notice served in terms of this By-law or the policy;
- (e) supplies false information regarding the supply of services or with regard to an application for assistance as an indigent,

shall be guilty of an offence and on conviction liable to the payment of a fine not exceeding One(R1000.00) thousand rand or imprisonment for a period not exceeding Three(3) months or to such imprisonment without the option of a fine or to both such fine and such imprisonment.

### **19. Indemnification from Liability**

Neither an employee of the municipality nor any person, body, organisation or corporation acting on behalf of the municipality are liable for any damage arising from any omission or act done in good faith in the course of his or its duties.

### **20. Operative clause**

These by-laws will commence on publication thereof in the Provincial Gazette.

### **21. Repeal of By-Laws**

The provisions of any by-laws relating to credit control and debt collection by the municipality are hereby repealed insofar as they relate to matters provided for in these by-laws and policy.

- 9 -

**22. Short title**

These By-laws is called Makhado Local Municipality Credit Control and Debt Collection By-law and shall come into operation on the date of publication in the *Provincial Gazette*.

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# IMPORTANT Information from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.



## **GPW Business Rules**

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format to the email submission address [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za). This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – [www.gpwonline.co.za](http://www.gpwonline.co.za))
7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email [info.egazette@gpw.gov.za](mailto:info.egazette@gpw.gov.za))
8. All re-submissions by customers will be subject to the above cut-off times.
9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from Monday, 18 May 2015 should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number 012- 748 6030 will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address [submit.egazette@gpw.gov.za](mailto:submit.egazette@gpw.gov.za).

